

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0017 – 5708 Springdale Road      DISTRICT: 1

ZONING FROM: GR-NP      TO: GR-MU-NP

ADDRESS: 5708 Springdale Road

SITE AREA: 1.28 acres (55,756.8 sq. ft.)

PROPERTY OWNER:

Willie C. Lewis

AGENT:

Drenner Group, PC (Leah Bojo)

CASE MANAGER: Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov))

STAFF RECOMMENDATION:

**The Staff recommendation is to grant community commercial – mixed use – neighborhood plan (GR-MU-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

- August 24, 2021:**      ***APPROVED GR-MU-NP COMBINING DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT. [VICE CHAIR HEMPEL, R. SCHNEIDER 2<sup>ND</sup>] (11-0) COMMISSIONERS Y. FLORES AND J. SHIEH – ABSENT.***
- August 10, 2021:      *APPROVED POSTPONEMENT REQUEST BY THE APPLICANT TO AUGUST 24, 2021, BY CONSENT. [J. THOMPSON, P. HOWARD 2<sup>ND</sup>] (7-0) COMMISSIONERS C. LLANES PULIDO AND J SHIEH – OFF THE DAIS. VICE CHAIR HEMPEL AND COMMISSIONERS J. CONNOLLY J. MUSHTALER AND R. SCHNEIDER – ABSENT.*
- July 27, 2021:      *APPROVED POSTPONEMENT REQUEST BY THE APPLICANT TO AUGUST 10, 2021, BY CONSENT. [R. SCHNEIDER, A. AZHAR – 2<sup>ND</sup>] (10-0) CHAIRMAN SHAW, P. HOWARD AND J. THOMPSON – ABSENT.*
- JUNE 8, 2021:      *APPROVED POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JULY 27, BY CONSENT. [A. AZHAR, J. MUSHTALER – 2<sup>ND</sup>] (11-0) COMMISSIONERS Y. FLORES AND J. SHIEH – ABSENT.*

May 11, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 8, 2021, BY CONSENT.  
[G. COX, A. AZHAR – 2<sup>ND</sup>] (12-0) T. SHAW – ABSENT*

CITY COUNCIL ACTION:

**September 30, 2021:**

**August 26, 2021:** *APPROVED POSTPONEMENT REQUEST BY STAFF TO SEPTEMBER 30, 2021. VOTE: 11-0*

July 29, 2021: *APPROVED POSTPONEMENT REQUEST BY STAFF TO AUGUST 26, 2021. VOTE: 11-0.*

June 10, 2021: *APPROVED POSTPONEMENT REQUEST BY STAFF TO JULY 29, 2021. VOTE 11- 0.*

ORDINANCE NUMBER:

ISSUES

There was a Valid Petition on this case. On August 24, 2021 the Petitioner withdrew the petition. It is staff's understanding that there is now a Private Restrictive Covenant that contains the agreement between the Applicant and the neighbors that is the basis for allowing the zoning to go forward.

CASE MANAGER COMMENTS:

The rezoning tract is a 1.28-acre (about 55,756 sq. ft) tract of land with one residence that will be razed. The applicant requests rezoning from community commercial – neighborhood plan (GR-NP) to community commercial – mixed use – neighborhood plan (GR-MU-NP) combining district zoning. Adding the MU zoning permits residential development on the site. The application indicates the intent of building 23 townhouse/condominium residences on the tract.

Four adjacent tracts of land, (approximately 4.7 acres), fronting Springdale Road north of the subject tract have requested GR-MU-NP zoning. (*Case C14-2021-0082*)

Access and Connectivity

The site is situated about a mile south of the Manor Rd/Highway 183 intersection and about a half mile south of the Manor Rd/Springdale Rd. junction. Although Rogge Lane is a smaller collector street it connects to Manor Rd about one half mile east of Springdale. The tract is about

400 feet north of Rogge Lane/Springdale Road intersection. Route 183/Ed Bluestein Blvd. is less than a mile east of the site, but only indirect access is available via Manor Road or East 51<sup>st</sup> Street. Springdale Road is a level 3 roadway with 2 travel lanes and a center turn lane. The sidewalk is continuous along the west side of Springdale between Manor Rd and E. 51<sup>st</sup> St.

There is about 0.3 miles of GR zoning frontage along the west side of Springdale Rd. north of Rogge Lane. The tract at the north end of that zoning is “GR-MU” zoned. The zoning across Springdale Road to the east is mostly P-NP for the Little Walnut Creek Greenbelt. There is about 0.3 mile of GR base zoning frontage along the east side of Springdale starting about 350 feet north of where Rogge Lane terminates at Springdale Rd. There are two tracts in this segment with the “GR-MU” in the zoning string including one with multifamily development (The Reserve at Springdale) and one south of that which is currently undeveloped.

#### Neighborhood Plan

The rezoning tract is within East MLK Combined Neighborhood Plan (*Ord #021107-Z-11*). More specifically the Pecan Springs-Springdale Neighborhood Plan (*Ord #021107-Z-12a*). The Future Land Use Map for the subject tract indicates Mixed Use so that a Neighborhood Plan Amendment is not required.

#### Transportation Impacts

The estimated daily vehicle trips from the proposed 23 units is within the Land Development Code limits for a site. The Austin Transportation Department has waived a Transportation Impact Assessment with the zoning application and may review the issue with the Site Plan application, when the development intensity and uses will be better defined.

#### BASIS OF RECOMMENDATION:

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

The community commercial (**GR**) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. The mixed use (**MU**) combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The neighborhood plan (**NP**) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The Applicant requests adding mixed use (MU) to the existing community commercial-neighborhood plan (GR-NP) zoning to permit building 23 residential townhome/condominium units on the site. The proposed use is consistent with the purpose of the requested GR-MU-NP combining zone district.

Subchapter E: Design Standards and Mixed Use. Article 4: Mixed Use.

*This Article 4 is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses. The mixed use provisions define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. They promote an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development.*

*The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.*

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

In the Case Area History, two cases include rezoning to include GR-MU zoning. The most recent case was approved in November of 2018 at 6020 Springdale Rd.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission*

The request is consistent with the Neighborhood Plan and Future Land Use Map; the estimated traffic does not exceed thresholds established in the Austin Land Development Code; is not within or adjacent to a floodplain; is subject to parkland dedication or fee in lieu requirements; is consistent with goals for adding infill housing and mixed uses along major corridors.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GR-NP	Detached residential
North	GR-NP	Storage building, open storage, possibly camping
South	GR-MU-CO-NP	Performance venue (Rogge Ranch House)
East	P-NP, (Across Springdale Road), GR-CO-NP, GR-MU-NP	Little Walnut Creek Greenbelt, Education Service Center, Multifamily residential (the Reserve at Springdale)
West	SF-6-NP	One or more residences and several outbuildings, vehicle storage on large parcel.

NEIGHBORHOOD PLANNING AREA: Pecan Springs-Springdale

The Future Land Use Map (FLUM) shows mixed use, transportation so no FLUM change is necessary for the requested zoning.

TIA: A Traffic Impact Analysis is not required because the proposed development does not exceed the thresholds established in the City of Austin Land Development Code.

WATERSHED: Little Walnut Creek-Urban

OVERLAYS: Residential Design Standards: LDC/25-2-Subchapter F Selected Sign Ordinances  
Wildland Urban Interface: Proximity Class - Within 150 feet of a wildland area

SCHOOLS: AISD

Pecan Springs Elementary. Middle School: Girls may attend Sadler Means Young Women’s Leadership Academy; Boys may attend Garcia Young Men’s Leadership Academy. Northeast High.

NEIGHBORHOOD ORGANIZATIONS:

- |  |  |
|--|--|
| Austin Independent School District               | Homeless Neighborhood Association,                 |
| Austin Lost and Found Pets                       | Neighborhood Empowerment Foundation                |
| Austin Neighborhoods Council                     | Neighbors United for Progress                      |
| Bike Austin                                      | Pecan Springs/Springdale Hills Neighborhood Assoc. |
| Del Valle Community Coalition                    | Preservation Austin                                |
| East Austin Conservancy                          | SELTexas   |
| East MLK Combined Neighborhood Plan Contact Team | Senate Hills Homeowners' Association               |
| Friends of Austin Neighborhoods                  | Sierra Club, Austin Regional Group                 |
| Friends of Northeast Austin                      | Sweeney Farms Neighborhood Association             |
|  | Windsor Park-Pecan Springs Heritage NA             |

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-06-0221 5601 Springdale Rd. (correction)	Rezone 21.2 ac. from P-NP to GR-MU-NP	Apvd GR-MU-CO-NP (Tract 1) and SF-6-CO-NP (Tract 2). -CO prohibits	Apvd. 06/21/2007 GR-MU-CO-NP (Tract 1) and MF-3-CO-NP (Tract 2). - CO: multifamily residential use is a conditional use,

Number	Request	Commission	City Council
		multifamily residential use	Prohibited uses: automotive repair services, automotive sales, automotive washing (of any type), pawn shop services. Ord.#20070621-122
C14-2017-0088 Little Walnut Greenbelt Rezoning 5100 E 51 <sup>st</sup> St.	Rezone 197.59 ac in a Neighborhood Plan from MF-3-CO-NP, GR-NP, SF-6-NP and CS-MU-CO-NP to P-NP	To grant	Apvd. 12/07/2017 Ord.#20171207-082
C14-2018-0131 The Ridge at Walnut Creek 6020 Springdale Rd.	Rezone 1 ac. From GR-NP to GR-MU-NP	To grant	Apvd. 11/29/2018 Ord.# 20181129-055

RELATED CASES:

None

LEGAL DESCRIPTION: Seiders Addition, Lot 2, Volume 89, Page 373 of the Plat Records of Travis County, Texas.

Deed conveying property to the present owner: 2014014356

OTHER STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

### Parks and Recreation Department

PR1: Parkland dedication will be required for the new residential units proposed by this development, townhome/condos with GR-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Springdale Road.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Springdale Rd	93'	92'	43'	3	Yes	Yes	No

### Comprehensive Plan

The zoning case is located on the west side of Springdale Road on a 1.28 lot that contains a house, outdoor storage and outbuildings. The property is located along the Springdale Road Activity Corridor, and within the East MLK Neighborhood Planning Area (Pecan Springs-Springdale). Surrounding land uses include vacant land and residential uses to the north; to the south is an event center, a bank, a rehab/convalescent center and an apartment complex; to the east is the Little Walnut Creek Greenbelt and vacant land; to the west in vacant land and Pecan Springs Elementary School and Park. The proposed use is to rezone the property to construct 23 condo/townhouse units.

**Connectivity**

There are public sidewalks located partially along one side of this section of Springdale Road and bike lanes along both sides of the street. Two CapMetro transit stops are located within 0.56 miles from the subject property going in two directions. The Pecan Springs Elementary School and Park located 0.32 miles from the subject property. The area is lacking goods and services, such as a grocery store within walking distance to the property.

**The East MLK Combined Neighborhood Plan (EMLKCNP)**

The EMLKCNP Future Land Use Map (FLUM) designates this portion of the planning area along the east side of Springdale Road as 'Mixed Use.' Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services. Zone GR-MU is permitted under the Mixed Use FLUM category.

The following EMLKCNP policies are applicable to this request:

**Multifamily and General Voluntary Design Guidelines** (pgs. 24 thru 34)

**Goal One** - Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood. (pg. 44)

**Objective 1.2:** Promote new infill housing in appropriate locations.

**Goal Two** - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses. (p 44)

**Objective 2.1:** Where appropriate, address mis-matches between desired land use and zoning.

**Goal Four** - Promote the development and enhancement of the neighborhood's major corridors. (p 45)

**Objective 4.1:** Allow mixed use development along major corridors and intersections.

**Pecan Springs (p. 61) Recommendations:** The planning priority for Pecan Springs is to preserve the existing residential neighborhood. The neighborhood would also like more pedestrian-oriented commercial development and fewer auto-related businesses that are perceived to contribute to crime problems. The major intersections are best suited for mixed use or neighborhood urban center development, with more limited neighborhood-oriented mixed use along the Manor Road corridor. Larger tracts in the residential areas could be developed with a mix of residential uses. New structures along Little Walnut Creek should be setback far enough from the creek to avoid flooding problems and allow for a future greenbelt or hike/bike trail. (see map below taken from the plan)

**Action 25-** Allow mixed-use/commercial at the intersection of 51st and Springdale and along Manor and Springdale north of Rogge Lane.

The policies and text taken from the EMLKCNP and the FLUM support Mixed Use along this portion of the planning area and also supports infill housing.

### **Imagine Austin**

The property is located along an ‘**Activity Corridor**’, as identified on the Imagine Austin’s Growth Concept Map. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing, and transportation costs.
- **HN P1.** Distribute a **variety of housing types** throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- **HN P10.** Create complete neighborhoods across Austin that have a **mix of housing types** and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being:

- designated as Mixed Use on the East MLK Combined Plan, which allows for the construction of condos/townhouses;
  - situated along an ‘Activity Corridor’, which supports multifamily and mixed use projects;
  - mobility strengths in the area;
- and the Imagine Austin policies referenced above that supports a variety of land uses and housing types, this project appears to support the policies of the Imagine Austin Comprehensive Plan.

### Austin Water Utility

AW1. 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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

AW2. City record indicate the site is served by an On-Site Sewage Facility (OSSF). The owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact the AW OSSF team at [OSSF@austintexas.gov](mailto:OSSF@austintexas.gov) or call (512)-972-0050. The cutover process may also initiate a required review by the Industrial Waste Division and/or the Cross Connection Division depending on building usage.

#### INDEX OF EXHIBITS TO FOLLOW

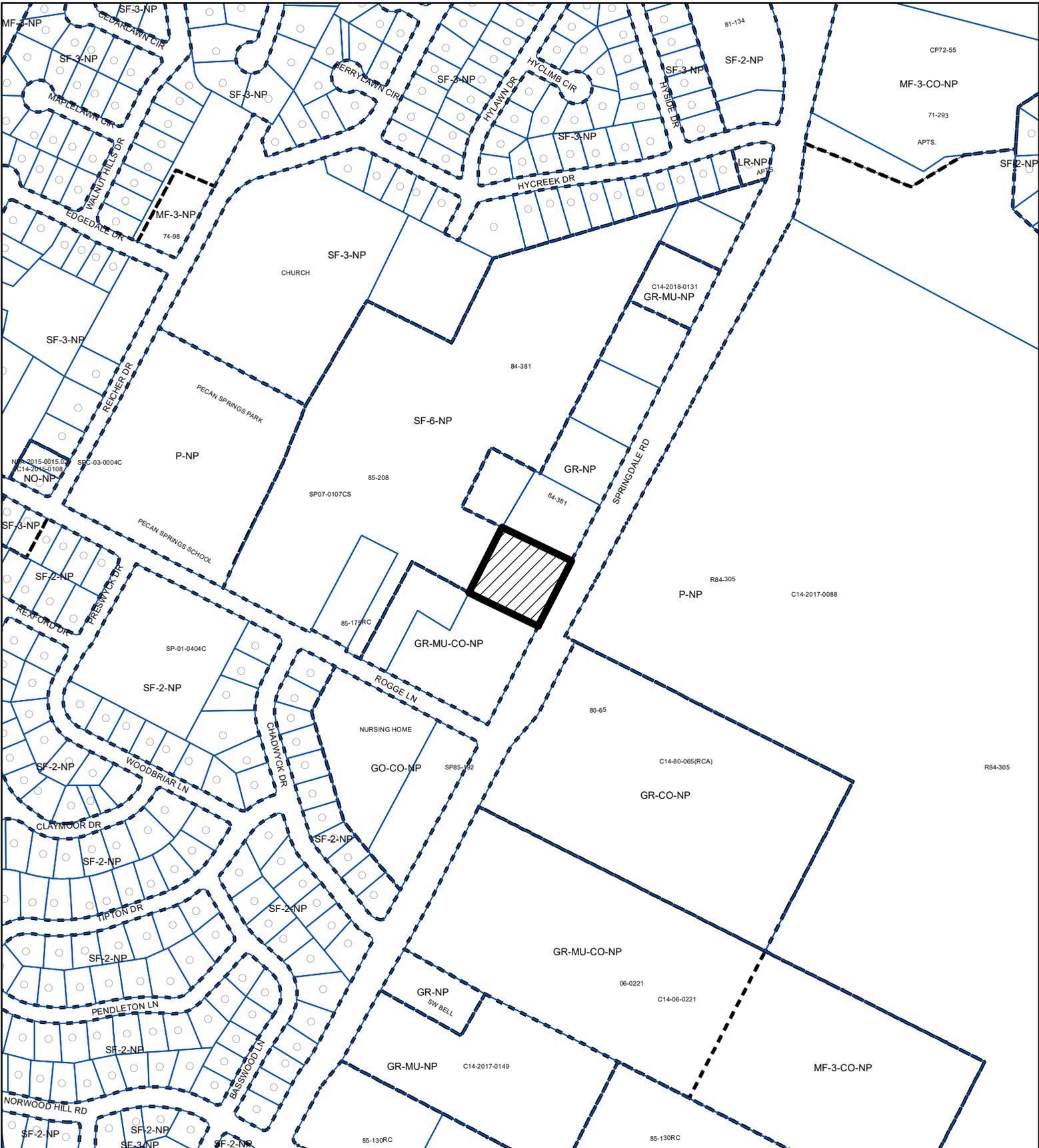
Exhibit A: Zoning Map

Exhibit B: Aerial Map

Marcie Poss Email Withdrawing Petition

Petition Package

Correspondence



**ZONING**

ZONING CASE#: C14-2021-0017



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

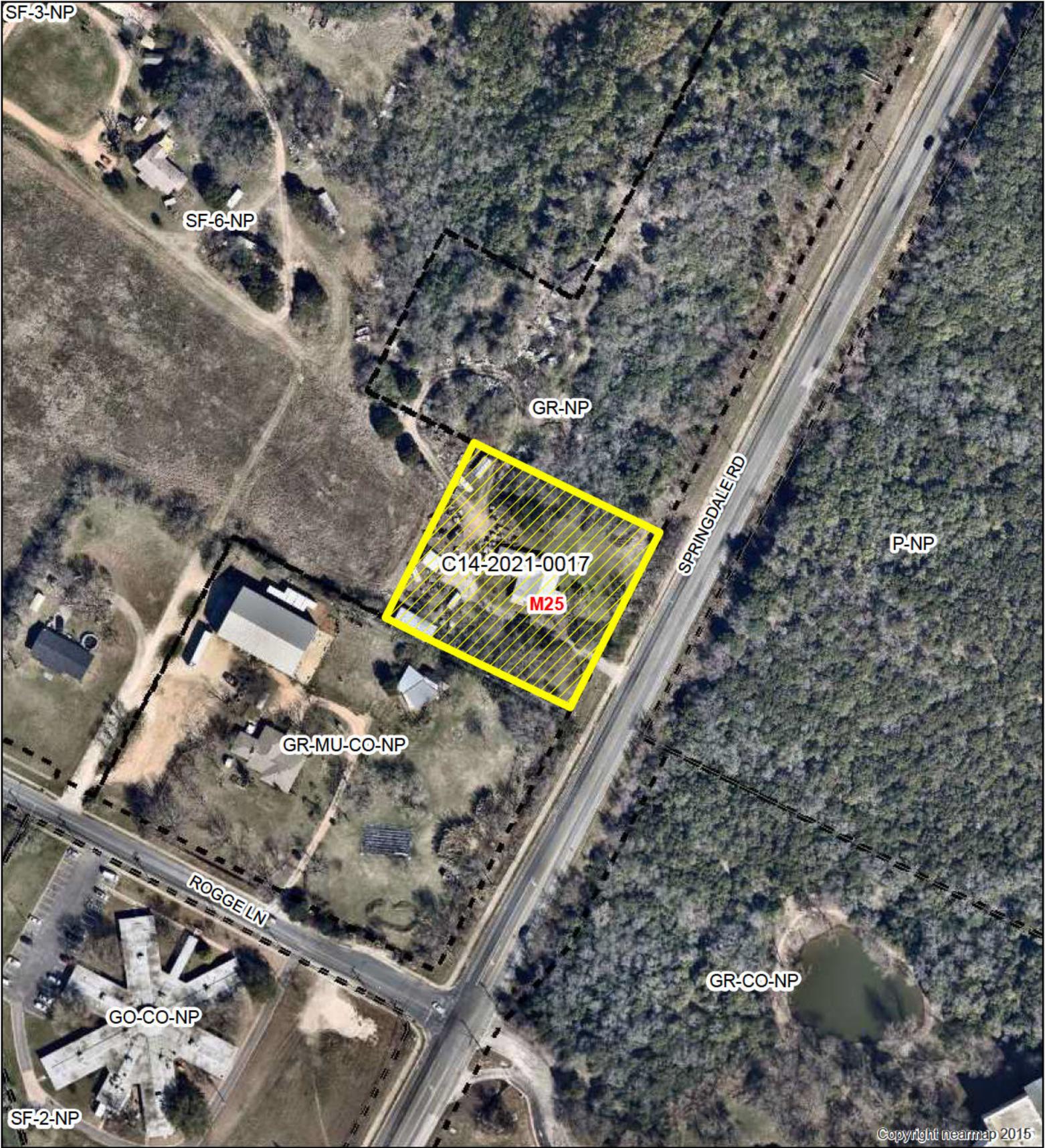
1" = 400'

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**5708 Springdale**

ZONING CASE#: C14-2021-0017  
 LOCATION: 5708 Springdale Rd.  
 SUBJECT AREA: 1.28 Acres  
 GRID: M25  
 MANAGER: MARK GRAHAM



-  N
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 150'

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**From:** [Marcie Poss](#)  
**To:** [Azhar, Awais - BC](#); [Singh, Arati - BC](#); [Hempel, Claire - BC](#); [Cox, Grayson - BC](#); [Connolly, Joao - BC](#); [Schneider, Robert - BC](#); [Praxis, Solveji - BC](#); [Graham, Mark](#); [Howard, Patrick - BC](#); [Mushtaler, Jennifer - BC](#); [Rivera, Andrew](#); [Llanes, Carmen - BC](#); [Shieh, James - BC](#); [Thompson, Jeffrey - BC](#); [Flores, Yvette - BC](#); [Cohen, Jessica - BC](#); [Shaw, Todd - BC](#)  
**Subject:** Re: August 24, 2021 Planning Commission Registered Speaker B13  
**Date:** Tuesday, August 24, 2021 7:27:52 PM  
**Attachments:** [TALKING POINTS.docx](#)

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\*\*\* External Email - Exercise Caution \*\*\*

Dear all,  
I was advised to pull my legal petition at this time for 5708 Springdale. Although I am still against the development and don't find it compatible, the developers have conceded a lot of the items that were a concern to the neighborhood. I was worried that we could lose all the concessions if I pushed too hard. So, I'm going to trust that the restrictive covenant will be all that they have promised.  
I was told that I can reinstate the legal petition if they don't follow through. I hope that is correct.  
If any of you are interested in what I was going to say, I've attached my talking points that were to accompany the powerpoint already sent.  
If you have any questions, don't hesitate to get in touch.  
thank you kindly,  
Marcia Bruscato Poss  
Rogge Ranch House LLC

On Tue, Aug 24, 2021 at 11:07 AM Marcie Poss [REDACTED] wrote:

Thank you all,  
Attached is the Powerpoint I wanted to share with you in our meeting today.

Marcie Bruscato Poss  
*Rogge Ranch House LLC*  
**EYE Productions INC, Walker Season Two**

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To: Austin City Council

I received a letter from the City of Austin giving me notice of a request to change the zoning on a parcel that shares a property line to my homestead. I contacted the development company out of Houston who is looking to purchase the land *if* it can have the zoning changed to MU. I inquired the reasoning, and was told they want to put 21 single family homes on the land where one house now stands.

I've had my homestead since 2006 and have watched the City's exponential growth mostly from afar, but as it encroaches our neighborhood I am paying closer attention. I am a long time member of the Pecan Springs Neighborhood Association (PSNA) which covers both my property and this parcel which is zoned GR-NP for the reason of attracting more businesses to this area. As long as I've lived here one subject that has continually been at the forefront of neighborhood discussions is how to attract more cafes, offices, retail, coffee shops, or restaurants to our area. There continues to be a huge growth in the development of housing along Springdale with no attention to this need.

My property is at the corner of Springdale and Rogge Lane and I am quite aware of developers looking to turn a profit. Their drive is not for the needs of the neighborhood, but to make money. They want the zoning change to get as many people as possible housed on that parcel in order to make a profit.

Please consider the bigger picture. We in the neighborhood are determined that the development around our homes contributes to our area. I add my name to the unanimous vote of the Pecan Springs Neighborhood Association that zoning change be denied. It is not appropriate, does not promote compatibility for this area and is not part of our Neighborhood Plan.

There have been 916 housing units developed between MLK and Manor Road on Springdale since 2006. Since then, the **ONLY** business that has developed along Springdale is one Dollar General store at the 5000 block.

InTown Townhomes: **30** Units / The Reserve 5606 Springdale: **292** Units/ Alexan-5521 Springdale: **251** Units/ 51 East-5201 Springdale: **230** Units/ Gravity ATX 4907 Springdale: **90** Units/ HyPoint Residences 6020 Springdale: **23** Units

Full disclosure, I subdivided my homestead into two parcels in 2019 and am developing one acre at 3504 Rogge Lane. I'm making a space for Salvage Vanguard Theater, <https://www.salvagevanguard.org/>, a non profit that has served Austin for 27 years, and a café to serve both the theater and the general public. At first glance, it would seem I would be grateful as more housing means more business for the theater and myself. But in reality, the occupancy that I am allowed to serve at one time is nowhere near the need of the neighborhood. It just isn't feasible and so obvious to me how much this neighborhood needs amenities. It brings me great satisfaction to provide a space for the arts in our neighborhood, with a great cup of coffee.

People so desperately need places to congregate so as to socialize with friends and neighbors. Keeping cars off the road and providing access to places accessible by bike and walking makes a neighborhood healthy. We need more of that and we need to preserve zoning that was specifically built into the system to allow for that. More than ever, it is of vital importance to create commercial spaces for the housing that already exists.

Please consider my opposition as well as my neighbor's to a zoning change at 5708 Springdale Road. I truly think that developers are missing an opportunity for success through means other than housing.

Sincerely,



Marcia Bruscato Poss  
3506 Rogge Lane Austin Texas 78723, 512-220-1670, [REDACTED]

**From:** [PSS NA](#)  
**To:** [Graham, Mark](#); [Shaw, Todd - BC](#); [Schneider, Robert - BC](#); [Thompson, Jeffrey - BC](#); [Llanes, Carmen - BC](#); [Hempel, Claire - BC](#); [Howard, Patrick - BC](#); [Shieh, James - BC](#); [Azhar, Awais - BC](#); [Mushtaler, Jennifer - BC](#); [Praxis, Solvej - BC](#); [Cox, Grayson - BC](#); [Connolly, Joao - BC](#); [Flores, Yvette - BC](#); [Teich, Ann - BC](#)  
**Subject:** PSSNA position on 5708 Springdale  
**Date:** Saturday, June 5, 2021 3:14:15 PM  
**Attachments:** [2014 PSSNA Letter, 5605 Springdale, The Reserve.pdf](#)  
[5708 Springdale.pdf](#)

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\*\*\* External Email - Exercise Caution \*\*\*

Project location: 5708 Springdale  
Case: C14-2021-0017

Hello Commissioners,

For item 73 that is currently scheduled on Planning Commission agenda for this week, I'd like to resend PSSNA's official position, which we shared with the original case manager after we first learned of this project earlier this year. I'd like to request that this letter, 5708 Springdale.pdf, be added to the backup. One thing to note, when we originally wrote this, we hadn't yet gotten in contact with the owners of the immediate adjacent properties; since we have had conversations with them, they have joined with our original unanimous position against rezoning this property and adding this number of units.

To add some additional context, our neighborhood has a priority of adding retail, and especially community-gathering retail spaces. As an example, please see the additional attachment regarding another development that was proposed in our neighborhood seven years ago, The Reserve at 5605 Springdale. Even then, our president was requesting retail along this large corridor, Springdale Road.

Thank you,  
Nadia Barbot, PSSNA Secretary

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**Pecan Springs ♦ Springdale Hills**  
NEIGHBORHOOD ASSOCIATION  
"Showing We Care"

October 22, 2014

The Ryan Company  
Attn: David Knoll  
111 Congress Ave, Ste 1850  
Austin, TX 78701

RE: The Reserve at Springdale  
SPC-2014-0086C

Dave:

I want to first thank you for meeting with myself and the development review committee over the past several months to work through this proposed development. As you know we challenged you all to meet a number of neighborhood goals tied directly to our neighborhood plan in order to make this a better project, but also one that supported our neighborhood vision.

While you were able to work some of our recommendations into the project, you all failed to meet our number one objective. As was stated at the onset of our communications, homeownership is our highest priority. To that end, we asked you all to look at making this a mixed use project that included homeownership and retail. You all had reservations about that request and stated it was inconsistent with your funding scheme. However, we continued to push for retail on the site as that is the one thing that is sorely missing in our neighborhood.

According to your consultants retail on this site would be hard to meet given the midblock nature of this development. While we disagree this is an inappropriate sight for retail, we realized the site is currently zoned General Retail Community Commercial (GR). That is what we consider to be the best and highest use of that property at this time. For use to give up GR on the site for anything that does not include retail would not be in our best interest. However, the development review committee left the ultimate decision to the general body of the neighborhood.

We had you all attend our October 11<sup>th</sup> general body meeting and you made a presentation regarding the project. Following your presentation we went into discussion to come up with a final position regarding this development. After a lengthy discussion regarding the pro's and cons of your development, the neighborhood ultimately voted to NOT support the development. It was widely felt that without a real commitment to



**Pecan Springs ♦ Springdale Hills**

NEIGHBORHOOD ASSOCIATION

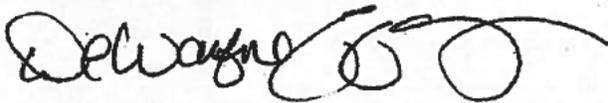
*"Showing We Care"*

street front dedicated retail, we could not support the development as it was determined we were giving up much more than we stood to gain by supporting this development. There were other concerns regarding the long-term management of the property as well as concerns about crime.

We believe you have a good project and it would work well somewhere in this community, we just don't feel it best suits our priorities given our rapidly changing demographics and neighborhood.

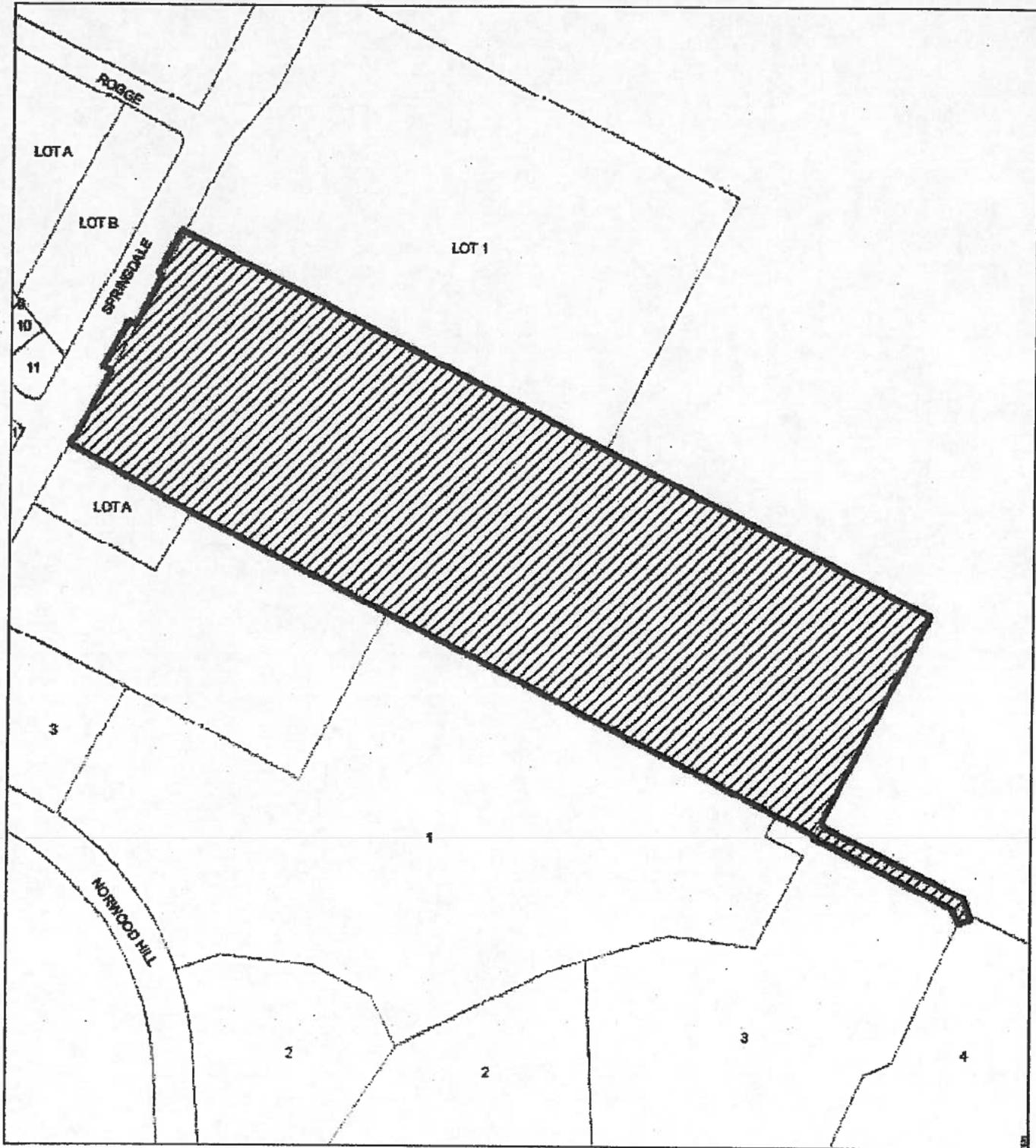
It is our belief, given the location of the site it will eventually be developed and we would much rather see it remain undeveloped in the short term, so that we get something that respects our neighborhood plan and vision for the area in the long-term.

Sincerely,



DeWayne Lofton  
President  
Pecan Springs/Springdale Hills Neighborhood Association

cc: Jed Buie  
Nikki Hoelter  
Austin Planning Commission

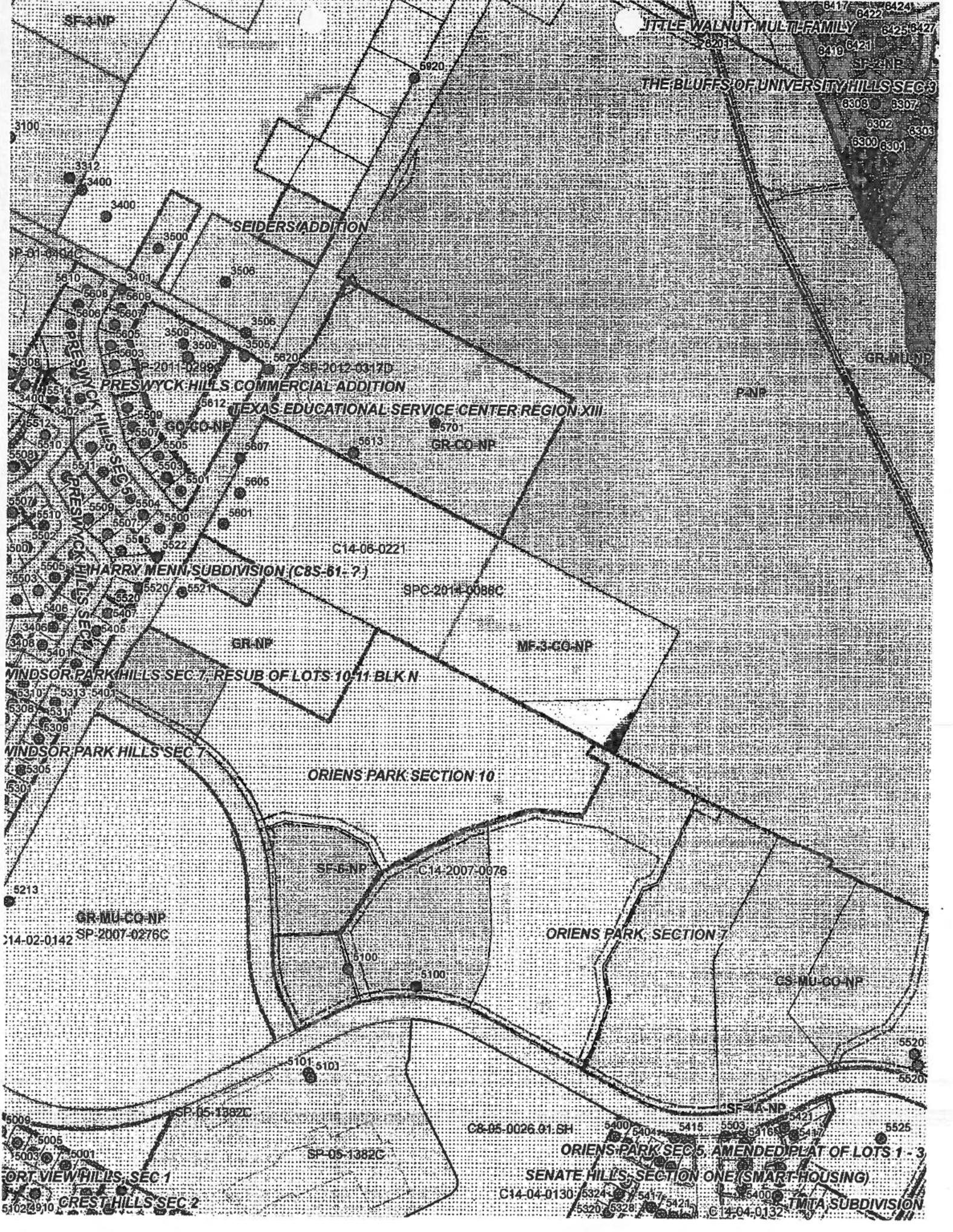


 Subject Tract  
 Base Map

CASE#: SPC-2014-0086C  
 ADDRESS: 5605 SPRINGDALE ROAD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.  
 This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



8417 8422 8424  
8425 8427  
8410 8421  
SF-2-NP  
6308 6307  
6302 6303  
6300 6304

THE BLUFFS OF UNIVERSITY HILLS SEC 3

LITTLE WALNUT MULTI-FAMILY

SEIDERS ADDITION

PRESWYCK HILLS COMMERCIAL ADDITION

TEXAS EDUCATIONAL SERVICE CENTER REGION XIII

HARRY MENN SUBDIVISION (CBS-81-?)

WINDSOR PARK HILLS SEC 7, RESUB OF LOTS 10-11 BLK N

WINDSOR PARK HILLS SEC 7

ORIENTS PARK SECTION 10

ORIENTS PARK SECTION 7

PORT VIEW HILLS SEC 1

CREST HILLS SEC 2

ORIENTS PARK SEC 5, AMENDED PLAT OF LOTS 1-3

SENATE HILLS SECTION ONE (SMART HOUSING)

TMTA SUBDIVISION

3100

5620

SF-3-NP

SP-2012-0017D

GO-CO-NP

GR-CO-NP

C14-08-0221

SPC-2014-0088C

GR-NP

MF-3-CO-NP

SF-5-NP

C14-2007-0076

GR-MU-CO-NP

SP-2007-0276C

GS-MU-CO-NP

SP-05-1382C

SP-05-1382C

CB-05-0026.01.SH

SF-4A-NP

C14-04-0130

C14-04-0132

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# Pecan Springs ❖ Springdale Hills

NEIGHBORHOOD ASSOCIATION

March 13, 2021

Re: Case # C14-2021-0017 at 5708 Springdale Rd

To: Heather Chaffin, case manager

The officers and members of the Pecan Springs-Springdale Hills Neighborhood Association (PSSNA) have been considering the request for zoning change from GR to GR-MU for the property on 5708 Springdale. We have been in contact with the developer.

We voted unanimously on February 13, 2021 to oppose this zoning change. We feel strongly about the need to encourage retail development in our neighborhood, and have concerns about the planned development site increasing impervious cover with inadequate drainage and inadequate parking for the planned residences. We believe that this site, with its exquisite city views would be better used for open access, and/or restaurant or other services for the neighborhood.

We also would like to note that it has been very difficult to get in touch with nearby neighbors during the pandemic to get their input on the proposed zoning change. Further, it has been very difficult to coordinate with others in the city to discuss alternative strategies for developing this property during the pandemic.

Thank you,  
PSSNA Development Review Committee  
PSSNA Officers

Nat Bradford, President  
Tyson Brown, Vice President  
Nadia Barbot, Secretary  
Tommy Ward, Treasurer

**From:** [Jay Byrd](#)  
**To:** [Graham, Mark](#)  
**Subject:** CASE: C14-2021-0017/ 5708 Springdale Road #7 on the Agenda  
**Date:** Tuesday, July 27, 2021 3:46:52 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Dear Mr. Graham,

As funding to arts organizations has been cut and many are shutting down, regular citizens have been picking up the mantle. One of these places is the space on Rogge that has been working toward creating a permanent theater and performance space for Salvage Vanguard Theater and other organizations who are without space. Marcie Bruscato Poss, the owner of the property at 3506 Rogge Ln, has spent the past two years working to get site plans and permits to finish out the warehouse and create a new theater and bar space for the Austin theater-going community.

The proposed multiple condo build directly adjacent to the property will no doubt hamper these efforts, if not in the short term, definitely in the long term. The neighborhood has been welcoming to events like GayBiGayGay, a SXSW offshoot, and in fact, people in the neighborhood have been invited to and have attended events. There is no doubt in my mind that at least one of the owners of these proposed new condominiums is going to have a problem with an all-day music event. These condos would disrupt the ability for the performance spaces at 3506 Rogge to continue to operate, causing a loss of the hundreds of thousands of dollars that have been and will be poured into this arts-focused property.

Please oppose the approval of building these condominiums!

Sincerely,

James Byrd  
2706 Dancy St  
Austin, TX 78722

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**From:** [Silky Shoemaker](#)  
**To:** [Robert.Schneider@austintexas.gov](mailto:Robert.Schneider@austintexas.gov); [Graham, Mark](#)  
**Subject:** Fwd: CASE: C14-2021-0017/ 5708 Springdale Road #7  
**Date:** Sunday, August 8, 2021 10:04:41 PM

---

\*\*\* External Email - Exercise Caution \*\*\*

Hey there

I'm writing to speak in support of Jeff and Marci Poss and their property at Rogge Lane. This property has been a sanctuary for art and performance and the type of gathering that makes people want to visit and live in Austin.

Rogge Ranch was home to a queer performance festival I organized for many years in Austin. Without (rapidly disappearing) spaces like Rogge Ranch we could not have these types of small, creative, DIY events that are the cultural backbone of the city.

I'm asking you to please deny a request for zoning change that would allow a condo development to hedge in their property and inflict accompanying sound and light restrictions. This type of excessive development is changing the nature of our city and hurting the property owners who have contributed so much to the culture of Austin. We can't afford to lose another beloved art space to this type of growth.

Thanks

Silky Shoemaker

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**From:** [Katie D.](#)  
**To:** [robert.schneider@austintexas.gov](mailto:robert.schneider@austintexas.gov); [todd.shaw@austintexas.gov](mailto:todd.shaw@austintexas.gov); [jeffrey.thompson@austintexas.gov](mailto:jeffrey.thompson@austintexas.gov); [carmen.llanes@austintexas.gov](mailto:carmen.llanes@austintexas.gov); [claire.hempel@austintexas.gov](mailto:claire.hempel@austintexas.gov); [joao.connolly@austintexas.gov](mailto:joao.connolly@austintexas.gov); [patrick.howard@austintexas.gov](mailto:patrick.howard@austintexas.gov); [james.shieh@austintexas.gov](mailto:james.shieh@austintexas.gov); [awais.azhar@austintexas.gov](mailto:awais.azhar@austintexas.gov); [jennifer.mushtaler@austintexas.gov](mailto:jennifer.mushtaler@austintexas.gov); [solvej.praxis@austintexas.gov](mailto:solvej.praxis@austintexas.gov); [grayson.cox@austintexas.gov](mailto:grayson.cox@austintexas.gov); [yvette.flores@austintexas.gov](mailto:yvette.flores@austintexas.gov); [arati.singh@austintexas.gov](mailto:arati.singh@austintexas.gov); [jessica.cohen@austintexas.gov](mailto:jessica.cohen@austintexas.gov); [andrew.rivera@austintexas.gov](mailto:andrew.rivera@austintexas.gov); [Graham, Mark](#)  
**Subject:** Case C14-2021-0017 / 5708 Springdale Road #5 on Agenda (AGAINST)  
**Date:** Monday, August 9, 2021 2:35:41 PM

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\*\*\* External Email - Exercise Caution \*\*\*

Hello,

I am a resident of Austin and a performance artist. I grew up in Texas and have lived in Austin for the past 9 years, I moved here as soon as I turned 18 because I knew Austin was a mecca for performing arts.

I implore you to please refrain from any zoning change that will harm the Vanguard Theatre. The irony of being a performance artist (that's not a musician) in Austin is that the city *claims* to love the "weird" and "arts" so much, yet we are constantly **pushed out, zoned out, priced out, and underpaid**. I am getting to a point where I can barely afford to live here, and have to consider leaving the city even though this is where I primarily have all my gigs.

The Vanguard Theater is a **COVID SAFE** space for performers, and **we need that now more than ever**. Not only do creators need it, but our audiences need it. People are craving entertainment and an escape from this hellish pandemic, and local artists can safely and successfully provide that space at the Vanguard.

My creative career has been deeply impacted by COVID and the lack of safe spaces. I've had to turn down gig after gig due to being high risk. The community and culture of Austin needs spaces like this, and shifting the zoning laws so that more overpriced housing can be built is just not the way to support your local artist community. Please do not hinder the future of the Vanguard Theatre, this will in turn hinder the future of the local creative ecosystem, which is already hanging on by a thread.

Thank you for your time.

Best,  
Katie

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To: Austin City Council

I received a letter from the City of Austin giving me notice of a request to change the zoning on a parcel that shares a property line to my homestead. I contacted the development company out of Houston who is looking to purchase the land *if* it can have the zoning changed to MU. I inquired the reasoning, and was told they want to put 21 single family homes on the land where one house now stands.

My property is at the corner of Springdale and Rogge Lane and I am quite aware of developers looking to turn a profit. Their drive is not for the needs of the neighborhood, but to make money. They want the zoning change to get as many people as possible housed on that parcel in order to make a profit.

Please consider the bigger picture. We in the neighborhood are determined that the development around our homes contributes to our area. I add my name to the unanimous vote of the Pecan Springs Neighborhood Association that zoning change be denied. It is not appropriate, does not promote compatibility for this area and is not part of our Neighborhood Plan.

There have been 916 housing units developed between MLK and Manor Road on Springdale since 2006. Since then, the **ONLY** business that has developed along Springdale is one Dollar General store at the 5000 block.

InTown Townhomes: **30** Units / The Reserve 5606 Springdale: **292** Units/ Alexan-5521 Springdale: **251** Units/ 51 East-5201 Springdale: **230** Units/ Gravity ATX 4907 Springdale: **90** Units/ HyPoint Residences 6020 Springdale: **23** Units

Full disclosure, I subdivided my homestead into two parcels in 2019 and am developing one acre at 3504 Rogge Lane. I'm making a space for Salvage Vanguard Theater, <https://www.salvagevanguard.org/>, a non profit that has served Austin for 27 years, and a café to serve both the theater and the general public. At first glance, it would seem I would be grateful as more housing means more business for the theater and myself. But in reality, the occupancy that I am allowed to serve at one time is nowhere near the need of the neighborhood. It just isn't feasible and so obvious to me how much this neighborhood needs amenities. It brings me great satisfaction to provide a space for the arts in our neighborhood, with a great cup of coffee.

People so desperately need places to congregate so as to socialize with friends and neighbors. Keeping cars off the road and providing access to places accessible by bike and walking makes a neighborhood healthy. We need more of that and we need to preserve zoning that was specifically built into the system to allow for that. More than ever, it is of vital importance to create commercial spaces for the housing that already exists.

Please consider my opposition as well as my neighbor's to a zoning change at 5708 Springdale Road. I truly think that developers are missing an opportunity for success through means other than housing.

Sincerely,

Marcia Bruscato Poss  
3506 Rogge Lane Austin Texas 78723, 512-220-1670, 

Date: 6/6/21 Case# C14-2021-0017 Address of Rezoning Request: 5708 Springdale

To the City of Austin Planning Commission,

I am the owner of the two commercially zoned properties at 3504 Rogge Lane and 3506 Rogge Lane. My combined 3.58 acre parcels run the entire South-East portion of 5708 Springdale.

I have been in contact with the Developers and voiced my concerns about their housing proposal to abut my development that I have spent the last two years working on. My Site Plan for Phase One was approved by the City in April of this year, and I am very concerned that suddenly there could be major issues having 21 residential homes allowed next door.

I, respectfully ask for a postponement to this hearing to further discuss with the developers a possible way to protect me from the limitations this change will put on my property. There are substantial compatibility issues with re-zoning 5708 Springdale to have residential immediately next door to a business. Presently, I am buffered on all sides of my property and it is a perfect situation for a community building business.

I have overwhelming support from the Pecan Springs- Springdale Hills Neighborhood Association and the Knights of Columbus to provide a space for Salvage Vanguard Theater, an outdoor café, and occasional outdoor events and festivals. Note\* The property of the Knights of Columbus abuts the entire west side of 5708 Springdale, and we have submitted to you a valid petition against the zoning change.

Having space on my properties for Salvage Vanguard Theater to produce dance, theater, and film, and facilitate non-profit fundraising, is a dream opportunity for me; additionally, this theater provides a crucial component to the health of our city. Just this month, the University of Austin commissioned a play in the yard documenting essential worker's experience of the pandemic. In July I am hosting Montopolis Music and Rocket Cinema for the Tango community. I've got big plans for my community and myself here at this property and it would be quite unfortunate and short sighted to allow a zoning change on this parcel.

Sincerely,

Marcia Bruscato Poss

Case Number:  
**C14-2021-0017**

## PETITION

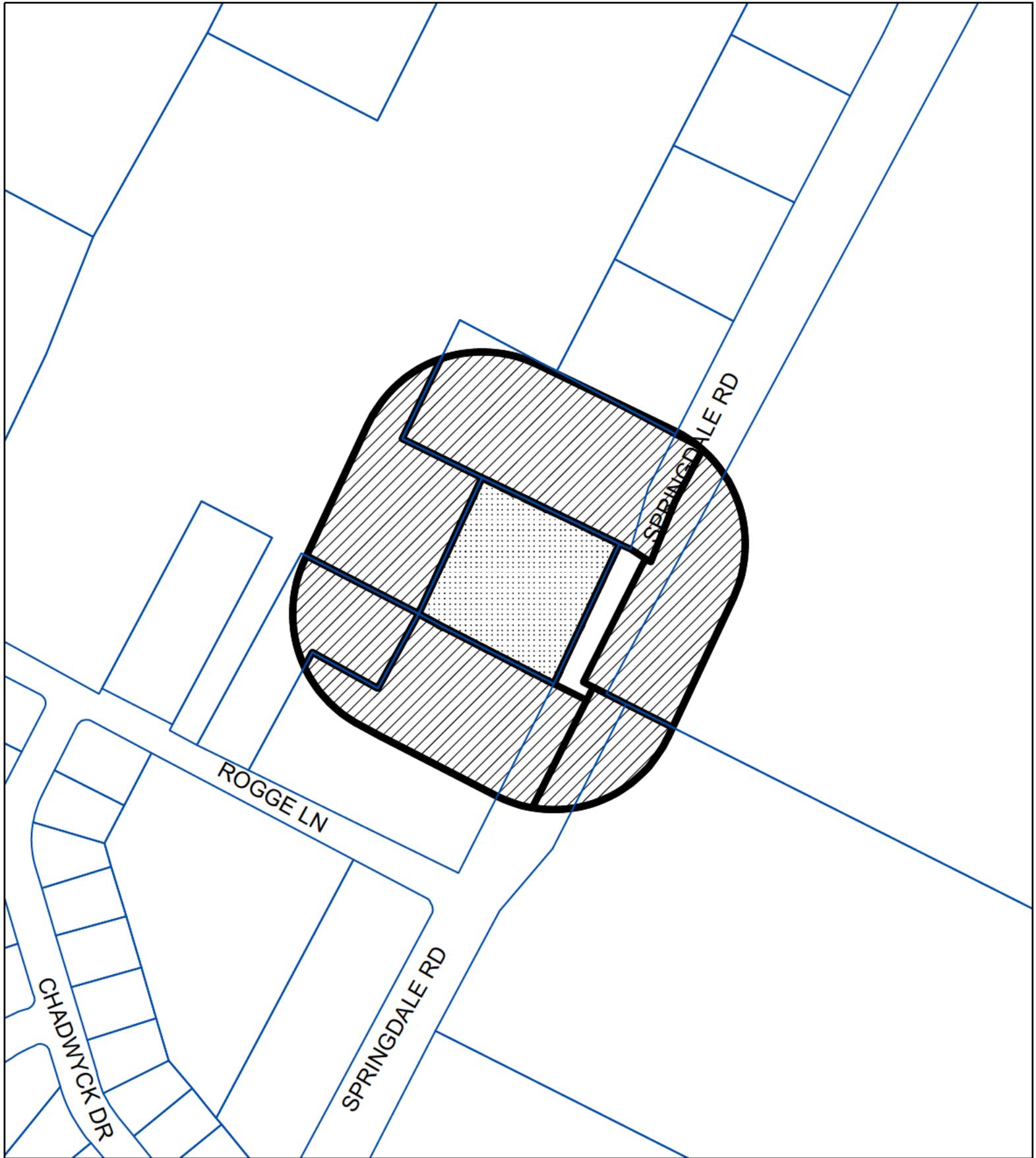
Date: 5/6/2021

Total Square Footage of Buffer: 318853.8102

Percentage of Square Footage Owned by Petitioners Within Buffer: 45.26%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Precent
0219230408	3506 ROGGE LN TX 78723	BRUSCATO-POSS MARCIA	yes	66667.16	20.91%
0218240101	SPRINGDALE RD 78723	CITY OF AUSTIN	no	55827.49	0.00%
0221240918	3400 ROGGE LN 78723	COUNCIL 8141 HOME ASSN INC	yes	52928.18	16.60%
0218240104	5701 SPRINGDALE RD 78723	EDUCATION SERVICE CENTER	no	23182.61	0.00%
0219230403	5900 SPRINGDALE RD 78723	LEWIS WILLIE C	no	254.79	0.00%
0219230404	5800 SPRINGDALE RD 78723	LEWIS WILLIE C	no	84161.02	0.00%
0219230409	3504 ROGGE LN TX 78723	ROGGE RANCH HOUSE LLC	yes	24722.35	7.75%
<b>Total</b>				<b>307743.58</b>	<b>45.26%</b>



BUFFER  
 PROPERTY\_OWNER  
 SUBJECT\_TRACT

### PETITION

Case#: C14-2021-0017

1" = 200'

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I've had my homestead since 2006 and have watched the City's exponential growth mostly from afar, but as it encroaches our neighborhood I am paying closer attention. I am a long time member of the Pecan Springs Neighborhood Association (PSNA) which covers both my property and this parcel which is zoned GR-NP for the reason of attracting more businesses to this area. As long as I've lived here one subject that has continually been at the forefront of neighborhood discussions is how to attract more cafes, offices, retail, coffee shops, or restaurants to our area. There continues to be a huge growth in the development of housing along Springdale with no attention to this need.

My property is at the corner of Springdale and Rogge Lane and I am quite aware of developers looking to turn a profit. Their drive is not for the needs of the neighborhood, but to make money. They want the zoning change to get as many people as possible housed on that parcel in order to make a profit.

Please consider the bigger picture. We in the neighborhood are determined that the development around our homes contributes to our area. I add my name to the unanimous vote of the Pecan Springs Neighborhood Association that zoning change be denied. It is not appropriate, does not promote compatibility for this area and is not part of our Neighborhood Plan.

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Please consider my opposition as well as my neighbor's to a zoning change at 5708 Springdale Road. I truly think that developers are missing an opportunity for success through means other than housing.

Sincerely,



Marcia Bruscato Poss  
3506 Rogge Lane Austin Texas 78723, 512-220-1670, [REDACTED]



**Notes on Council 8141 Home Association Vote on  
Case #C14-2021-0017 at 5708 Springdale Road, Application for  
Rezoning from GR to GR-MU  
20 April 2021**

The most recent election of Council 8141 Home Association board members was held on 6 August 2019. Attachment 1 shows the members elected to the board. Since this was the first election in several years and since the terms were to be three years staggered, the board members drew to determine the term for each member. Attachment 2 shows the terms drawn by each member. The Grand Knight is included since he is automatically President of the board.

Normally, the terms of four members would expire each year and an election would be held in July to replace them. In addition, one member of the board, Jim Chestnut, died in 2020. Due to Covid 19 and absence of any significant business to be conducted, no replacements were elected in 2020.

Attachment 3 shows minutes of meeting that approved signing the petition to oppose the rezoning.

Attachment 4 shows signatures of a majority of the board of the Home Association attesting that the Home Association is opposed to the rezoning of the property along Springdale that is adjacent to the Home Association property.

REPORTS AND RESOLUTIONS IN DETAIL

Aug 6 2019

7:30pm - Biosym  
Board elected  
Motion by Paul & second by Robert, passed  
Motion to sell the land, second by Mike to start talks with  
passed

New board Members Elect. & this date

De Balandrian  
James Beyer  
Michael Danilek  
Roberto Herrera  
James Jenkins  
James Nuckles  
Katherine Perez  
Robert Reyes  
Alvin Wehr  
Paul White  
Elijah Zuriga  
Estienne Zuriga

This is page 3 of the minutes for August 6, 2019

4/26/2021 11:57 AM

TITLE	FIRST_M	LAST	SUFFIX	TERM (YRS)
Mr.	GILBERTO	HERRERA		1
MR.	GUADALUPE L.	PEREZ		1
MR.	ALVIN F.	WEHR		1
MR.	ELIJAH	ZUNIGA		1
Mr.	JOE	BALANDRAN		2
MR.	MICHAEL	DARILEK		2
MR.	JAMES I.	JENKINS	, JR.	2
MR.	JAMES F.	NUCKLES		2
MR.	JAMES C.	BOYER		3
MR.	JAMES M.	CHESTNUT		3
MR.	ROBERT H.	REYES		3
MR.	PAUL E.	WHITE		3
MR.	ETIENNE	ZUNIGA	PRESIDENT	

**Emergency HOA Meeting** 04/20/2021 at 7:02 pm Closed at 8:18 pm

- Scout for Walker Texas Ranger Scouting locations to film wants to use the property.
- Hiring someone to cut down a few trees on the property.
- Joining the protest with our neighbors to not change zoning.

Motion made by Robert Reyes and second by Jim Jenkins to allows Walker Texas Ranger to film on the property if the renters are also in favor for.

**Motion Passed**

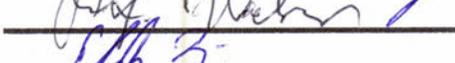
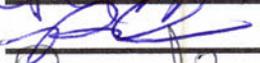
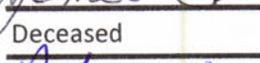
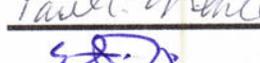
Motion made by J.C. Boyer and second by Paul White to pay someone to cut down a few trees on the property with a budget of \$2000.

**Motion Passed**

Motion made by Elijah Zuniga and second by Etienne Zuniga to sign the petition with our neighbors to protest the changing of zoning.

**Motion Passed – with protest from Agent Jim Knuckles**

Case #C14-2021-0017 at 5708 Springdale Road, Application for Rezoning from GR to GR-MU applies to property adjoining the property own by Council 8141 Home Association. The following are signatures of Home Association board of directors attesting to the opposition of the Home Association to the rezoning.

TITLE	FIRST_M	LAST	SUFFIX	TERM (YRS)	Signature
Mr.	GILBERTO	HERRERA		1	
MR.	GUADALUPE L.	PEREZ		1	
MR.	ALVIN F.	WEHR		1	
MR.	ELIJAH	ZUNIGA		1	
Mr.	JOE	BALANDRAN		2	
MR.	MICHAEL	DARILEK		2	
MR.	JAMES I.	JENKINS	, JR.	2	
MR.	JAMES F.	NUCKLES		2	
MR.	JAMES C.	BOYER		3	
MR.	JAMES M.	CHESTNUT		3	Deceased
MR.	ROBERT H.	REYES		3	
MR.	PAUL E.	WHITE		3	
MR.	ETIENNE	ZUNIGA		<b>PRESIDENT</b>	

Date of this notice: 09-17-2018

Employer Identification Number:  
83-1920645

Form: SS-4

Number of this notice: CP 575 G

ROGGE RANCH HOUSE LLC  
MARCIA BRUSCATO POSS SOLE MBR  
PO BOX 4206  
AUSTIN, TX 78765

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 83-1920645. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at [www.irs.gov](http://www.irs.gov). If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

**IMPORTANT REMINDERS:**

- \* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- \* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- \* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is ROGG. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

