

From: Sara Speights

Sent: Sunday, June 05, 2016 5:48 PM

To: Weber, Thomas - BC; Denkler, Ann - BC; Kiolbassa, Jolene - BC; Rojas, Gabriel - BC; Aguirre, Ana - BC; Breithaupt, Dustin - BC; Evans, Bruce - BC; Flores, Yvette - BC; Greenberg, Betsy - BC; Harris, Susan - BC; Lavani, Sunil - BC; Rivera, Andrew; Guernsey, Greg; Rusthoven, Jerry; Lloyd, Brent; Leslie Pool; Louisa Brinsmade; Smith, Taylor; Sirwaitis, Sherri

Subject: Agenda item 5C, The Grove at Shoal Creek

To: Chairman Weber and Members, Zoning and Platting Commission

From: Sara Speights, President of the Bull Creek Road Coalition (BCRC)

The neighbors and others in Austin who have major concerns about the proposed Grove at Shoal Creek PUD proposal understood that ZAP will not hear this matter until June 21st or later. We have been told so by city staff (in an email last Thursday) and via Council Member Sheri Gallo's email newsletter published broadly on Friday. This makes sense, given that the Environmental Commission charged the developer and city staff to address 10 major items and return to that commission on June 15 for a decision on its findings.

However, today I am hearing that the developer may push for a ZAP hearing on this matter this Tuesday, June 7.

Not only would this be in violation of the law as explained below, it would also be a travesty against all the interested citizens in Austin who have a valid interest in this case, but who have been led by official sources to believe that no hearing would be held on June 7. Nor would it be in the best interest of your commission to hear it now, since there are still several vital pieces of information about this complicated PUD missing, as pointed out by the Environmental Commission. Plus, you would not have an opportunity to hear from those interested citizens with valid concerns, because they won't be there, believing the advice of city staff and Council Member Gallo.

The City Code, Section 2-1-144(M) ENVIRONMENTAL COMMISSION could not be clearer:

A project for which commission review is required:

(1)

must be submitted to the appropriate staff before the meeting at which it will be considered; and

(2)

may not be considered by the Planning Commission, the Zoning and Platting Commission, or the city council until the commission has had an opportunity to review the project at a regularly scheduled meeting and to report its findings.

So your responsibility is to wait until after the Environmental Commission has reported its findings, which makes perfect sense since those findings are crucial to an informed decision on this PUD. There is no discretion in the City Code for you to ignore this section and grant the developer's request to consider this matter before those findings are reported.

This is a very complicated PUD, not an ordinary zoning case. The developer knew going in that PUDs take much longer than ordinary zoning. It was his choice. Not to mention that he has made the process even more complicated by asking for 24 code variances, continually changing his requests, and failing to submit staff-requested information in a timely fashion.

Please tell me that you plan to do the right thing and reschedule this hearing to a later date than Tuesday. It would be extremely helpful to hear back from each of you so we know whether this hearing will be postponed. Feel free to call me if you would rather: 512 451-4618 or 512 762-9218 mobile.

Thank you for your consideration and your willingness to serve our community.