

Andrew,

Please share the following comments with my fellow commissioners for this evening.

Commissioners,

I will not be able to attend the Planning Commission Meeting on January 12, 2016 as I will be out of town. I have reviewed the materials associated with Item C-13 in the backup packet and want my fellow commissioners to know that if I were in attendance, I would be voting against this modification to the Land development Code. While the reasons are many, the following represents a high level discussion of my opposition to this code modification:

- 1) This item, if passed, will create an opportunity of a few council members to dictate what should be approved on Imagine Austin complying projects rather than the simple majority of Council as has long been the practice.
- 2) There is great distinction between zoned and unzoned lands. Unzoned lands going through a PUD process do not have any existing zoning to fall back on should 3 members of the council vote against the PUD. This is a vote that should be performed solely by the simple majority of the Council as has long been the practice.
- 3) It appears, that looking at the state statute, that this item is illegal because of the distinction in state statute regarding "proposed change to zoning regulations and boundaries". A proposed change to a zoning regulation or boundary is clearly rezoning and is SPECIFIC to exclude initial zonings on unzoned lands.
- 4) An existing unzoned property does not have the ability to fall back on any existing zoning in the event that a PUD is denied by 3 members of council.
- 5) This will squarely have an impact on every state-sold land and subsequent development moving forward. This will have an impact on the value of the state land and the state will initiate a State Review Board to set the development regulations on a property PRIOR to any sale. This will 100% bypass the City of Austin processes and the projects will likely not have any affordable housing, superior development, etc.. Austin cannot afford to lose out on these discussions to implement Imagine Austin.

For these reasons, I would vote against the proposed changes if I were able to attend on January 12, 2016.

Thank you for your efforts and deliberation.

Respectfully,

Stephen Oliver

Planning Commission Chair.