

Dear Planning Commission Members:

Please support Agenda Item C-13, the land use code amendment that will treat all PUD applications the same regardless of previous zoning.

The state law on municipal zoning is very simple. It reads: “The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality’s zoning commission that a proposed change to a regulation or boundary be denied.” [Local Government Code, Municipal Zoning Authority, Sec. 211.006(f)]

The City of Austin—like every other major city in Texas I know of—has chosen to implement this provision. The only oddity in the Austin version is that it exempted lands being zoned for the first time. This makes no sense, and is not good policy. The amendment would correct this.

Allow me to explain why this has come up at this time. For the first time anyone can remember, the State of Texas sold a 75-acre tract of land in the middle of Austin—fronting on Bull Creek Road between 45th and 39th streets, and backed up to Shoal Creek. The tract had never been zoned, although it was annexed more than 80 years ago, has been overseen by various state agencies with various buildings, and has received all city utilities and services like any other property within the city limits. It is totally surrounded by residential developments of several decades.

So now we have this otherwise very ordinary development process going on, except that this development will NOT have to meet the same standards as other PUD developments. It will not matter what the city staff, the Zoning and Platting Commission (ZAP) or the neighbors have to say. The developer only needs six votes on the City Council to get what he wants.

There are some very good reasons that the Texas Municipal League and cities all over Texas strongly support this state law: (1) City councils do not have time to work out the details of complicated zoning cases and wanted the thorny issues settled before they reach the council; (2) they wanted developers to have an incentive to work with city professional staff, neighbors and appointed commissioners; and (3) as elected officials, they wanted to distance themselves from any appearance that they might be swayed by powerful, moneyed developers.

But look at it also from the standpoint of the PC or ZAP: it doesn’t matter what the previous zoning was. What matters in your deliberations is whether the proposed PUD is appropriate and meets the superiority standards expected of a PUD.

The threat of that up-hill challenge encourages developers to work with city professional staff and neighbors to come to compromises before the issue comes to the City Council, and this incentive has worked well at encouraging compromise in Austin. PUD proposals on previously unzoned land should be treated exactly the same way, and should have these same incentives for compromise.

It is in the City Council's best interest to have disagreements settled before a PUD application reaches the Council, and it is only good policy to treat all PUD developments equally.

Thank you for your consideration.

Sincerely,

Sara Speights

President

Bull Creek Road Coalition (representing the following neighborhood associations: Ridgelea, Allandale, Rosedale, Bryker Wood, Oakmont Heights, Northwest Hills West Westminster Manor)