

**ZONING & PLATTING
COMMISSION**

HANDOUTS

MAY 5, 2015

May 5, 2015

City of Austin
Zoning & Platting Commission
City Hall - Council Chambers
301 W. 2nd St.
Austin, TX 78701

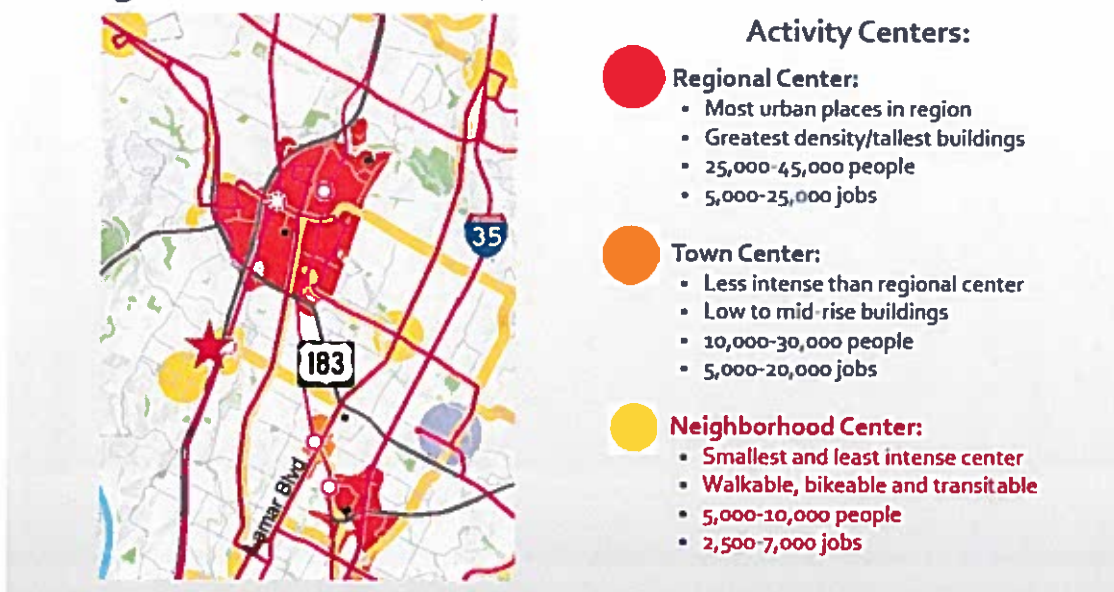
ZAP Commissioners:

You are receiving a Staff Briefing today on **C814-20140120 - the Austin Oaks PUD** case.

I would like to make a couple of major points that have been lost on the process so far.

One, the Austin Oaks PUD (3) proposals, regardless of prior staff check off paper work on the proposal from last year, **DOES NOT** meet all of the Tier 1 nor Tier 2 requirements for a PUD. Foremost among those, this PUD proposal at the location it is proposed is **LEGALLY INCONSISTENT** with the Imagine Austin Comprehensive Plan and therefore State Law, a Tier 1 requirement. The scale of the proposed project is that of a Regional Center in the Austin Comprehensive Plan, but the area it is proposed for at most is identified as a Neighborhood Center in the Comprehensive Plan. The developer's latest proposal still has 3 x 10 stories, 9, 8, 7, & 6 story buildings in it. The surrounding neighborhood and the whole length of MoPac from 183 to 360 South has no more than 5 story buildings on it. This PUD proposal is **INCOMPATIBLE** with the surrounding area as is required by municipal and state law.

Imagine Austin (adopted 15 June 2012)



Imagine Austin (adopted 15 June 2012)



Austin City Charter:

ARTICLE X. PLANNING (Adopted by public referendum 19 January 1985)

§ 1. PURPOSE AND INTENT.

- It is the purpose and intent of this article that the city council establish comprehensive planning as a continuous and ongoing governmental function in order to promote and strengthen the existing role, processes and powers of the City of Austin to prepare, adopt and implement a comprehensive plan to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the city to assure the most appropriate and beneficial use of land, water and other natural resources, consistent with the public interest. ... It is further the intent of this article that the adopted comprehensive plan shall have the legal status set forth herein, and that ***no public or private development shall be permitted, except in conformity with such adopted comprehensive plan or element or portion thereof, prepared and adopted in conformity with the provisions of this article.***

Austin PUD Ordinance (Chapter 25-2, Subchapter B, Article 2, Division 5)

2.3. Tier One Requirements.

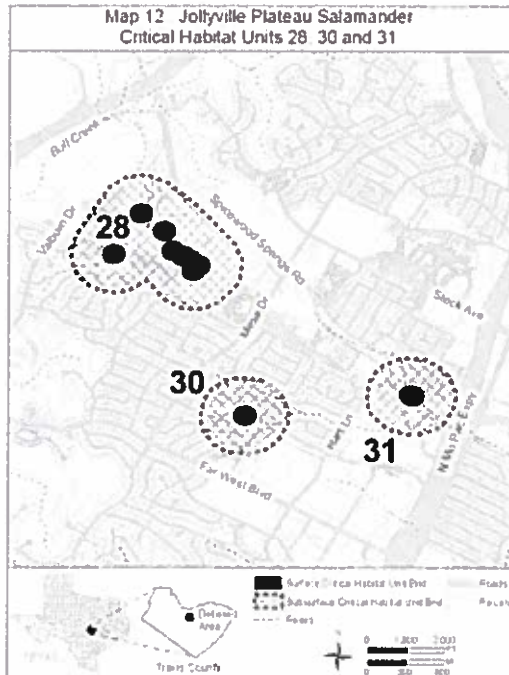
2.3.1. Minimum Requirements. All PUDs must

E be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;

Two, Tier 2 PUD zoning requirements are that this proposal be “superior” to conventional zoning, the existing situation. With regard just to environmental issues, this proposed PUD development is dramatically inferior, not superior, to the current situation. Two months before the current owners bought this land now called Austin Oaks, almost 70% of it was declared Critical Salamander Habitat by the Federal Fish & Wildlife Dept. This is not just an environmental issue, it is an issue with regard to not meeting Tier 2 PUD “superiority” requirements for discretionary up zoning.

51278 Federal Register / Vol. 78, No. 161 / Tuesday, August 30, 2011 / Rules and Regulations

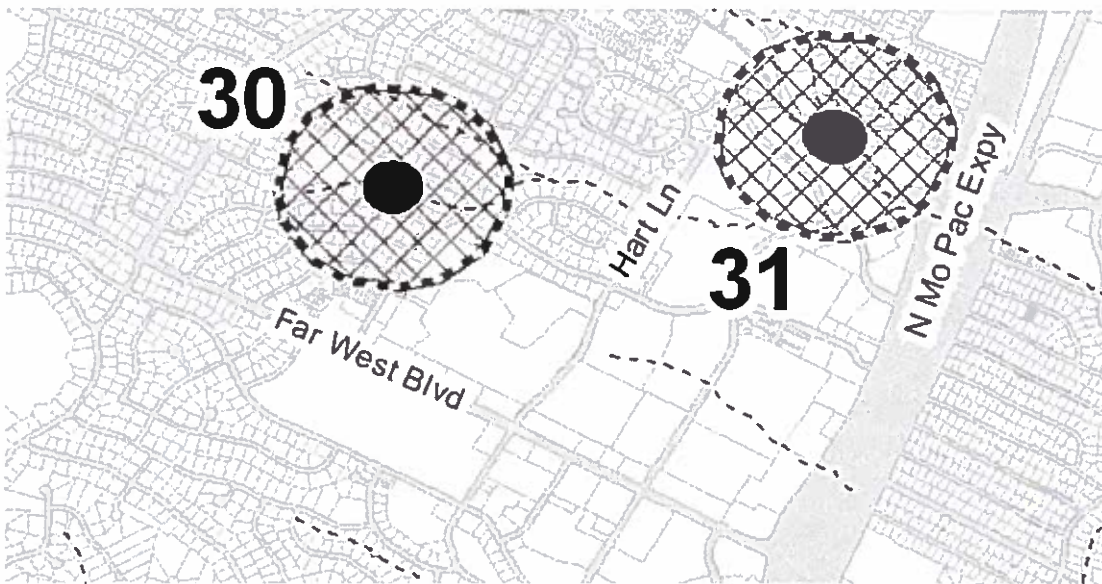
(30) Unit 28: Spicewood Unit, Travis County, Texas. Map of Units 28, 30, and 31 follows.



(31) Unit 30: Indian Spring Unit, Travis County, Texas. Map of Units 28, 30, and 31 is provided at paragraph (30) of this entry.

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(31) Unit 31: Spicewood Spring Unit, Travis County, Texas. Map of Units 28, 30, and 31 is provided at paragraph (30) of this entry.



Also, the land in question has 746 trees on it, 72 are heritage trees (>24"), 98 protected (>19"), with the developer proposing to cut down 9 heritage trees and 46 protected trees (50%) in their latest proposal. This is "inferior" not "superior," and discretionary PUD up zoning should not be what enables this. There are other issues with Tier 1 & Tier 2 requirements that true fact finding would show are not being met with these PUD proposals.

Commissioners, the surrounding neighborhoods have been patient and listened to this newcomer to Austin developer's "inconsistent and incompatible" proposals for non-entitled discretionary up zoning on this land for a year now. This developer should have known what they were buying in the Fall of 2013. They can almost double their built space on this land and make a nice profit under existing conventional zoning. Follow the law. Do not underestimate the will or the resources of this neighborhood to demand that.

Brad Parsons,
3571 Far West Blvd
Austin, TX 78731

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: <http://www.austintexas.gov/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: C14-2014-0136
Contact: Heather Chaffin, 512-974-2122
Public Hearing: May 5, 2015, Zoning and Platting Commission
May 14, 2015, City Council

Enove Mechanical

Your Name (please print)

9201 Brown Lane #141 Austin TX 78754

Your address(es) affected by this application

Donnellan, Donald
2014-12-15

Signature

Date

Daytime Telephone: (512) 339-3012

I am in favor
 I object

Comments:

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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Public Hearing: May 5, 2015, Zoning and Platting Commission
May 14, 2015, City Council

I am in favor
 I object

ROBERT TIMMERMAN
Your Name (please print)

9100 Braun Lane

Your address(es) affected by this application

Heather Chaffin

Signature

Date

Daytime Telephone: 512-836-8990

04-28-2015

Comments: I support any and all development in our area.

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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