PLANNING COMMISSION

HANDOUTS

JULY 14, 2015

Limon, Sylvia C.11

From: Susana Almanza <poder.austin@gmail.com>
Sent: Tuesday, July 14, 2015 8:33 AM
To: Chimenti, Danette - BC
Cc: Limon, Sylvia
Subject: C8-2014-0115 Richardson Lane Subdivision - 737 Montopolis Drive

Dear Planning Commissioner Chimenti- The Montopolis Neighborhood Contact Team met on June 29th, 2015 and voted to deny the subdivision at 737 Montopolis into 12 lots. This subdivision would create a zoning change to SF4, which the Montopolis Contact Team never agreed upon. Thank you, Susana Almanza, President Montopolis Neighborhood Contact Team

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

C20

NOTICE OF PUBLIC HEARING
SITEPLAN CONDITIONAL USE PERMIT

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: 06/23/2015 **Case Number: SPC-2015-0111A**

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

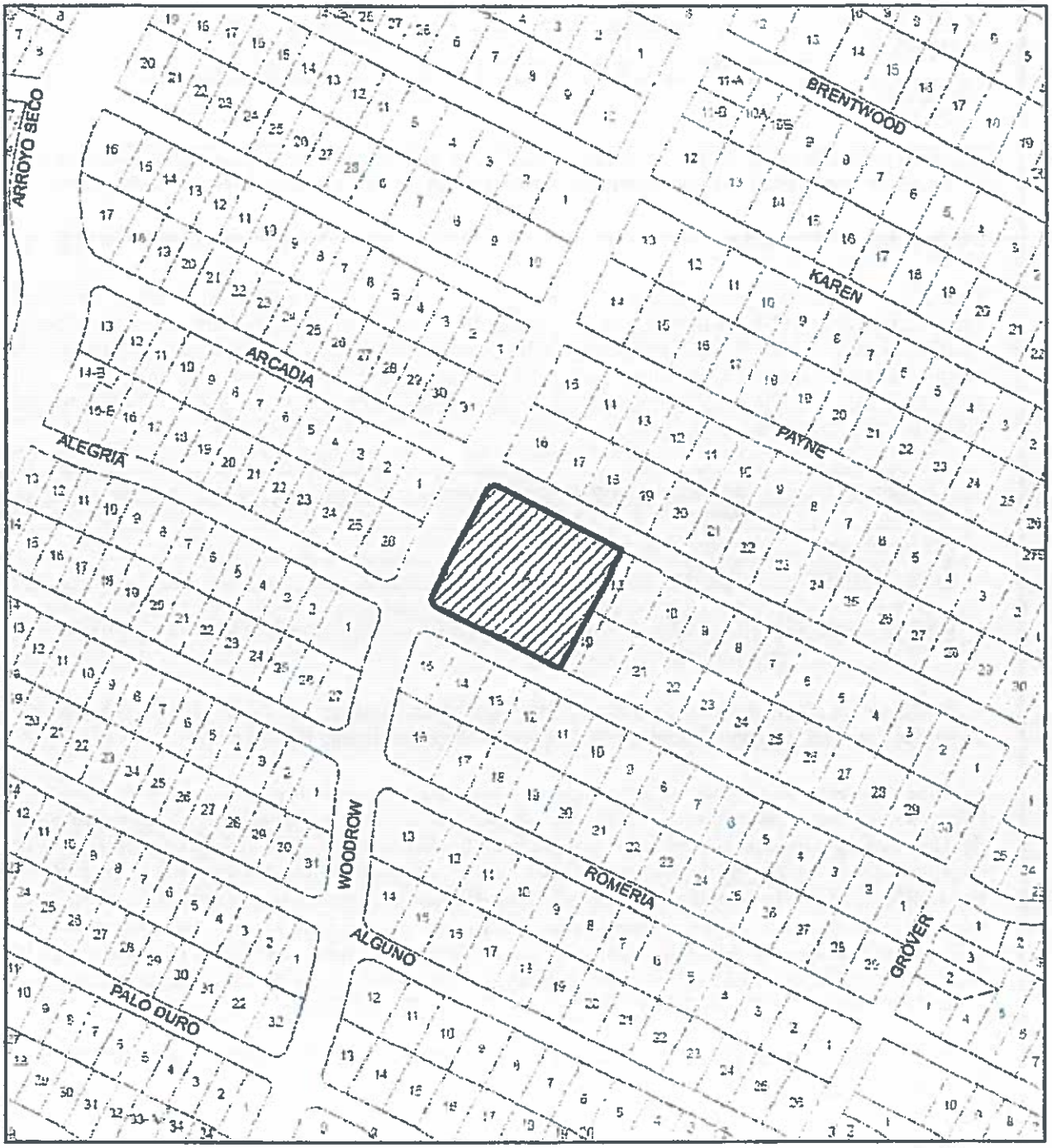
Applicant:	**James Shackelford, (512) 751-6874**
Owner:	**Northwest Baptist Church**
Project Name:	**Austin Classical School**
Project Address:	**6301 Woodrow Avenue**

Project Description: The applicant is requesting conditional use permit approval for a private primary educational facility.

This application is scheduled to be heard by the Planning Commission **on Jul 14, 2015.** The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

You can find more information on this site plan by inserting the case number at the following Web site: https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp. **For questions about the proposed development, please contact the applicant, James Shackelford, at (512) 751-6874. For technical questions about the permitting process, please contact the case manager, Christine Barton-Holmes, at 512-974-2788 or via e-mail at Christine.Barton-Holmes@austintexas.gov and refer to the case number located on this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Cindy Casillas at 512-974-3437 or via email, Cindy.Casillas@austintexas.gov, Monday through Friday.** The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/devservices.



Subject Tract

Base Map

N

CASE#: SPC-2015-0111A
ADDRESS: 6301 WOODROW AVENUE

CITY OF AUSTIN FOUNDED 1839

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.

PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern *(it may be delivered to the contact listed on a notice)*; or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2015-0111A
Contact: Christine Barton-Holmes, 512-974-2788
Cindy Casillas, 512-974-3437
Public Hearing: Planning Commission, Jul 14, 2015

John Halaburt, BNA President
Your Name (please print)

☐ **I am in favor**
☒ **I object**

Brentwood Neighborhood Association
Your address(es) affected by this application

Signature — 7/6/15 *Date*

Daytime Telephone: (512) 658-0239

Comments: See attached letter

If you use this form to comment, it may be returned to:
City of Austin
Development Services Department – 4th floor
Christine Barton-Holmes
P. O. Box 1088
Austin, TX 78767-8810

Brentwood Neighborhood Association

Serving Our Neighborhood from 45th St. to Justin Lane and North Lamar to Burnet Road

July 6, 2015

To: City of Austin Planning Commission

Re: SPC-2015-0111A; Conditional Use Permit for Austin Classical School

Dear Commission Members:

At our last Brentwood Neighborhood Association (BNA) Steering Committee meeting, we voted to OPPOSE this CUP based on the following grounds:

1. In early 2013, the owners of the Austin Classical School approached our neighborhood association with their intention to open their school in our neighborhood at NW Baptist Church. We indicated that they would need a Conditional Use Permit / CUP to do so, and they stated that the applicant (NW Baptist) would be handling the application. The applicant (NW Baptist) has not reached out to our group to discuss this permit during this entire process.
2. In August 2013, Austin Classical School opened their doors at this location and began teaching grades K, 1st, 2nd and 4th (per their website). The have a large, dedicated sign on site for the school.
3. In early 2014, BNA Zoning Committee filed a formal complaint with the City of Austin Code Compliance regarding school at this location operating without a valid CUP. At that time, we spoke with James Shackelford (agent for the applicant) who indicated that he was waiting on the City for completion of the CUP. In following up with City Planners, we found out that this was not correct. The City Planner indicated that they were waiting on completion of the CUP application by the applicant. The applicant continued to delay completion of their application for the better part of two years (with the knowledge that there would be <u>no enforcement</u> during that time), until pressure by our neighborhood brought these extensive postponements to the attention of the Director of Planning.
4. The school completed two FULL school years of prohibited use (fall 2013 - spring 2014 & fall 2014 - spring 2015) and is poised to begin it's <u>third year</u> next month in August 2015.
5. We believe that the applicant has knowingly manipulated the system, in a show of bad faith that we would not expect from a neighborhood church, by submitting multiple applications, seeking extensions and letting applications lapse (since early 2013).
6. In addition, there are discrepancies between the applicant's stated use and the school's stated goals:
    a. The applicant states that the use will be for "Private Primary Education" for grades "Kindergarten – Grade 5"; however,
    b. Austin Classical School states (per their website) that they "plan to add a grade each year until we offer a *complete K-12 education.*" [italics mine]

c. The applicant has indicated that they "anticipate no more than 99 students will attend the school"; however,
d. The school started with the enrollment of 13 students (per their website) and had grown to 35 students by the second year. If the enrollment continues at the current rate (without limits or oversight), this proposed "cap" will be exceeded very soon.

7. The enrollment fees per student exceed $4000.00 per year and the church has benefited from the cash flow of this profitable venture for two years without the proper permits. We are very concerned about our ability to trust (or verify) this applicant's assertions (given their history of disregard for City Codes) as we move forward.

So, given the lack of good faith on the part of the applicant and the lengthy duration of this un-permitted use, we ask that you support our neighborhood by opposing this application and send a clear message to this applicant that blatantly ignoring City ordinances should NOT be rewarded.

If you find that you must support this CUP, we ask that you consider adopting the following conditions (to ensure accountability regarding the applicant's stated use); without these, the neighborhood is saddled with verification of compliance (as the City has no process for following up on CUP's other than citizen complaints):

A. Enrollment shall not exceed 99 students (total);
B. Teachers and Staff shall not exceed 6 (total);
C. Operating hours shall be limited to 9 am – 4 pm;
D. Days of Operation shall be limited to Monday and Wednesday;
E. Classes shall be limited to Kindergarten - 5th Grade;
F. This CUP will be limited for use only by Austin Classical School and will not convey to other educational entities;
G. A notarized affidavit shall be executed by the applicant every year (beginning no later than the first anniversary of the CUP granting) verifying the actual enrollment, staffing, hours and days of operation, and grades offered by this school. A copy of this affidavit shall be given to the current president of the Brentwood Neighborhood Association within 7 calendar days of each anniversary of the CUP's approval; and,
H. This CUP expires after five (5) years. Prior to the expiration, a new application may be submitted, reviewed and granted (at the discretion of the Planning Commission). Should the CUP lapse, all school activities must cease immediately.

Your consideration of our request is greatly appreciated and we look to the Planning Commission to help the neighborhood protect our interests.

Sincerely,

John Halaburt
BNA President