

**From:** Lorraine Atherton <>  
**Sent:** Monday, December 19, 2022 10:40 AM  
**To:** Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Cc:** robschneider; Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** 517 S Lamar PUD, Agenda item 6, Planning Commission meeting Dec. 20, 2022

\*\*\* External Email - Exercise Caution \*\*\*

Dear Mr. Rivera--

Please add the message below to the Planning Commission backup for tomorrow's meeting, regarding Agenda item 6, 517 South Lamar (Case No. C814-2022-0095).

Thank you,

L. Atherton, 2009 Arpdale, Austin, TX 78704

District 5

ZNA zoning committee member

To the City of Austin Planning Commission

Re: Dec. 20 Agenda item 6, 517 South Lamar (Case No. C814-2022-0095)

Dear Chairman Shaw and Planning Commissioners,

The Zoning Committee of the Zilker Neighborhood Association has previously expressed its opposition to the indefinite postponement requested by staff for the PUD rezoning hearing at 517 S. Lamar. Instead, we have requested that the PUD application be withdrawn, which would allow the applicants to move forward with an actual site plan for a VMU project under existing code.

With regard to the flaws in the postponement request:

It appears that the Department Director neglected to set timelines and deadlines for the PUD application at 517 S Lamar and that numerous review deadlines have come and gone without being properly extended and noticed since the proposal was submitted for review on February 8, 2022. Based on the submittal date of February 8, this application should have expired on August 8 (181 calendar days after Feb. 8) or October 18 (181 business days after Feb. 8).

In the City's online folders, the "application date" for the February 8 proposal has been reset to June 30, 2022. Apparently, the June 30 application (which is the same as the Feb. 8

proposal) is what is on your December 20 agenda for approval of an indefinite postponement of the public hearing, to beat a deadline of Dec. 28 (181 calendar days after June 30).

One thing is clear. This PUD proposal is nowhere near being ready for a public hearing, and any further attempts to keep it alive will be vulnerable to formal appeals of the muddled administrative processes. The best thing for everyone would be to deny the postponement request, allow the current application to expire, and leave the applicants free to revise the proposal within their own timeframe and submit a new rezoning application when they are truly prepared to move forward.

One reading of the relevant code is that if the Planning Commission simply declines to take action on Dec. 20, the application will expire.

ZNA's position from the beginning has been that the site is too small to be treated as a PUD. The proposed project's community benefits would be better provided under existing code, without wasting valuable staff and commission time on the long, redundant PUD review process. On October 26 the Austin Neighborhoods Council agreed, stating in a resolution that the PUD "process consumes an enormous amount of staff time and other public resources, which should not be wasted on small projects or on proposals that are more clearly accommodated under other parts of the Code." We hope that the applicants will withdraw the PUD application and, next year, prepare a site plan application that will be in accordance with the existing code.

Thank you for your service to the community.

Lorraine Atherton

ZNA zoning committee member

District 5

**Sent:** Monday, December 19, 2022 10:53 AM

**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>

**Cc:** Lucas, Denise <Denise.Lucas@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

**Subject:** RE: Indefinite postponement request for PUD zoning at 517 S. Lamar

\*\*\* External Email - Exercise Caution \*\*\*

Heather, Will you please include this letter in the backup for the Planning Commission Hearing on 12-20 -2022?

Dear Planning Commission:

The ZNA zoning committee will not support a postponement request to keep the PUD at 517 S. Lamar alive. Instead, we request that the PUD application be withdrawn, which would allow the applicants to move forward with an actual site plan for a VMU project under existing code.

Our position from the beginning has been that the site is too small to be treated as a PUD. The proposed project's community benefits would be better provided under existing code, without wasting valuable staff and commission time on the long, redundant PUD review process. On October 26 the Austin Neighborhoods Council agreed, stating in a resolution that the PUD

"process consumes an enormous amount of staff time and other public resources, which should not be wasted on small projects or on proposals that are more clearly accommodated under other parts of the Code."

We hope that the applicants will withdraw the PUD application or let it die, and next year prepare a site plan application that will be in accordance with the existing code. It appears that the Department Director neglected to set timelines and deadlines for the PUD application at 517 S Lamar and that numerous review deadlines have come and gone without being properly extended and noticed since the proposal was submitted for review on February 8, 2022. Based on the submittal date of February 8, this application should have expired on August 8 (181 calendar days after Feb. 8) or October 18 (181 business days after Feb. 8).

In the City's online folders, the "application date" for the February 8 proposal has been reset to June 30, 2022. Apparently, the June 30 application (which is the same as the Feb. 8 proposal) is what is on your December 20 agenda for approval of an indefinite postponement of the public hearing, to beat a deadline of Dec. 28 (181 calendar days after June 30).

One thing is clear. This PUD proposal is nowhere near being ready for a public hearing, and any further attempts to keep it alive will be vulnerable to formal appeals of the muddled administrative processes. The best thing for everyone would be to deny the postponement request, allow the current application to expire, and leave the applicants free to revise the proposal within their own time-frame and submit a new rezoning application when they are truly prepared to move forward. My reading of the relevant code is that simply declining to take action on Dec. 20 would have the same effect.

Sincerely yours,

Dave Piper  
Secretary, Zilker Neighborhood Association