

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, August 24, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 71**

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**Subject:** C14-05-0179 - Spring Lake Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers (Jim witliff). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

**Additional Backup Material**  
(click to open)  
 **Staff Report**

**For More Information:**

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0179

**Z.A.P. DATE:** November 15, 2005

**ADDRESS:** 9009 Spring Lake Drive

**OWNER/APPLICANT:** Rahul Deshmukh and Mrudula Yadav

**AGENT:** Land Answers (Jim Wittliff)

**ZONING FROM:** RR      **TO:** SF-1

**AREA:** 1.350 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

### **ZONING AND PLATTING COMMISSION:**

11/15/05: Approved SF-1-CO zoning limited to two residential units (7-0, J. Gohil, J. Martinez-absent); M. Hawthorne-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **ISSUES:**

On August 3, 2006, the staff received an e-mail from the agent requesting to amend this case to include conditions that he proposed in discussions with the neighborhood (Proposed Case Limitations and Conditions Agreed to by the Applicant – Attachment D). The staff has determined that the following items can be incorporated into a draft ordinance or public restrictive covenant for this zoning case:

- 1) To limit the SF-1 rezoning request to an approximately 0.36 acre area along the southern portion of the property and leave the remainder of the site zoned RR. This can be accomplished through new field notes provided by the applicant to remove a portion of the rezoning request.
- 2) The proposed single-family residential lot must be located a minimum distance of fifty (50) feet from the edge of the wetland on the property. The City can require a fifty (50) foot building setback from the existing wetland location through a conditional overlay.
- 3) A maximum of 2,500 square feet of impervious cover will be allowed on the proposed residential lot. The applicant will also need to limit the impervious cover to a percentage of the property in question.
- 4) The maximum building footprint for the proposed single-family structure shall be limited to 1,500 square feet in size and the total floor to area for the proposed single family use will be limited to 3,000 square feet. The requested SF-1 zoning will limit the property to thirty-five (35) feet in height.

The staff received the neighborhood's response to the applicant's amendment proposal in an e-mail on August 14, 2006 (Neighborhood's Response – Attachment E). The neighborhood has stated that that they cannot except the conditions offered by the property owner and remain in opposition to the rezoning request.

On December 14, 2005, the staff received new information concerning environmental constraints for the site under consideration from Mike Lyday of the City of Austin Environmental Resource Management Division (Attachment A). Mr. Lyday submitted a follow up memo to the staff regarding conditions on the site on June 5, 2006 (Attachment B).

In addition, the staff received a petition from adjacent property owners who are opposed to any zoning other than 'RR' on the site (Attachment C). This petition is valid at 36.46% and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

*Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.*

*(A) The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*

- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
- (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
  - (a) included in the proposed change; or*
  - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The site slopes to the east and is covered by several large trees. The applicant is requesting a rezoning from RR to SF-1 to subdivide this tract of land into three lots to construct new single family residences on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts onto a local collector street, Spring Lake Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the staff's recommendation, but not the Zoning and Platting Commission recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	RR	Undeveloped
North	RR	Golf Course
South	SF-1	Single-Family Residences
East	RR	Golf Course
West	SF-1	Single-Family Residences

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

115 – Balcones Village-Spicewood H.O.A.  
157 – Courtyard Homeowners Association  
426 – River Place Residential Community Association, Inc.  
475 – Bull Creek Foundation

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0064.06D	SF-1 to P	5/18/99: Approved staff rec. of 'P' (8-0)	7/15/99: Approved PC rec. of 'P' (6-0); all 3 readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

**CITY COUNCIL DATE:** December 15, 2005

**ACTION:** Postponed to January 12, 2006 at  
the staff's request (7-0)

January 12, 2006

**ACTION:** Postponed to June 8, 2006 at the  
applicant's request (6-0, Councilmember  
Thomas-absent). The staff will send resend  
notification of the public hearing.

June 8, 2006

**ACTION:** Postponed to June 22, 2006 at  
the staff's request (7-0)

June 22, 2006

**ACTION:** Postponed to July 27, 2006 at  
staff's request by consent (7-0)

July 27, 2006

**ACTION:** Postponed to August 24, 2006 at  
the neighborhood's request by consent (7-0);  
McCracken-1<sup>st</sup>, Leffinwell-2<sup>nd</sup>.

August 24, 2006

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

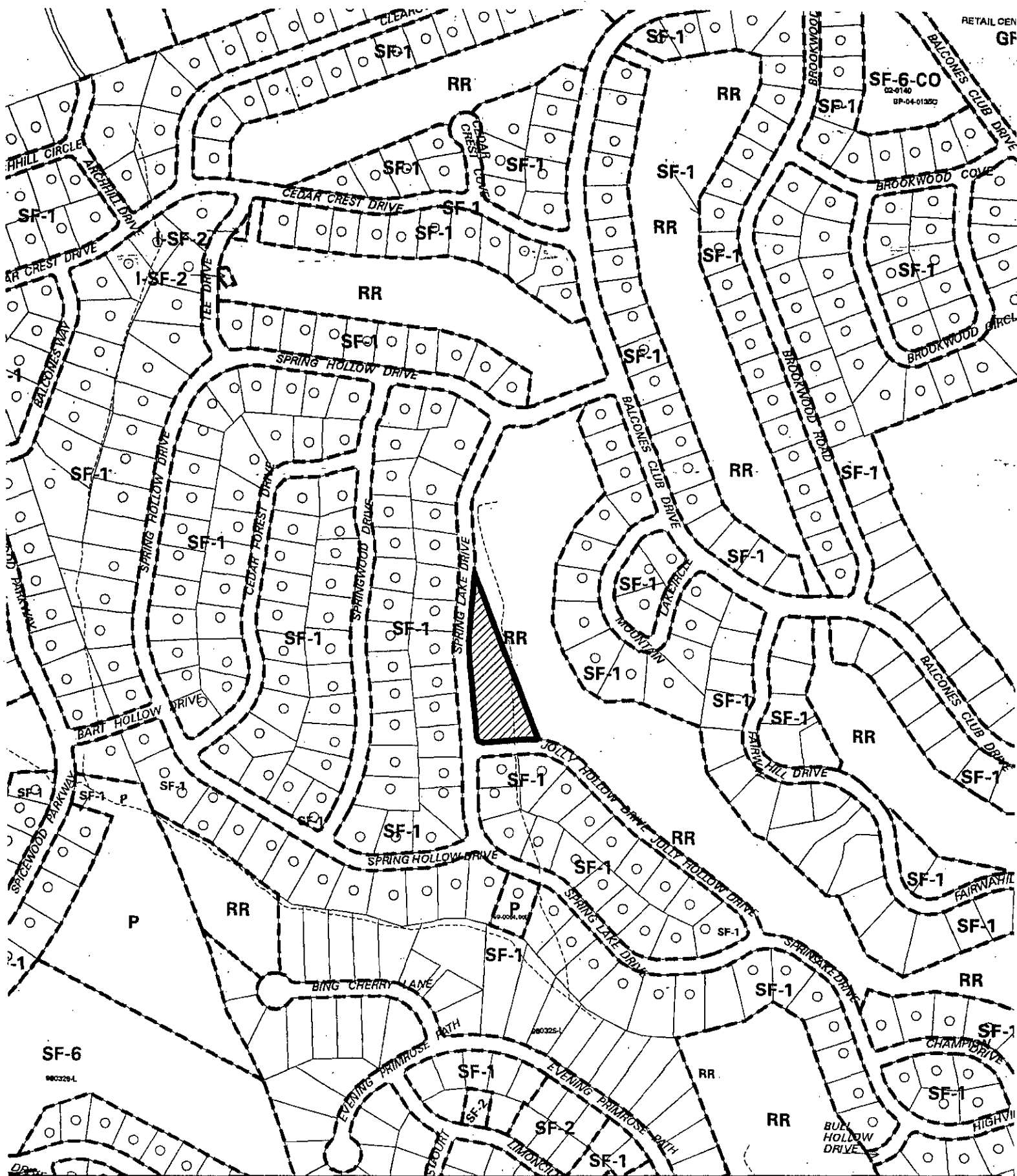
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. SIRWAITIS

ZONING

CASE #: C14-05-0179

ADDRESS: 9009 SPRING LAKE DR

SUBJECT AREA (acres): 1.350

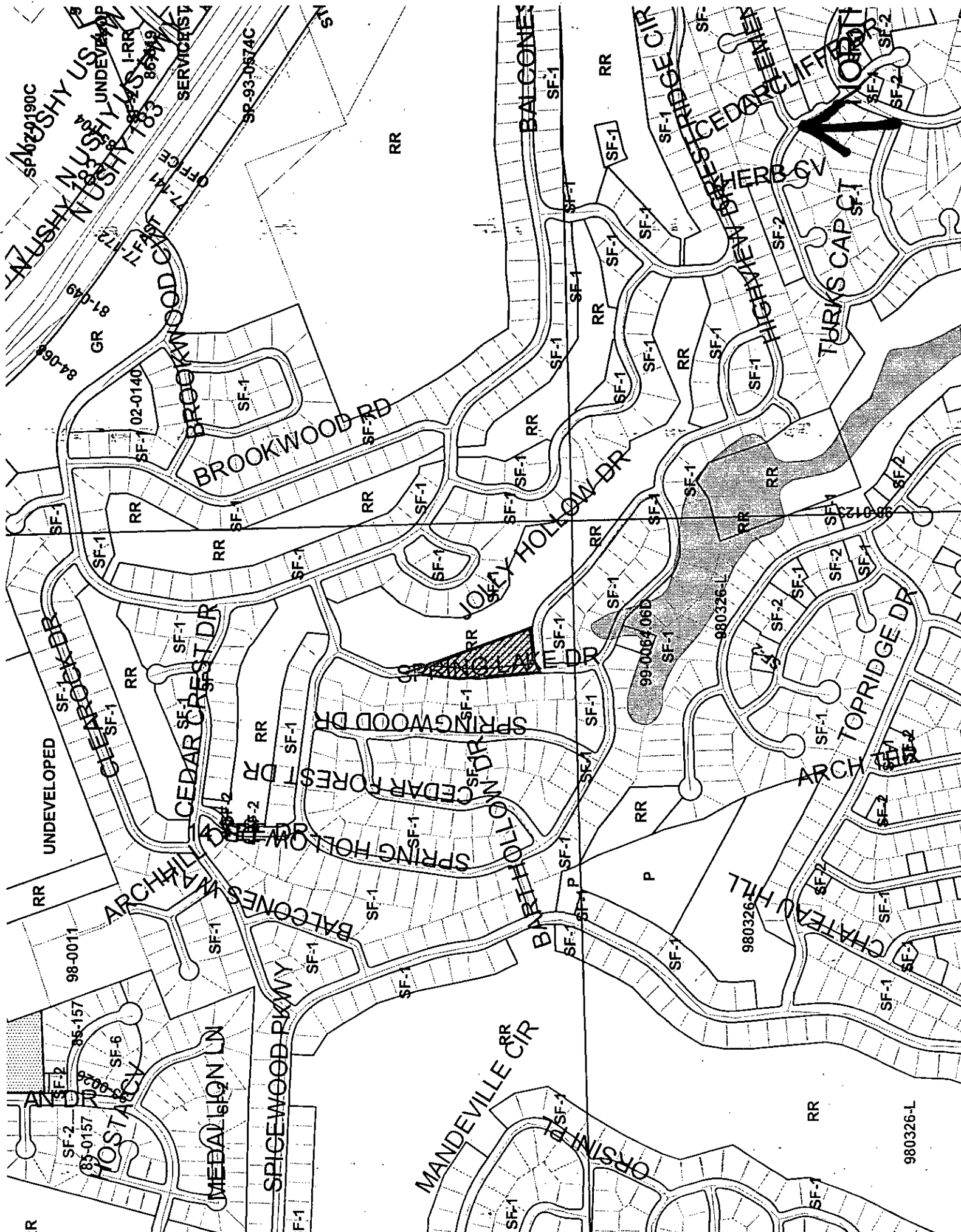
DATE: 05-10

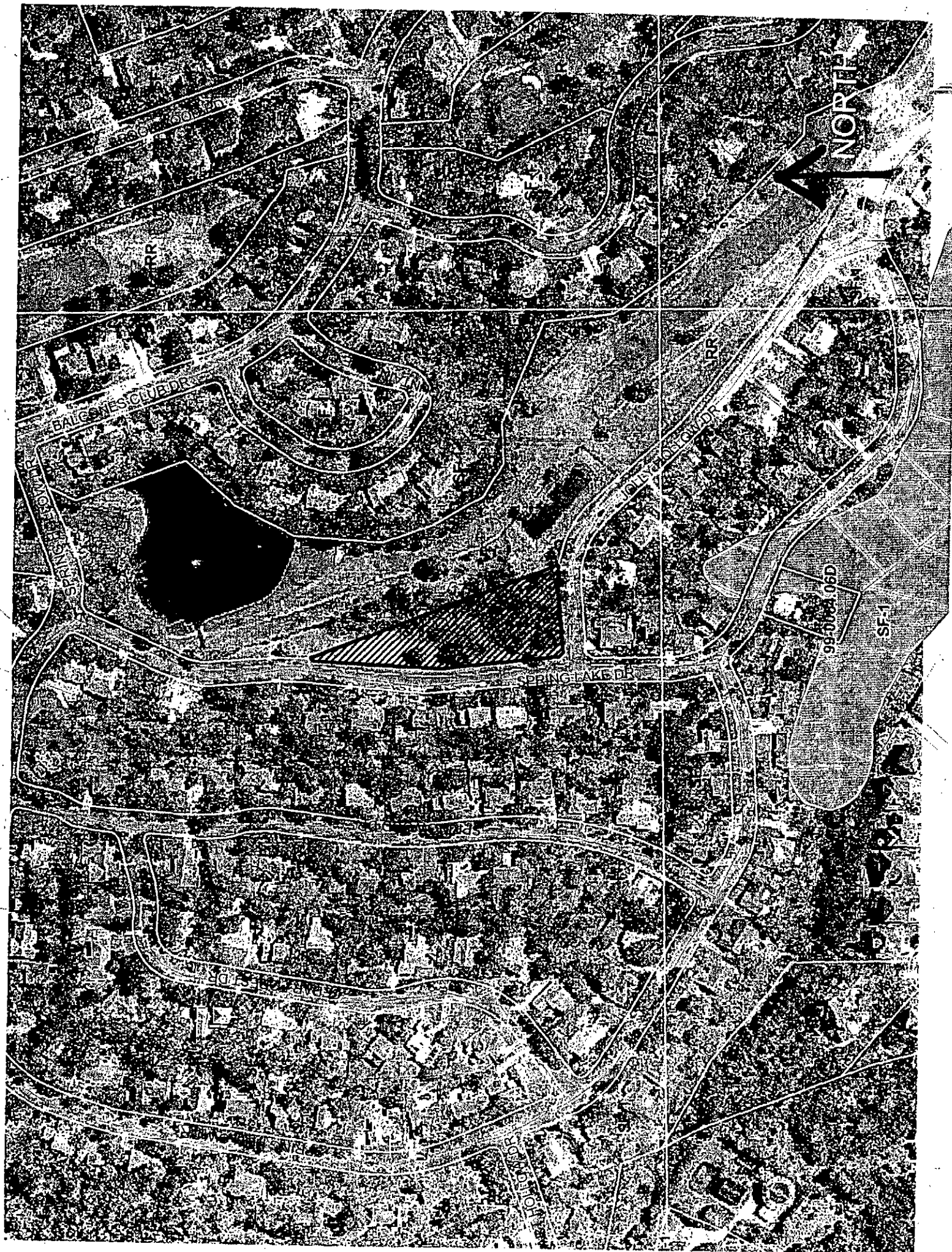
INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

F37

1" = 400'







## STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

## BASIS FOR RECOMMENDATION

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

*2. The proposed zoning should promote consistency and orderly planning.*

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local collector street, Spring Lake Drive.

## EXISTING CONDITIONS

### Site Characteristics

The site is currently undeveloped. This tract of land slopes to the east and is covered by several large trees.

### Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

### Impervious Cover

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, if the Watershed impervious cover is more restrictive than the SF-1 zoning district's allowable impervious cover, the impervious cover on this site could be limited by the watershed ordinance.

The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers	Allowable Density
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Note: The most restrictive impervious cover limit applies.

## **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

## **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 57 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

Capital Metro bus service is not available within 1/4 mile of this property.

There are no existing sidewalks along Spring Lake Drive or Jolly Hollow Drive and neither street is included in the Bicycle Plan.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable city fees.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Compatibility Standards**

No comments.



INTEROFFICE MEMORANDUM

TO: Sherri Sirwaitis, Zoning Case Manager

FROM: Mike Lyday, Environmental Resource Management Division (ERM)

DATE: December 14, 2005

SUBJECT: Spring Lake Zoning Case # C14-05-0179

At the request of Paula Cushman and for your information, I investigated the above referenced site for the presence of wetland critical environmental features (CEFs). The site had previously been assessed by the Austin's Water and Wastewater Department several years ago, and an independent environmental consultant (Hicks and Company) reported a wetland adjacent to a tributary to Bull Creek. I can verify that a significant wetland is supported in the same location, which happens to be on the tract of land you are now considering for rezoning to single family status. An obligate wetland plant community is present, underlain by wetland hydrology, saturating soils to the surface. Therefore, this wetland meets the Army Corps' 1987 Criteria Manual technical definition and is protected as a CEF by Austin's Land Development Code, Section 25-8-282.

By my estimates, the wetland is approximately 150' long and 75' wide. The wetland is accurately delineated on Dannenbaum Engineering's wastewater site plan, Wastewater Department File # 99-0037, Project 6-Phase A, Sheet 44 of 118, May 3, 2001. This project was a centralized wastewater retrofit for the Balcones Country Club area, formerly served by septic fields. As a result of the environmental assessment, the wastewater line was placed as far from the wetland as possible, under Spring Lake Drive.

This wetland is significant because of the many environmental services it renders, including water quality filtration of golf course stormwater runoff, storing water for base flow to the adjacent tributary, providing added flood and erosion protection, and preserving urban wildlife habitat. In addition to the wetland, the stream course is populated by a mature riparian forest and provides the same services as the wetland itself. For these reasons, I recommend the standard CEF setback of 150' from the edge of the wetland. In addition to the wetland setback, I noted that the wastewater site plan also shows the tributary to be classified as a minor waterway with a 50 foot critical water quality zone. Therefore, I don't see how there would be enough room for any houses on this site, even if there were not a wetland CEF and setback.

Sherri, I hope this information helps you with the rezoning case. Please call me at 974-2956 if you have any questions or need additional assistance. Thank you for including ERM in your assessment of environmental resources for this case.

Mike Lyday  
Senior Environmental Scientist  
Watershed Protection and Development Review Department

C: Ed Peacock  
Paula Cushman



INTEROFFICE MEMORANDUM

TO: Sherri Sirwaitis, Zoning Case Manager

FROM: Mike Lyday, Environmental Resource Management Division (ERM)

DATE: June 5, 2006

SUBJECT: Follow-up Spring Lake Zoning Case # C14-05-0179

The applicant's engineering consultant for the above referenced case, Jim Wittliff, has come by my office to discuss my recommendations for wetland setbacks (see memo to you, 12-14-05). As you know, I recommended the standard 150' setback for the wetland critical environmental feature (CEF) supported on the subject tract. Jim asked if the setback could be reduced to allow one home on the site. My answer was as follows:

"A variance from Austin's Land Development Code would be required to reduce the setback to less than 50'. An administrative variance could be allowed to reduce the setback or allow mitigation for the loss of the wetland; however, this is not my recommendation for optimal protection of the wetland and adjacent stream course. If the applicant wishes to be granted a variance from the recommended CEF setback during the subdivision and site plan review, the 'findings of fact' must be met for a variance and approved by City boards and commissions. If 'findings of fact' are met and approved for the construction of one home on the property, my recommendation would be that the home be built downstream and at least 50' from of the wetland, near the intersection of Jolly Hollow Drive and Spring Lake Drive."

Sherri, this wetland was originally identified by an environmental consultant during the construction of a wastewater line along Spring Lake Drive (5-3-01). At that time, the setback for the wetland was proposed to be 75' for the wastewater line construction. The potential impact to a wetland critical environmental feature is greater with commercial or residential home construction (i.e. more land is disturbed or covered than with a wastewater line). This is why I recommended the standard 150' setback in this case. Nevertheless, I don't think there would be room for a home even with a 75' wetland setback. It's a shame that the applicant purchased the property without knowledge of the wetland issue.

I assume that our Land Development Code did not protect CEFs at the time the Spring Lake Subdivision was permitted (probably late 1970s). This is why home lots and roadways are currently within 150' of the wetland.

Sherri, thank you for including ERM in your assessment of environmental resources for this case. If you have any questions, please call me at 974-2956.

Mike Lyday, Senior Environmental Scientist  
Water Resources Evaluation Section, ERM  
Watershed Protection and Development Review Department

C: Ed Peacock, Jim Wittliff, Paula Cushman

# PETITION

Case Number:

**C14-05-0179**

Date:

Dec. 12, 2005

Total Area within 200' of subject tract: (sq. ft.)

384,664.40

1	01-6813-0301	CEFAI SUSAN & PAUL DIMASI	3,419.60	0.89%
2	01-7013-1214	WILSON DONNY & TYRA	4,972.00	1.29%
3	01-7013-1215	STONEBACK LEWIS J. & ELIZABETH	16,380.25	4.26%
4	01-7013-1216	HALE THOMAS Z & DARIS	18,229.44	4.74%
5	01-7013-1217	MCDONALD ROBERT C & CATHERINE	16,447.54	4.28%
6	01-7013-1218	LOZANO ALBERT G & CAROL M	18,247.76	4.74%
7	01-7013-1219	CUSHMAN ALBERT & PAULA	16,042.20	4.17%
8	01-7013-1220	BOMMARITO ANTHONY & EVELYN	16,182.78	4.21%
9	01-7013-1221	JOHN PETER S & JAN R	16,892.15	4.39%
10	01-7013-1222	WANGUHU KAMAU & NJAMBI	13,441.86	3.49%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
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23				0.00%
24				0.00%
25				0.00%

Validated By:

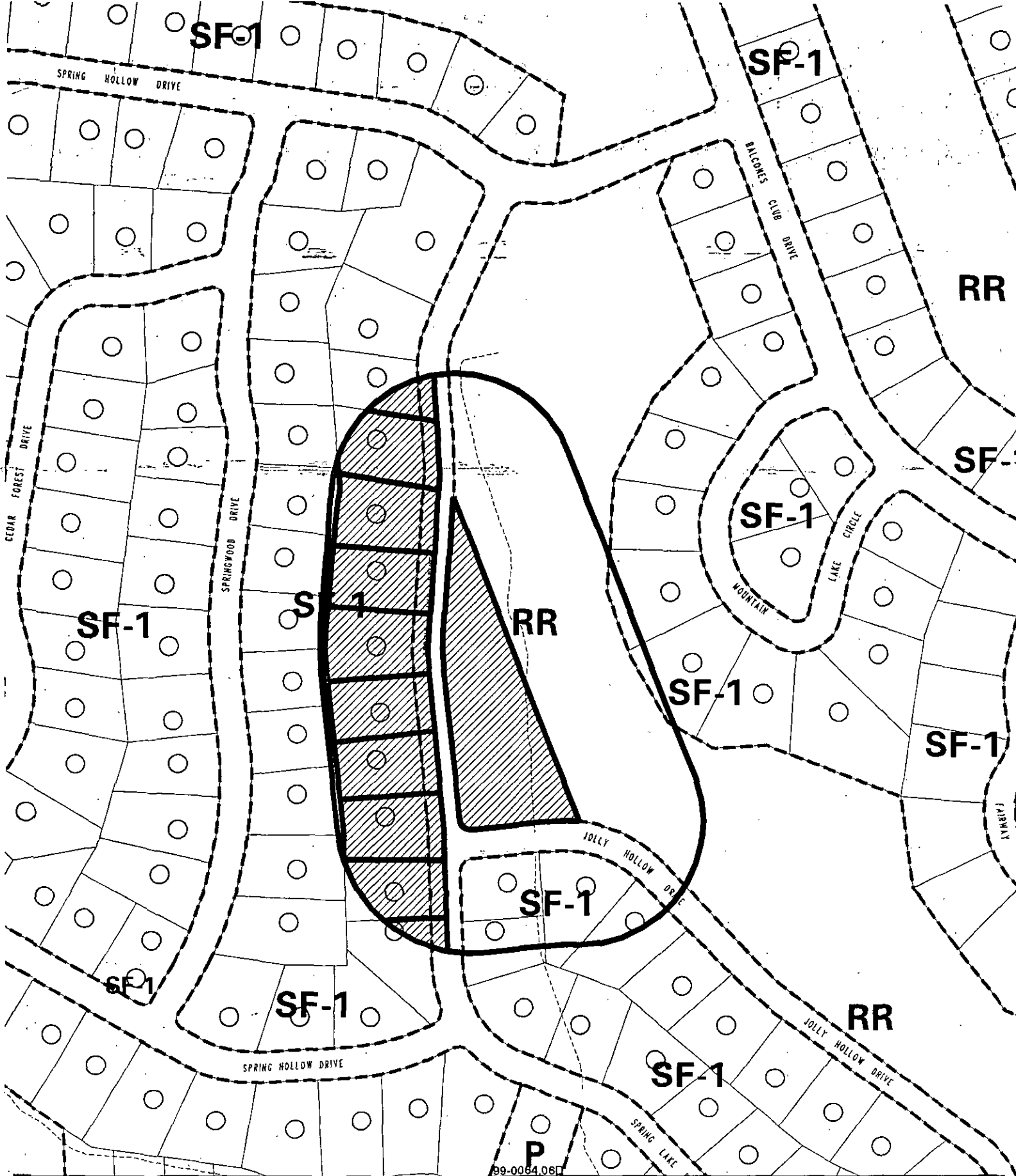
Stacy Meeks

Total Area of Petitioner:

140,255.58

Total %

36.46%



 1" = 200'	SUBJECT TRACT 	PETITIONS		CITY GRID REFERENCE NUMBER F37
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0179	DATE: 05-12	
	CASE MGR: S. SIRWAITIS	ADDRESS: 9009 SPRING LAKE DR SUBJECT AREA (acres): 1.350	INTLS: SM	

# P E T I T I O N

Date: 12/9/05

File Number: C14-05-0179

Address of  
Rezoning Request: 9009 Spring Lake Dr.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than RR.

We are against the development of this property due to the fact that the area floods with every rain and a literal river flows through the creek (which runs through the property) during heavy rains. There is also a potential that any building could cover springs that release waters on the site. Also the site is several feet below the sewer lines giving to a potential sewer spillage into the waters that flow into the water shed after every rain. This area over the last 30 years has become a habitat for wildlife of all kinds from around the area.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

(Albert) Jerry + Carol Lozano	JERRY + CAROL LOZANO	9100 Spring Lake Dr
Njambi W. Gungah	Njambi W. Gungah	9008 Spring Lake Dr
Anthony Bommarito	ANTHONY + EV BOMMARITO	9012 Spring Lake Dr.
Al + Paula Cushman	Al + Paula Cushman	9014 Spring Lake Dr.
Robert + Catherine McDonald	Robert + Catherine McDonald	9102 Spring Lake Drive
Elizabeth Stoneback	ELIZABETH STONEBACK	9106 Spring Lake Dr
Tyka Wilson	TYKA WILSON	9108 Spring Lake Dr.
Paul DiMasi	PAUL DIMASI	9006 SPRING LAKE DR.
Susan Cefai	SUSAN CEFAI	9006 SPRING LAKE DR.
Peter + Jean John	Peter + Jean John	9010 Spring Lake Dr
Ten + Daris Hale	Ten + DARIS HALE	9104 Spring Lake Dr

Date: 12/9/05

Contact Name: Jerry Lozano

Phone Number: 791-7400



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

ANTHONY BOMMARITO

Your Name (please print)

9012 SPRING LAKE DRIVE

Your address(es) affected by this application AUSTIN, TX 78750-2953

Anthony Bommarito

Signature

Date

November 10, 2005

Comments: There should be NO building or construction on the property at 9009 Spring Lake Drive for the following reasons:

1. 100+ year old trees will be destroyed if there are on the property.
2. There is "Wild Life" and Birds that will be moved or displaced.
3. A light rain produces a river - a definite flooded area.
4. Underwater springs and drainage from the entire area is channeled onto this property.

No action of any kind should be taken on the area until an ecological study is done to determine the problem the building on this property would create.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Al and Paula Cushman

Your Name (please print)

9014 Springs Lake Dr.

Your address(es) affected by this application

Paula Cushman

Al E. Cushman

Signature

Date

11-9-05

Comments: We strongly object to the rezoning

For the following reasons: 1. During heavy rains this area frequently floods due to the creek and pond runoff; 2. There is wild life living there that would have to be relocated; 3. A considerable amount of trees would have to be cut down to build on the property; 4. We feel before any consideration of rezoning this property there should be an ecological study of the property to see how it would change runoff due to the creek and underground springs.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Sherri Sirwaitis  
Your Name (please print)



9010 SPRING LAKE DRIVE

Your address(es) affected by this application

11/15/05

Date

Signature

Comments: FROM KNOWLEDGE REFLECTIVE, THERE

LOTS ARE VERY PRONE TO FLOODING, ANY BREAK IN STREET  
CURBS WILL BUMP DRIVEN WATER INTO FNT OF HOUSE. FLOOD  
PROT STRUCTURES WILL BE DIFFICULT & EXPENSIVE TO BUILD,  
CHANGE IN ZONING IS NOT RESPONSIBLE ACTION BY COMMUNITY  
OR ZONING AUTHORITIES, LAND SHOWS CLEAR SIGNS OF  
FLOODING & OVERFLOW ARE PRESENT IN AREAS WHERE  
ROADES WOULD BE BUILT,  
LAND IS ALSO A HABITAT FOR LARGE ANIMAL POPULATION, INCL.  
DEER, OWL, BEARS, SKUNK, ETC.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

ALL HOUSES ON SPRING LAKE WERE BUILT BEFORE WITH THE  
EXPLAINS UNDERSTANDING THAT THIS LAND WOULD NOT  
BE BUILT AND

**Sirwaitis, Sherri**

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**From:** Development Review & Inspection  
**Sent:** Tuesday, November 15, 2005 11:51 AM  
**To:** Sirwaitis, Sherri  
**Subject:** FW: devweb - Case Number C14-05-0179

Sherri,

Could you help out with this? I believe it was your case.

Neil Galati

for

Steve Wilkinson, AICP  
Watershed Protection & Development Review Department City of Austin, TX.  
512-974-2657  
<http://www.ci.austin.tx.us/development/>

-----Original Message-----

From: Jerryllsis@aol.com [mailto:Jerryllsis@aol.com]  
Sent: Monday, November 14, 2005 5:40 PM  
To: devweb@ci.austin.tx.us  
Subject: devweb - Case Number C14-05-0179

Date/Time Submitted: Monday, 11/14/05, 1739 hours

From: Albert Lozano

E-mail address: Jerryllsis@aol.com

Subject: Case Number C14-05-0179

Comments:

I want to voice our objection to the rezoning of 9009 Spring Lake Dr.

Attachment D

**Sirwaitis, Sherri**

**From:** landanswers [landanswers@sbcglobal.net]  
**Sent:** Thursday, August 03, 2006 11:41 AM  
**To:** jerry@sis@aol.com  
**Cc:** rahul\_deshmukh@dell.com; Sirwaitis, Sherri  
**Subject:** Zoning Case C14-05-0179

Dear Jerry,

I wanted to again thank you, Al and Paula Cushman for taking time to meet with Rahul Deshmukh and me to discuss issues related to this rezoning case. I would appreciate if you can forward this letter to Paula and Al, since I only have your email address.

As we discussed, Rahul has agreed to the following limitations and conditions as part of the rezoning application:

- 1) The SF-1 rezoning tract will be limited to approximately 0.36 acre along the southern portion of the property, as we showed in the sketch we provided you with. The remaining approximately 0.99 acre of the site will remain RR. We will provide the City's Case Manager with field notes describing the proposed SF-1 tract prior to third reading of the zoning ordinance. We believe this will provide additional assurance to the Spring Lake Rezoning Committee that the remainder of this property can never be residentially developed, since RR zoning requires a minimum one acre of land area.
- 2) We will limit the rezoning request to a maximum of one single family residence.
- 3) The proposed lot for the single family residence must be located a minimum distance of fifty feet from the edge of the wetland.
- 4) A maximum of 2,500 square feet of impervious cover will be allowed on the proposed residential lot.
- 5) The only tree shown on the tree survey prepared by GEO Land Services that can be removed as part of the residential development is a nine inch diameter hackberry, listed on the survey as tree #550. All other trees are to be preserved and retained.
- 6) The maximum size footprint for the house shall be 1,500 square feet. The home shall be limited to two stories and a total floor area of 3,000 square feet.
- 7) The foundation for the proposed home shall be pier and beam, not slab-on-grade.
- 8) During the subdivision approval process it is Rahul's intention to offer to dedicate the 0.99 acre RR tract (including the wetland) to the City of Austin as a perpetual Conservation Easement. However, this dedication shall be conditioned on an agreement from the City of Austin to maintain the vegetation by means of a reasonable tree care and mowing schedule.

Please let us know if you recall any other conditions that we discussed that are not included in this letter. We also recognize that other neighbors and interested parties may have other questions or suggestions that may result in additional restrictions and conditions to those already listed. We will be

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happy to attend additional meetings if you feel they might be beneficial.

By means of this letter, I am requesting that Sherri Sirwaitis, the City's Case Manager, incorporate as many of these conditions and restrictions as possible into a Conditional Overlay that shall be part of the rezoning ordinance, and shall be enforceable by the City of Austin. Any remaining conditions or restrictions can be put into a private Restrictive Covenant between the property owner and the neighborhood, which can then be recorded at Travis County.

Again, thank you for your time and efforts to meet with us. Please feel free to call or email me at any time if there is a need for further discussions or additional meetings.

Sincerely,  
Jim Wittliff

Land Answers  
611 S. Congress Avenue, Suite 330  
Austin, Texas 78704  
(512) 416-6611  
Fax (512) 416-6610

Sirwaitis, Sherri

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**From:** paula cushman [pscush@yahoo.com]  
**Sent:** Monday, August 14, 2006 8:55 AM  
**To:** landanswers@sbcglobal.net  
**Cc:** Sirwaitis, Sherri  
**Subject:** Rezoning Case Number C14-05-0179

Dear Mr. Witliff:

Thank you for meeting with us last week. We've discussed Mr. Deshmukh's proposed plan with our neighbors, and the consensus is to continue our opposition to the project for the following reasons:

1. That property contains a very fragile environment. It made sense for the City to allow a variance of 75 feet from the required 150 foot setback for the installation of a waste water line because a) the construction was in the middle of the street, and, therefore; minimally invasive, b) once installed, the waste water line no longer impacted the area, and c) it was for the benefit of the whole community.

However, it doesn't make sense to endanger that area by a) allowing an even greater variance from the required 150 foot setback and b) allowing construction of a permanent structure with ongoing family activity in this sensitive area to the detriment of the environment and to the rest of the community.

2. In addition to the wetland issues, we have serious concerns about the amount of water that flows over that land from various sources, and about flooding that may result from building on it.

We sympathize with Mr. Deshmukh's situation, and hope that he will take advantage of other legal remedies available to him. At the very least, he should have been apprised prior to the sale that the wetland was originally identified in 2001, when the City constructed the waste water line along Spring Lake Drive.

Sincerely,

Paula Cushman  
Representative for the Spring Lake Residents

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