

**ZONING & PLATTING
COMMISSION**

HANDOUTS

SEPTEMBER 1, 2015

Allandale Neighborhood Association
P.O. Box 10886
Austin, TX 78766
allandale.neighborhood@gmail.com

August 31, 2015

Mr. Cesar Zavala
City of Austin Development Services
P. O. Box 1088
Austin, Texas 78767

VIA EMAIL

RE: Case # C8-2015-0030.0A, 2615 Pembroke Trail

Dear Mr. Zavala:

The Allandale Neighborhood Association Zoning Committee (the "Committee") unanimously adopted the following motion on August 28, 2015 regarding Case # C8-2015-0030.0A, at 2615 Pembroke Trail:

"Motion for the Allandale Neighborhood Association Zoning Committee to oppose the resubdivision of 2615 Pembroke Trail, and to recommend that the Zoning and Platting Commission deny the applicant's request for a resubdivision of the property."

The Committee is concerned that the resubdivision will negatively impact the neighborhood and surrounding neighbors by increasing impervious cover, adding to traffic congestion, and triggering a development that raises safety concerns, given the property's proximity to Shoal Creek. We also believe that dividing the property would likely expose the lot(s) to instability that could threaten the health and safety of Allandale residents, as the delicate Buda Limestone formation (upon which the lot sits) would be subject to stresses and disturbances from new construction. Further, any new connections to the City's sanitary sewer collection system would likely penetrate through existing root zones (which help prevent erosion).

The Committee appreciates your consideration of the above position and we ask that the Zoning and Platting Commission deny the application for resubdivision.

Please let us know as there are questions.

Sincerely,

Nathan E. Vassar
Zoning Chair,
Allandale Neighborhood Association

Caroline C. Reynolds, P.E.
CR Solutions
2611 West 49th Street
Austin Texas 78731



31 August 2015

Mr. Cesar Zavala
City of Austin Development Services.
P.O. Box 1088
Austin Texas 78767

Subject: 2615 Pembroke Trail
Resubdivision
Case # C8-2015-0030.0A.

Dear Mr. Zavala,

I strongly oppose any demolition or building activity on the property at 2615 Pembroke.

2615 Pembroke is no longer a feasible location for residential construction.

It has developed a potential for a dangerous, possibly life-threatening accident. Sixty five years of Del Rio soil-creep combined with severe erosion of the land below the retaining wall, the topography of the site has changed significantly since 1950.

I am an affected party and a Licensed Professional Engineer.

I live and work at my home within 200 feet of the subject property. I have been a Health and Safety Officer at a series of hazardous waste remediation companies since the early 1980s. As a Licensed Professional Engineer I believe that I should speak out about the conditions that I see on this property to protect the public health, safety and welfare and insure the safety of life, health and property.

The retaining wall footing is now undermined in several areas.

I have personally observed the retaining wall and it's footing over the past five years. The current lack of soil under the footing in some locations decreases the support and stability of the retaining wall. Moreover, there is no evidence that a geologist or a structural engineer has recently inspected the 65-year old retaining wall and its footing.

The current house is built on 'made land' behind the retaining wall.

Observing the topography of the two adjacent lots and the height and extent of the retaining wall that begins near the street on the south property line and continues around the entire house to the western edge of the carport, It appears that

well more than half of the house is supported by fill material behind the retaining wall.

Nearly all the flat land on the lot is included in the front 25-foot front easement

and is occupied by historic trees as well as the driveway and carport.

There is a significant weight and volume of fill material behind the retaining wall

-- soil weighs one ton per cubic yard, rock weighs 50% more. If the footing and/ or retaining wall fails, the wall and fill material may suddenly flow downhill onto the lower home to the east.

Mr. Carr has previously reported publicly that the house slab is cracked. It is well known that this local area is partially underlain by a slab of weathered Buda limestone and up to 40 feet of high shrink-swell Del Rio clay. It is **highly probable that flow of the Del Rio clay has carried the retaining wall down-slope over the past 65 years.** Consequently, the fill material behind the retaining wall has also moved downward and no longer adequately supports the slab. This is a probable cause of the cracked slab.

The City geologist who previously inspected and wrote waivers for this property, appears to be inexperienced in local soil conditions and has not pointed out this situation that an experienced geologist, such as Dr. Peter Flawn, would have noted. While the City may avoid liability for future events at this property, individual City engineers and geologist may be held to a higher standard by their professional board rules that expect a **Licensed Professional Geoscientist or Licensed Professional Engineer to demonstrate a regard and concern for the rights, health, safety, welfare and property of the public.** (See Attachments A and B, for engineers, and Attachment C, for geoscientists)

The strength and stability of the footing and retaining wall is of great importance to the workers who will be driving trucks, drilling rigs, tracked dozers, cement trucks and other equipment onto this property to demolish and remove the house, perform cut and fill operations, drill holes and install piers, pour cement caissons and install utilities. These vehicles may weigh from one to 20 tons. A tracked Caterpillar tractor weighs 20 to 49 tons.

If the footing fails, the wall may rupture and allow the fill material to escape, placing the truck or earth moving equipment on a slope of loose fill material. Trucks and dozers will place large static and dynamic downward forces on the fill material and outward forces on the retaining wall. To assure that the extra weight does not rupture the retaining wall or fracture the under-mined footing, a structural engineer should inspect the wall and footing to determine the current condition of the fill, wall and undermined footing. In the best case the heavy equipment may slide downhill with the fill material; in the worst case, the heavy equipment may flip, a potentially deadly event for the driver.

I have provided links to a video and a report of heavy equipment roll over accidents for your perusal.

- <https://www.youtube.com/watch?v=PpdO5UNArnY>
- <http://wildfiretoday.com/2012/06/27/california-dozer-rolls-mendocino-county/>

OSHA and an expert structural engineer could also provide you independent information regarding this property and the potential for a lost-life accident during construction on the steep, hilly lot.

I believe that, given the potential for untoward events, **neighbors may wish to video the development activities** for use in later discussions and negotiations.

For all of the above reasons, **I believe that the requested re-subdivision will negatively impact the neighborhood and surrounding neighbors** by increasing impervious cover, killing, damaging or removing large and historic trees, and triggering development that may endanger workers and the surrounding structures. If you have any questions or need additional information regarding the safety issues this property poses, please call me at 512.454.8880 during business hours. You may leave a voice message at any time.

Best regards,

Caroline C. Reynolds, P.E. (License No. 57350)
President, CR Solutions

CCR/ags

Attachment A

OCCUPATIONS CODE

TITLE 6. REGULATION OF ENGINEERING, ARCHITECTURE, LAND SURVEYING, AND RELATED PRACTICES

SUBTITLE A. REGULATION OF ENGINEERING AND RELATED PRACTICES

CHAPTER 1001. ENGINEER

SUBCHAPTER A. GENERAL PROVISIONS

§ 1001.004. Legislative Purpose and Intent; Liberal Construction of Chapter

(a) The legislature recognizes the vital impact that the rapid advance of knowledge of the mathematical, physical, and engineering sciences as applied in the practice of engineering has on the lives, property, economy, and security of state residents and the national defense.

(b) The purpose of this chapter is to:

(1) protect the public health, safety, and welfare;

(2) enable the state and the public to identify persons authorized to practice engineering in this state; and (3) fix responsibility for work done or services or acts performed in the practice of engineering.

(c) The legislature intends that:

(1) the privilege of practicing engineering be entrusted only to a person licensed and practicing under this chapter; (2) only a person licensed under this chapter may:

(A) engage in the practice of engineering;

(B) be represented in any way as any kind of "engineer"; or (C) make any professional use of the term "engineer"; and

(3) this chapter will be strictly complied with and enforced.

(d) This chapter shall be liberally construed to carry out the intent of the legislature. (e) This chapter does not:

(1) prevent a person from identifying the person in the name and trade of any engineers' labor organization with which the person is affiliated;

(2) prohibit or otherwise restrict a person from giving testimony or preparing an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal, subject to the board's disciplinary powers under Subchapter J regarding negligence, incompetency, or misconduct in the practice of engineering;

(3) repeal or amend a law affecting or regulating a licensed state land surveyor; or

(4) affect or prevent the practice of any other legally recognized profession by a member of the profession who is licensed by the state or under the state's authority.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1168, Sec. 1, eff. Sept. 1, 2003.

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§ 1001.304. Examination

(a) The board shall administer examinations to determine the qualifications of applicants for a license.

(b) The board shall prescribe the scope of the examination and the methods of procedure with special reference to an applicant's ability to design and supervise engineering works to ensure the safety of life, health, and property.

(c) On payment of the examination fee, the board shall administer an oral or written examination to a qualified applicant at a time and place determined by the board.

(d) The board by rule shall ensure that the examination is administered to applicants with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), and its subsequent amendments.

(e) The board shall:

- (1) adopt policies and guidelines detailing the procedures for the examination process, including examination admission, examination administration, and national examination requirements; and
- (2) post on the board's Internet website the policies that reference the examination procedures of the board or, if applicable, the national organization selected by the board to administer an examination.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003. Amended by Acts 2003, 78th Leg., ch. 1168, Sec. 24, eff. Sept. 1, 2003. Amended 83rd Leg., R.S., SB 204, eff. September 1, 2013.

Attachment B

Excerpt from

Rules Concerning the Practice of Engineering and Professional Engineering Licensure

Texas Administrative Code, Title 22: Examining Boards

Part 6 Texas Board of Professional Engineers

Chapter 131: Organization and Administration

SUBCHAPTER A: ORGANIZATION OF THE BOARD

SUBCHAPTER F: ADMINISTRATION

§131.81 Definitions

Texas Engineering Practice Act and Rules Page 33 of 72 Effective 12/17/13

In applying the Texas Engineering Practice Act and the board rules, the following definitions shall prevail unless the word or phrase is defined in the text for a particular usage. Singular and masculine terms shall be construed to include plural and feminine terms and vice versa.

(1) ABET - ABET, Inc., formerly the Accreditation Board for Engineering and Technology.

(2) Act - The Texas Engineering Practice Act, Chapter 1001, Texas Occupations Code.

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(15) Engineering - The profession in which a knowledge of the mathematical, physical, engineering, and natural sciences gained by education, experience, and practice is applied with judgment to develop ways to utilize, economically, the materials and forces of nature for the benefit of mankind.

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(18) Good Standing - (License or Registration) - A license or registration that is current, eligible for renewal, and has no outstanding fees or payments.

(19) Gross negligence - Any willful or knowing conduct, or pattern of conduct, which includes but is not limited to conduct that demonstrates a disregard or indifference to the rights, health, safety, welfare, and property of the public or clients. Gross negligence may result in financial loss, injury or damage to life or property, but such results need not occur for the establishment of such conduct.

(20) Incompetence - An act or omission of malpractice which may include but is not limited to recklessness or excessive errors, omissions or failures in the license holder's record of professional practice; or an act or omission in connection with a disability which includes but is not limited to mental or physical disability or addiction to alcohol or drugs as to endanger health, safety and interest of the public by impairing skill and care in the provision of professional services.

Excerpt from

Chapter 851. Texas Board of Professional Geoscientists Licensing and Enforcement Rules

Subchapter A. Definitions.

§851.10. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

(1) Act--Texas Occupations Code, Chapter 1002, cited as the Texas Geoscience Practice Act.

(2) Accredited institutions or programs--An institution or program which holds accreditation or candidacy status from an accreditation organization recognized by the Council for Higher Education Accreditation (CHEA) or other appropriate accrediting entity accepted by the Appointed Board.

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(21) Geology--The discipline of geoscience that addresses the science of the origin, composition, structure, and history of the Earth and its constituent soils, rocks, minerals, fossil fuels, solids, fluids and gasses, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the Earth, and is applied with judgment to develop ways to utilize, economically, those natural and introduced agents, forces, and processes for the benefit of mankind. There are many subdivisions of geology, which include, but are not limited to the following: historical geology, physical geology, economic geology, mineralogy, paleontology, structural geology, mining geology, petroleum geology, physiography, geomorphology, geochemistry, hydrogeology, petrography, petrology, volcanology, stratigraphy, engineering geology, and environmental geology.

(22) Geophysics--Refers to that science which involves the study of the physical Earth by means of measuring its natural and induced fields of force, and its responses to natural and induced energy or forces, the interpretation of these measurements, applied with judgment to benefit or protect the public.

(23) Geoscience--The science of the Earth and its origin and history, the investigation of the Earth's environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the Earth as applied with professional judgment to develop ways to utilize, economically, those natural and introduced agents, forces, and processes for the benefit of the public.

TBPG Rules for Professional Geoscience Licensure Page 8 March 18, 2015

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(30) **Professional geoscience**--Professional service which may include consultation, investigation, evaluation, planning, designing, or direct supervision of construction, **in connection with any public or private projects wherein the public welfare, or the safeguarding of life, health, and property is concerned or involved**, when such professional service requires the application of geoscience principles and the interpretation of geoscience data.

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September 1, 2015

Cesar Zavala
City of Austin Development
4th Floor One Texas Center
505 Barton Springs Rd
Case Manager: Shoalwood Addition Section 4 Resubdivision C8-2015-0030.0A

Mr Zavala,

This case is currently scheduled at Zoning and Platting Sept 1.

Commissioner Dinkler can not attend that meeting. The neighbors who have been planning to speak at the hearing of this case wish to request a postponement in support of Commissioner Dinkler, until she can attend the hearing.

Thank you,

Joe Reynolds
2611 West 49th St

Karen Frost
2613 Pembroke Tr

Rob Robinson
2614 Pembroke Tr

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.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance 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 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.

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 person 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.

For additional information on the City of Austin's land development process, visit our web site: <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 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: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

Jeff J. Frank

Your Name (please print)

2612 Pembroke Trail

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512 771-3002

Comments:

Grave concerns about the impact on Shoal Creek watershed and the heritage trees on the property.

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

City of Austin - Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

Edward C. Robinson
Your Name (please print)

☐ I am in favor
☒ I object

2614 Fernbrook Trail, Austin, TX
Your address(es) affected by this application

Charles J. Hylle 8/25/2015
Signature Date

Daytime Telephone: 512-550-5652

Comments: There are serious

environmental problems with a

three-lot residential, A

two-lot residential would

avoid much of the environmental

issue.

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

City of Austin – Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

BOB (ROBERT) DUVV
Your Name (please print)

☐ I am in favor
☒ I object

2606 TENERPOCK TRAIL
Your address(es) affected by this application

Robert E. Duvv 8/5/2015
Signature Date

Daytime Telephone: RA

Comments: BAD FOR THE ENVIRONMENT

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

City of Austin – Development Service Department / 4th Fl
 Cesar Zavala
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308
Public Hearing: September 1, 2015,
Zoning and Platting Commission

Carolyn S. Nixon
Your Name (please print)

☐ I am in favor
☒ I object

Helle Chiappero Trl., Austin, TX 78731
Your address(es) affected by this application

Carolyn Nixon
Signature

8-22-15
Date

Daytime Telephone: *512-423-0650*

Comments: *I oppose this proposed re-subdivision of this property. It will result in 3 houses and increased impervious ground cover leading to flooding of adjacent houses which are already flooded more.*

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

City of Austin – Development Service Department / 4th Fl
Cesar Zavala
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

Edward L. Mixon
Your Name (please print)

☐ I am in favor
☒ I object

4616 Chiappero Trl Austin, TX 78731
Your address(es) affected by this application

Edward L. Mixon *8/22/10*
Signature Date

Daytime Telephone: *012-632-0488*

Comments:

*I oppose the proposed
resubdivision of the property.*

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

City of Austin – Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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- 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.

For additional information on the City of Austin's land development process, visit our web site: <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 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: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

Danell & Teri Wistrom

Your Name (please print)

4603 Rue St, Austin TX

Your address(es) affected by this application

Handwritten: 4603 Rue St, Austin TX 8/26/2015

Signature

Date

Daytime Telephone: 763-670-9587

Comments: lots are too small, a lot would be OK
Back portion of this lot was ceded into
3rd creek. Sub divided lots should reflect
The neighborhood, 3 lots of this size
do not

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

City of Austin - Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance 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 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.

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 person 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.

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Case Number: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

Your Name (please print)

CAROLINE REYNOLDS

Your address(es) affected by this application

Christine Reynolds

Signature

30 August 2015

Date

Daytime Telephone: 512, 454, 8880

Comments: It is sheer folly to allow the subdivision of "mader land." This entire house is built on fill material behind a 65-year old retaining wall on an under-eroded footing. Even the demolition work will endanger workers lives and damage the roots of several historic oak trees.

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

City of Austin - Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance 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 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.

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- 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 person 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.

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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: C8-2015-0030.0A

Contact: Cesar Zavala, 512-974-3404 or Elsa Garza, 512-974-2308

Public Hearing: September 1, 2015,

Zoning and Platting Commission

SUSAN JARRETT
Your Name (please print)

☐ I am in favor
☒ I object

4101 CHIAPPECO TRAIL
Your address(es) affected by this application

Alicia Zavala
Signature

8/27/15
Date

Daytime Telephone: 512-451-4770

Comments:

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

City of Austin – Development Service Department / 4th Fl

Cesar Zavala

P. O. Box 1088

Austin, TX 78767-8810

Zavala, Cesar

From: Kelly Reilley <[REDACTED]>
Sent: Tuesday, September 01, 2015 12:39 PM
To: Zavala, Cesar
Subject: I object to Case Number C8-2015-0030.0A

C6

Name: Kelly Reilley
Address: 2621 West 49th St
Daytime Telephone: 512-452-3344
(Received 500 ft notification)

I object to the resub of this lot. Re subdividing this lot does not fit into the look and feel of the neighborhood, would necessitate the take down of heritage trees in order to build on new lots and would increase impervious cover. My entire yard flooded in the May storms and I had a foot of water in my crawl space. Several houses in the neighborhood completely flooded.
Please deny this request.

Thank you,
Kelly K. Reilley [REDACTED]

DRAFT - BRENT Lloyd

9/1/15

D1

**BYLAWS OF THE
Zoning and Platting Commission**

ARTICLE 1. NAME.

The name of the board is the Zoning and Platting Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Zoning and Platting Commission is to function as the Land Use Commission, as prescribed by City Code § 25-1-46 (*Land Use Commission*), which includes sovereign authority to approve subdivision plats and environmental variances as well as making recommendations to the city council on requests to amend the zoning map. The Zoning and Platting Commission may perform other duties relating to land use and development prescribed by the Land Development Code or as may be assigned by the city council.

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 (*Vacancy and Hold Over Capacity*) of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

- 1 (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open
2 Meetings Act).
3
4

5 **ARTICLE 7. MEETINGS.**
6

- 7 (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open
8 Meetings Act).
9
10 (B) Board meetings shall be governed by Robert's Rules of Order.
11
12 (C) The board may not conduct a closed meeting without the approval of the city attorney.
13
14 (D) The board shall meet twice per month. In November of each year, the board shall adopt a schedule
15 of the meetings for the upcoming year, including makeup meeting dates for holidays and cancelled
16 meetings.
17
18 (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three
19 or more members. The call shall state the purpose of the meeting. A board may not call a meeting
20 in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more
21 often than once a quarter, unless the meeting is required to comply with a statutory deadline or a
22 deadline established by Council.
23
24 (F) Six members constitute a quorum.
25
26 (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting,
27 then the meeting may not be held.
28
29 (H) To be effective, a board action must be adopted by an affirmative vote of the number of members
30 necessary to provide a quorum.
31
32 (I) The chair has the same voting privilege as any other member.
33
34 (J) The board shall allow citizens to address the board on agenda items and during a period of time set
35 aside for citizen communications. The chair may limit a speaker to three minutes.
36
37 (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include
38 the vote of each member on each item before the board and indicate whether a member is absent or
39 failed to vote on an item.
40
41 (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The
42 Planning and Zoning Department shall retain all other board documents. The documents are public
43 records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
44
45 (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the
46 meeting.
47

1
2 (D) Staff support will not be provided for working groups.
3

4 (E) Working groups are not required to post their meetings in accordance with the Texas Government
5 Code Chapter 551 (Texas Open Meetings Act).
6
7

8 **ARTICLE 9. PARLIAMENTARY AUTHORITY.**
9

10 The rules contained in the current edition of Robert's Rules of Order shall govern the board in all
11 cases to which they are applicable, except when inconsistent with these bylaws or with special rules of
12 procedure which the board or city council may adopt.
13

14 **ARTICLE 10. AMENDMENT OF BYLAWS.**
15

16 A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.
17
18

19 The bylaws were approved by the Zoning and Platting Commission at their meeting held on
20 _____ (insert – month date, year).
21

22
23
24
25 _____
(Signature of Executive or Staff Liaison)

(Insert – Title -- Executive or Staff Liaison)

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**BYLAWS OF THE
Zoning and Platting Commission**

ARTICLE 1. NAME.

The name of the board is the Zoning and Platting Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Zoning and Platting Commission is to perform duties relating to land use and development prescribed by Title 25 of the City Code, and other duties as may be assigned by the City Council. **The duties of the Zoning and Platting Commission shall be those prescribed by State statute, City Charter, and City ordinance. The Zoning and Platting Commission shall: Pursuant to ordinances adopted by the Council, exercise control over platting and subdividing land within the corporate limits of the City and extraterritorial jurisdiction of the City to ensure the consistency of and such plats or subdivision with the adopted comprehensive plan or element or portion thereof; recommend to the Council approval or disapproval of proposed zoning changes; recommend to the Council approval or disapproval of proposed zoning changes; and require information from the City Manager and City Legal in relation to its work.**

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on

Handwritten: ZPD / Commission's DRAFT

1 which the member has a conflict of interest. Failure to sign the sheet results in the member being
2 counted as absent and his/her votes are not counted.
3

- 4 (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the
5 board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a
6 thirty day notice so the city council can appoint a replacement.
7

8 **ARTICLE 4. OFFICERS.** 9

- 10 (A) The officers of the board shall consist of a chair and a vice-chair, **secretary, and parliamentarian.**
11
12 (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after
13 April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold
14 an emergency election as needed.
15
16 (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may
17 continue to serve until a successor is elected. A person may not serve as an officer in a designated
18 position of a board for more than four consecutive one-year terms. A person who has served as an
19 officer in a designated position of a board for four consecutive terms is not eligible for re-election
20 to that designated office until the expiration of two years after the last date of the person's service in
21 that office. The board may override the term limit provision for an officer by an affirmative vote of
22 two-thirds of the authorized board members.
23

24 **ARTICLE 5. DUTIES OF OFFICERS.** 25

- 26 (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial
27 functions and approve each final meeting agenda.
28
29 (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
30
31 (C) **The secretary shall monitor the timely completion of minutes of the board's meetings. As provided
32 by statute, the secretary shall sign all subdivision plats. In the absence of the chair and vice chair,
33 the secretary shall perform duties of the chair.**
34
35 (D) **In the absence of both the chair and the vice-chair, the member secretary serving as presiding
36 officer shall sign any certificate endorsing a subdivision plat. In the absence of the chair, vice-chair,
37 and secretary, any member may be deemed the presiding officer by a quorum of the board present
38 at the meeting, with such designation recorded in the minutes.**
39
40 (E) **The Parliamentarian shall advise on all matters of procedure and shall assure that business
41 conducted before the board conforms to these Rules and Regulations and Roberts Rules of Order
42 Newly Revised.**
43
44
45

46 **ARTICLE 6. AGENDAS.** 47

- 1 (A) Two or more board members may place an item on the agenda by oral or written request to the staff
2 liaison at least five days before the meeting. After first consulting with and receiving input from
3 the staff liaison, the chair shall approve each final meeting agenda.
4
5 (B) The board liaison shall submit the meeting agenda through the online agenda posting system for
6 each meeting not less than 72 hours before the meeting.
7
8 (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open
9 Meetings Act).
10

11
12 **ARTICLE 7. MEETINGS.**
13

- 14 (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open
15 Meetings Act).
16
17 (B) Board meetings shall be governed by Robert's Rules of Order.
18
19 (C) The board may not conduct a closed meeting without the approval of the city attorney.
20
21 (D) The board shall meet (Agenda item required to select one of the following: monthly, quarterly, or
22 when the board is legally required to meet in order to comply with a legal deadline.) In November
23 of each year, the board shall adopt a schedule of the meetings for the upcoming year, including
24 makeup meeting dates for the holidays and cancelled meetings.
25
26 (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three
27 or more members. The call shall state the purpose of the meeting. A board may not call a meeting
28 in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more
29 often than once a quarter, unless the meeting is required to comply with a statutory deadline or a
30 deadline established by Council.
31
32 (F) Six members constitute a quorum.
33
34 (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting,
35 then the meeting may not be held.
36
37 (H) To be effective, a board action must be adopted by an affirmative vote of the number of members
38 necessary to provide a quorum.
39
40 (I) The chair has the same voting privilege as any other member.
41
42 (J) The board shall allow citizens to address the board on agenda items and during a period of time set
43 aside for citizen communications. The chair may limit a speaker to three minutes.
44
45 (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include
46 the vote of each member on each item before the board and indicate whether a member is absent or
47 failed to vote on an item.
48

- 1 (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The
2 **Planning and Zoning Department** shall retain all other board documents. The documents are public
3 records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
4
5 (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the
6 meeting.
7
8 (N) Each person and board member attending a board meeting should observe decorum pursuant to
9 Section 2-1-48 of the City Code.
10
11 (O) A member of the public may not address a board at a meeting on an item posted as a briefing.
12

13 **ARTICLE 8. COMMITTEES/WORKING GROUPS.**

14 **COMMITTEES**

- 15
16 (A) The **Zoning and Platting Commission** shall have the following committees:
17
18 a. **Executive Committee** – This Committee shall be composed of the officers of the
19 Commission. The staff liaison shall be an ex-officio member without privilege of vote.
20 The Executive Committee shall be responsible for coordination of the board's activities
21 and may make recommendations to the board on the annual budget as it relates to the
22 board's work program. The Committee shall annually recommend goals to the board and
23 shall recommend a work plan to accomplish those goals. The Committee shall, from time
24 to time, liaison with the Planning Commission regarding the Zoning and Planning
25 Commission goals and any other issues.
26
27 b. **Codes and Ordinances Committee** – This Committee shall review and make
28 recommendations to the Commission regarding amendment or adoption of policies, rules,
29 and ordinances related to land use and land development.
30
31 c. **Small Area Planning Joint Committee** – This Joint Committee of the Planning
32 Commission and Zoning and Platting Commission shall advise the Council on issues
33 surrounding planning and zoning in areas such as downtown, corridors, and centers,
34 neighborhoods, the waterfront, planned unit developments, and transit-oriented
35 developments. This Committee will have seven (7) members, with four (4) members
36 appointed from the Planning Commission and three (3) members appointed from the
37 Zoning and Platting Commission.
38 ~~d. **Economic and Capital Budget Joint Committee** – This Committee shall advise the~~
39 ~~Council on the implementation of projects approved by the voters in bond elections; and~~
40 ~~shall monitor the City Manager's plans relating to the issuance of bonds and the~~
41 ~~implementation of projects approved by the voters, including the annual appropriation of~~
42 ~~bond funds and changes in the amount of bonds issued or cash commitments made. This~~
43 ~~Committee will have eleven (11) members, with four (4) members appointed from~~
44 ~~Planning Commission, three (3) members appointed from the Zoning and Platting~~
45 ~~Commission, and four (4) members appointed by CAF; at least one (1) member must be a~~
46 ~~professional engineer. The Committee shall meet at least once every six (6) months.~~
47 e. **Comprehensive Plan Committee** – This Committee shall address Policy Directives and
48 Initiatives of the Planning Commission, the Zoning and Platting Commission and
Council, affordable housing issues, and new planning initiatives.

- 1
2 (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet
3 until its creation is approved by the Council Audit and Finance Committee. Each committee shall
4 consist of at least three board members appointed by the chair. A staff member shall be assigned to
5 each committee by the director of the **Planning and Zoning Department**.
6
7 (C) The board chair shall appoint a board member as the committee chair, with the member's consent.
8
9 (D) A majority of the total number of appointed committee members constitutes a quorum.
10
11 (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
12
13 (F) Each committee shall make an annual report to the board at the January board meeting.
14
15 (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551
16 (Texas Open Meetings Act).
17
18 (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall
19 indicate that the member has no conflict of interest with any item on the committee meeting agenda,
20 or identify each agenda item on which the member has a conflict of interest.
21
22

23 **WORKING GROUPS**

- 24
25 (A) The board can determine the size of a working group but the number of board members serving on
26 the working group must be less than a quorum of the board.
27
28 (B) A working group may designate a chair, with the member's consent, but is not required to do so.
29
30 (C) Quorum requirements do not apply to working groups.
31
32 (D) Staff support will not be provided for working groups.
33
34 (E) Working groups are not required to post their meetings in accordance with the Texas Government
35 Code Chapter 551 (Texas Open Meetings Act).
36
37

38 **ARTICLE 9. PARLIAMENTARY AUTHORITY.**

39
40 The rules contained in the current edition of Robert's Rules of Order shall govern the board in all
41 cases to which they are applicable, except when inconsistent with these bylaws or with special rules of
42 procedure which the board or city council may adopt.
43

44 **ARTICLE 10. AMENDMENT OF BYLAWS.**

45
46 A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.
47
48

1 The bylaws were approved by the **Zoning and Platting Commission** at their meeting held on
2 _____ (insert – month date, year, following approval of this draft by Council
3 *Audit & Finance*).
4
5
6
7
8

(Signature of Executive or Staff Liaison)

(Insert – Title -- Executive or Staff Liaison)

ZAP Commission's DRAFT

BYLAWS OF THE Zoning and Platting Commission

ARTICLE 1. NAME.

The name of the board is the Zoning and Platting Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the Zoning and Platting Commission is to perform duties relating to land use and development prescribed by Title 25 of the City Code, and other duties as may be assigned by the City Council. The duties of the Zoning and Platting Commission shall be those prescribed by State statute, City Charter, and City ordinance. The Zoning and Platting Commission shall: Pursuant to ordinances adopted by the Council, exercise control over platting and subdividing land within the corporate limits of the City and extraterritorial jurisdiction of the City to ensure the consistency of and such plats or subdivision with the adopted comprehensive plan or element or portion thereof; recommend to the Council approval or disapproval of proposed zoning changes; recommend to the Council approval or disapproval of proposed zoning changes; and require information from the City Manager and City Legal in relation to its work.

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st and running concurrently with the Council Member who appointed them.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on

1 which the member has a conflict of interest. Failure to sign the sheet results in the member being
2 counted as absent and his/her votes are not counted.
3

- 4 (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the
5 board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a
6 thirty day notice so the city council can appoint a replacement.
7

8 **ARTICLE 4. OFFICERS.**

- 9
10 (A) The officers of the board shall consist of a chair and a vice-chair, **secretary, and parliamentarian.**
11
12 (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after
13 April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold
14 an emergency election as needed.
15
16 (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may
17 continue to serve until a successor is elected. A person may not serve as an officer in a designated
18 position of a board for more than four consecutive one-year terms. A person who has served as an
19 officer in a designated position of a board for four consecutive terms is not eligible for re-election
20 to that designated office until the expiration of two years after the last date of the person's service in
21 that office. The board may override the term limit provision for an officer by an affirmative vote of
22 two-thirds of the authorized board members.
23
24

25 **ARTICLE 5. DUTIES OF OFFICERS.**

- 26
27 (A) The chair shall preside at board meetings, **appoint all committees**, represent the board at ceremonial
28 functions and approve each final meeting agenda.
29
30 (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
31
32 (C) **The secretary shall monitor the timely completion of minutes of the board's meetings. As provided**
33 **by statute, the secretary shall sign all subdivision plats. In the absence of the chair and vice chair,**
34 **the secretary shall perform duties of the chair.**
35
36 (D) **In the absence of both the chair and the vice-chair, the member secretary serving as presiding**
37 **officer shall sign any certificate endorsing a subdivision plat. In the absence of the chair, vice-chair,**
38 **and secretary, any member may be deemed the presiding officer by a quorum of the board present**
39 **at the meeting, with such designation recorded in the minutes.**
40
41 (E) **The Parliamentarian shall advise on all matters of procedure and shall assure that business**
42 **conducted before the board conforms to these Rules and Regulations and Roberts Rules of Order**
43 **Newly Revised.**
44
45
46
47

ARTICLE 6. AGENDAS.

- 1 (A) Two or more board members may place an item on the agenda by oral or written request to the staff
2 liaison at least five days before the meeting. After first consulting with and receiving input from
3 the staff liaison, the chair shall approve each final meeting agenda.
4
5 (B) The board liaison shall submit the meeting agenda through the online agenda posting system for
6 each meeting not less than 72 hours before the meeting.
7
8 (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open
9 Meetings Act).
10

11
12 **ARTICLE 7. MEETINGS.**
13

- 14 (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open
15 Meetings Act).
16
17 (B) Board meetings shall be governed by Robert's Rules of Order.
18
19 (C) The board may not conduct a closed meeting without the approval of the city attorney.
20
21 (D) The board shall meet (Agenda item required to select one of the following: monthly, quarterly, or
22 when the board is legally required to meet in order to comply with a legal deadline.) In November
23 of each year, the board shall adopt a schedule of the meetings for the upcoming year, including
24 makeup meeting dates for the holidays and cancelled meetings.
25
26 (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three
27 or more members. The call shall state the purpose of the meeting. A board may not call a meeting
28 in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more
29 often than once a quarter, unless the meeting is required to comply with a statutory deadline or a
30 deadline established by Council.
31
32 (F) Six members constitute a quorum.
33
34 (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting,
35 then the meeting may not be held.
36
37 (H) To be effective, a board action must be adopted by an affirmative vote of the number of members
38 necessary to provide a quorum.
39
40 (I) The chair has the same voting privilege as any other member.
41
42 (J) The board shall allow citizens to address the board on agenda items and during a period of time set
43 aside for citizen communications. The chair may limit a speaker to three minutes.
44
45 (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include
46 the vote of each member on each item before the board and indicate whether a member is absent or
47 failed to vote on an item.
48

- 1 (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The
2 **Planning and Zoning Department** shall retain all other board documents. The documents are public
3 records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
4
- 5 (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the
6 meeting.
7
- 8 (N) Each person and board member attending a board meeting should observe decorum pursuant to
9 Section 2-1-48 of the City Code.
10
- 11 (O) A member of the public may not address a board at a meeting on an item posted as a briefing.
12
13

14 **ARTICLE 8. COMMITTEES/WORKING GROUPS.**

15 **COMMITTEES**

- 16 (A) The **Zoning and Platting Commission** shall have the following committees:
17
- 18 a. **Executive Committee** – This Committee shall be composed of the officers of the
19 Commission. The staff liaison shall be an ex-officio member without privilege of vote.
20 The Executive Committee shall be responsible for coordination of the board's activities
21 and may make recommendations to the board on the annual budget as it relates to the
22 board's work program. The Committee shall annually recommend goals to the board and
23 shall recommend a work plan to accomplish those goals. The Committee shall, from time
24 to time, liaison with the Planning Commission regarding the Zoning and Planning
25 Commission goals and any other issues.
26
 - 27 b. **Codes and Ordinances Committee** – This Committee shall review and make
28 recommendations to the Commission regarding amendment or adoption of policies, rules,
29 and ordinances related to land use and land development.
30
 - 31 c. **Small Area Planning Joint Committee** – This Joint Committee of the Planning
32 Commission and Zoning and Platting Commission shall advise the Council on issues
33 surrounding planning and zoning in areas such as downtown, corridors, and centers,
34 neighborhoods, the waterfront, planned unit developments, and transit-oriented
35 developments. This Committee will have seven (7) members, with four (4) members
36 appointed from the Planning Commission and three (3) members appointed from the
37 Zoning and Platting Commission.
38
 - 39 d. **Economic and Capital Budget Joint Committee** – This Committee shall advise the
40 Council on the implementation of projects approved by the voters in bond elections; and
41 shall monitor the City Manager's plans relating to the issuance of bonds and the
42 implementation of projects approved by the voters, including the annual appropriation of
43 bond funds and changes in the amount of bonds issued or cash commitments made. This
44 Committee will have eleven (11) members, with four (4) members appointed from
45 Planning Commission, three (3) members appointed from the Zoning and Platting
46 Commission, and four (4) members appointed by CAF; at least one (1) member must be a
47 professional engineer. The Committee shall meet at least once every six (6) months.
48
 - e. **Comprehensive Plan Committee** – This Committee shall address Policy Directives and
Initiatives of the Planning Commission, the Zoning and Platting Commission and
Council, affordable housing issues, and new planning initiatives.

- 1
2 (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet
3 until its creation is approved by the Council Audit and Finance Committee. Each committee shall
4 consist of at least three board members appointed by the chair. A staff member shall be assigned to
5 each committee by the director of the Planning and Zoning Department.
6
7 (C) The board chair shall appoint a board member as the committee chair, with the member's consent.
8
9 (D) A majority of the total number of appointed committee members constitutes a quorum.
10
11 (E) Each committee shall meet on a regularly scheduled basis at least quarterly, except where noted.
12
13 (F) Each committee shall make an annual report to the board at the February board meeting.
14
15 (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551
16 (Texas Open Meetings Act).
17
18 (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall
19 indicate that the member has no conflict of interest with any item on the committee meeting agenda,
20 or identify each agenda item on which the member has a conflict of interest.
21
22

23 WORKING GROUPS

- 24
25 (A) The board can determine the size of a working group but the number of board members serving on
26 the working group must be less than a quorum of the board.
27
28 (B) A working group may designate a chair, with the member's consent, but is not required to do so.
29
30 (C) Quorum requirements do not apply to working groups.
31
32 (D) Staff support will not be provided for working groups.
33
34 (E) Working groups are not required to post their meetings in accordance with the Texas Government
35 Code Chapter 551 (Texas Open Meetings Act).
36
37

38 **ARTICLE 9. PARLIAMENTARY AUTHORITY.**

39
40 The rules contained in the current edition of Robert's Rules of Order shall govern the board in all
41 cases to which they are applicable, except when inconsistent with these bylaws or with special rules of
42 procedure which the board or city council may adopt.
43

44 **ARTICLE 10. AMENDMENT OF BYLAWS.**

45
46 A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.
47
48

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The bylaws were approved by the **Zoning and Platting Commission** at their meeting held on _____
(insert – month date, year, following approval of this draft by Council Audit & Finance).

(Signature of Executive or Staff Liaison)

(Insert – Title -- Executive or Staff Liaison)

ZONING AND PLATTING COMMISSION
OF THE CITY OF AUSTIN

ZAP'S
DRAFT

RULES AND REGULATIONS

[Date upon adoption]

1.000 DUTIES AND RESPONSIBILITIES

1.100 The duties of the Zoning and Platting Commission shall be those prescribed by State statute, City Charter, and City ordinance. The Zoning and Platting Commission shall:

1.110 Pursuant to ordinances adopted by the Council, exercise control over platting and subdividing land within the corporate limits of the City and extraterritorial jurisdiction of the City to insure the consistency of and such plats or subdivision with the adopted comprehensive plan or element or portion thereof;

1.120 Recommend to the Council approval or disapproval of proposed zoning changes;

1.130 Require information from the City Manager and City Legal in relation to its work;

2.000 MEMBERSHIP

2.100 The Commission, as approved by charter, shall be composed of ~~eleven (11) nine~~ members, appointed by the City Council for their ability, unselfish interest, and availability for the work. The Commission members shall serve the City as a whole, shall represent no special group, or interest, and shall publicly state when they are interested in a matter before the Commission, and, therefore, disqualify themselves. When a Commission member must disqualify himself, he shall indicate his interest prior to the hearing, and shall not participate in the discussion, or vote on such issues.

2.200 On their appointment to the Commission, new members shall be briefed by the Director of the **Planning and Zoning Department** on the general scope of City planning and duties of the Commission.

3.000 OFFICERS

- 3.100 The officers of the Commission shall consist of a Chair, Vice-Chair, Secretary, and Parliamentarian.
- 3.200 Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st.
- 3.300 The term of office shall be one (1) year, beginning May 1st and ending April 30.
- 3.400 Vacancies shall be filled by a majority vote of the Commission at any regular or special meeting called for that purpose.
- 3.500 The Director, or designee of the Planning and Zoning Department shall serve the Commission as Executive Secretary.

4.000 DUTIES OF OFFICERS

- 4.100 The Chair shall preside at all meetings and shall appoint all standing committees each year following the election of officers. The Chair shall appoint the Chair and members of such special committees as from time to time may be authorized by the Commission. As provided by statute, the Chair shall sign all subdivision plats.
- 4.200 In the absence of the Chair, the Vice-Chair shall perform all duties of the Chair.
- 4.300 The Secretary shall monitor the timely completion of minutes of the Commission's meetings. As provided by statute, the Secretary shall sign all subdivision plats. In the absence of the Chair and Vice-Chair, the Secretary shall perform duties of the Chair.
- 4.400 In the absence of the Chair, the Vice-Chair, and the Secretary, any member may be deemed the presiding officer by a quorum of the board present at the meeting, with such designation recorded in the minutes.
- 4.500 The Parliamentarian shall advise on all matters of procedures and shall assure that business conducted before the Commission conforms to these Rules and Regulations and Roberts Rules of Order, Newly Revised.

- 4.600 The Executive Secretary shall keep the official records of the meeting of the Commission, cause to be made such notices as are required in the manner prescribed by statute, ordinance or these Rules, maintain records of attendance, and attend to all official correspondence of the Commission. The Executive Secretary shall provide reports on any matters vital to the efficient and expeditious operation of the **Zoning and Platting Commission**.

5.000 MEETING

- 5.100 Regular meetings of the Commission shall be held on the first and third Tuesday of each month at 6:00 p.m. unless otherwise decided by the Commission.
- 5.200 If it should become necessary because of workload that any regular meeting be continued to the following day, such a meeting will reconvene on the day following and this second meeting shall be considered as part of the same session.
- 5.300 Special meetings may be called by the Chair and shall be called if requested by three or more members.
- 5.400 Notices of meetings shall be in writing and shall be sent to all members at least two days in advance of the meetings.
- 5.500 The Commission shall consider matters before it at its regular meetings and shall hear matters in the order of business may be modified at any meeting by unanimous consent of members present.

6.000 VOTING AND QUORUM

- 6.100 A quorum of the Commission shall consist of **six (6)** members.
- 6.200 No Actions of the Commission shall be of any force or fact unless it is adopted by affirmative vote of its members equal to at least the numbers of members necessary to provide a quorum of its membership.
- 6.300 The Chair shall have the same voting privilege as any other member.

7.000 COMMITTEES

7.100 STANDING COMMITTEES

- 7.110 The Chair shall appoint a minimum of three (3) Commissioners to each Standing Committee not later than thirty (30) days after appointment, to serve a term to continue through June 1 [Does this date still stand for committees?] or until their successors are appointed. Such appointments shall be made with due consideration of interest and a fair distribution of the work to be performed.
- 7.120 Each Standing Committee shall elect its own Chair from among its members. [Here is the language we are looking for to insert into the Bylaws, Article 8.B.]
- 7.130 The Chair of the Commission shall appoint a replacement for any member of a Committee who has missed more than three (3) consecutive meetings of the committee for which adequate notice have been given. [Review this language should the entire Commission be allowed to appoint the members of committees and their replacements.]
- 7.140 A Standing Committee shall meet at the call of its Chair, but not less than once in each quarter of the calendar year, unless otherwise noted in the Zoning and Platting Commission Bylaws, Article 8(A)a, and Rules and Regulations, Section 7.161.
- 7.150 Any Standing Committee may hold public hearings in the manner prescribed by applicable ordinances and statutes.
- 7.160 The standing Committees of the Planning Commission shall be:
- 7.161 EXECUTIVE COMMITTEE – This Committee shall be composed of the officers of the Commission. The Executive Secretary shall be an ex-officio member without privilege of vote. A quorum shall be three (3) Commissioners. The Executive Committee shall be responsible for coordination of the Commission's activities and may make recommendations to the Commissions on the annual budget as it relates to the Commission's work program. The Committee shall annually recommend goals to the Commission and shall recommend a work plan to accomplish those

goals. The Committee shall, from time to time, liaison with the Planning Commission regarding Zoning and Platting Commission goals and any other issues.

- 7.162 Codes and Ordinances Committee – This Committee shall review and make recommendations to the Commission regarding amendment or adoption of policies, rules, and ordinances related to land use and land development.
- 7.163 Small Area Planning Joint Committee – This Joint Committee of the Planning Commission and Zoning and Platting Commission shall advise the Council on issues surrounding planning and zoning in areas such as downtown, corridors, and centers, neighborhoods, the waterfront, planned unit developments, and transit-oriented developments. This Committee will have seven (7) members, with four (4) members appointed from the Planning Commission and three (3) members appointed from the Zoning and Platting Commission.
- 7.164 Economic and Capital Budget Joint Committee – This Committee shall advise the Council on the implementation of projects approved by the voters in bond elections; and shall monitor the City Manager's plans relating to the issuance of bonds and the implementation of projects approved by the voters, including the annual appropriation of bond funds and changes in the amount of bonds issued or cash commitments made. This Committee will have eleven (11) members, with four (4) members appointed from Planning Commission, three (3) members appointed from the Zoning and Platting Commission, and four (4) members appointed by CAF; at least one (1) member must be a professional engineer. The Committee shall meet at least once every six (6) months.
- 7.165 Comprehensive Plan Committee – This Committee shall address Policy Directives and Initiatives of the Planning Commission, the Zoning and Platting Commission and Council, affordable housing issues, and new planning initiatives. [Copied from the Planning Commission Bylaws with ZAP added to the list. This is a vague and grammatically awkward description of this Committee's directive, however, and can be improved.]

- 7.200 AD HOC COMMITTEES/WORKING GROUPS – The Chair of the Commission may appoint Ad Hoc Committees or Working Groups to assist the Commission on matters not otherwise

assigned by these Rules to a Standing Committee. Any Ad Hoc Committee may hold public hearings in the manner prescribed by applicable ordinances and statutes.

8.000 ANNOUNCEMENT OF OFFICIAL ACTS

8.100 The Executive Secretary shall prepare for the Commission all letters of transmittal to the City Council and shall sign those relative to zoning plan changes, special permits, and subdivision plans. Other letters to the Council shall be signed by the Chair of the Commission.

8.200 Copies of the Commission minutes and of all recommendations required shall be sent directly to the City Manager and the City Clerk by the Executive Secretary.

9.000 OFFICIAL RECORDS

9.100 The official records of the Commission shall be its adopted minutes and electronic recordings of its meetings.

9.200 The official records of the Commission shall be deposited in the Planning Department of the City of Austin and shall constitute a public record open to public inspection.

9.300 A copy of these Rules and Regulations, and all amendments thereto, shall be placed on permanent file in the office of the City Clerk within seven (7) days of adoption.

10.000 POLICIES AND SUPPLEMENTAL PROCEDURES

10.100 Matters of policy affecting the Commission shall be decided at regular meetings or at special meets called for that purpose. Supplemental policies, rules and regulations may be adopted by a majority vote of the Commission.

10.200 Conduct of Public Hearings

10.210 The Commission shall use the following order of procedure for public hearings:

10.211 Chair announces requests;

10.212 Staff presents a summary of the case;

10.213 Chair calls on those favoring the request;

10.213aApplicant's presentation (five [5] minutes each);

10.213bOthers favoring the request (three [3] minutes each);

- 10.214 Chair calls on those opposing the request;
- 10.214a Primary presentation (five [5] minutes);
- 10.214b Others opposing the request (three [3] minutes each);
- 10.215 Applicant is given an opportunity to answer objections stated (three [3] minutes each);
- 10.216 Staff summation and questions from the Commission;
- 10.217 Public hearing is closed and no further testimony is taken from the public

10.220 Speaking times in any of the above instances may be extended by the Chair with the unanimous consent of the Commission.

10.230 Items on the agenda may be acted upon by one motion, provided however that the Commission may not consider items earlier than the time stated on the agenda. "Other Business" items can be taken at any time. After the posted time, the Chair may announce the item and, if there is no opposition from the Commission or the public, the item may be taken "by consent" for approval without discussion.

10.300 Postponement of Public Hearings

10.310 Anyone may request a postponement of a public hearing **in writing** to the Executive secretary by 10:00 a.m. the Monday before the Zoning and Platting Commission meeting. Any such request may be granted.

10.400 Revision or amendment of previous action by the Commission – The Commission may rescind or amend a previous action at the request of two or more Commissioners. Such a request must be based on new evidence judged to be material to a correct decision of the Commission and must be made within fourteen (14) days at the date of the session in which the action to be rescinded or amended was taken. The decision to rescind or amend may be effected by an affirmative vote of a two-thirds majority of the Commission. [We discussed the potential need to call a special meeting to meet this deadline considering the calendar dates of our meetings. Do we need to add language to that effect, or can we simply rely on the authority to call special meetings in Section 5.300?]

11.000 PARLIAMENTARY AUTHORITY

Robert's Rules of Order, latest revision, shall be the Commission's final authority on all questions of parliamentary law not covered by these Rules and Regulations.

12.000 AMENDMENTS

Amendments to these Rules and Regulations may be made by the Commission at any regular or special meeting called for that purpose upon the affirmative vote of a two-thirds majority of the total number of members currently appointed. Any such amendment must have been proposed at a preceding meeting and all members formally notified thereof.

Gg/9-18-01