

ZONING AND PLATTING COMMISSION SUMMARY SHEET

ZONING CASE: C814-01-0038.03 (Parmer-Walnut Creek PUD Amendment #3 - APC Towers TX)

REQUEST:

Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1210 West Parmer Lane (Walnut Creek Watershed). Applicant Request: To rezone from Planned Unit Development (PUD) district zoning to Planned Unit Development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant Planned Unit Development (PUD) district zoning. Zoning and Platting Commission Recommendation: To forward without a recommendation. Owner/Applicant: ZMT Investments LLC. Agent: Vincent Gerard & Associates, Inc. (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057.

DISTRICTS: 7

DATE: April 2, 2019

ZONING AND PLATTING COMMISSION ACTION:

Motion to approve staff's recommendation for the amendment to the PUD zoning.

VOTE: (3-3, D. King, A. Aguirre and J. Kiolbassa-No; N. Barrera-Ramirez and A. Denkler-abstain). Motion failed.

ACTION: Forward to City Council without a recommendation.

ISSUES:

On March 27, 2019, the staff received a petition submittal in opposition to the proposed PUD amendment from the property owners in the Scofield Villas Condominium Association. The petition was calculated a found invalid at 0%.

On April 2, 2019, Price Realty Corporation added their name to the petition as the owner of the Ten Oaks Apartment complex to the north of the subject tract. The petition was revaluated and found to be valid at 26.86% (Please see Attachment C).

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
 - (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) *included in the proposed change; or*

(b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

In addition, the applicant informed the staff that the ownership of the property has changed. The property was owned by 1212 Parmer LLC when the PUD rezoning application was submitted. The property was sold to ZMT Investments LLC on November 9, 2018. The applicant has provided the property deed and an updated agent verification letter to that effect.