



OAK HILL ASSOCIATION OF NEIGHBORHOODS

Neighbors in service to southwest Travis County

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ohan.org

Resolution in support of Hill Country Estates, Westview Estates, and Covered Bridge

September 10, 2014

WHEREAS, PromiseLand West Church (hereinafter “the Church”) has purchased and partially developed a tract of land located at 8901 West SH 71 (“Church Property”); and

WHEREAS the Church Property is zoned rural residential (RR); and

WHEREAS, Hill Country Estates, Westview Estates, and Covered Bridge (all being members of OHAN, hereinafter “the Neighborhoods”) are the three neighborhoods in closest proximity to the development (the “Dream City” development); and

WHEREAS, the Church’s master plan calls for various structures including a Worship and family ministries building, parking facilities, and a large outdoor amphitheater with amplified sound capabilities; and

WHEREAS, since 2007 the Church has promoted the outdoor amphitheater as a venue for concerts, ballets and other forms of non-religious assembly and entertainment; and

WHEREAS, the Neighborhoods have not opposed the construction of enclosed buildings for worship services or religious education but the Neighborhoods have opposed the construction of the outdoor amphitheater since 2007; and

WHEREAS, in August 2008, OHAN adopted a resolution in full support of the Neighborhoods’ efforts to reduce adverse impacts of the proposed Dream City development, including the outdoor amphitheater; and

WHEREAS, in October 2011 the Church obtained a site development permit that included a large outdoor amphitheater (“Development Permit”); and

WHEREAS, the Church has rebranded itself and the Dream City project as “Austin Life;” and

WHEREAS, in October 2011, City staff required the Church to record a restrictive covenant that, among other things, purported to expand the definition of religious assembly to include the very activities that the Church had been promoting for the outdoor amphitheater; and

WHEREAS, the Hill Country Estates and Covered Bridge associations timely filed an appeal to the Austin Board of Adjustment (“ABOA”) challenging the legality of the administrative approval of the outdoor amphitheater under the City’s Land Development Code (“Appeal”); and

WHEREAS, City staff refused to forward the Appeal to the ABOA and ABOA has never held a public hearing on the Appeal; and

WHEREAS, in 2012, the Hill Country Estates and Covered Bridge associations filed a lawsuit against the City of Austin and Greg Guernsey, asserting among other claims, that the administrative approval of the outdoor amphitheater violated the City's zoning regulations and the refusal to forward the Appeal to the ABOA violates state law; and

WHEREAS, after the City approved the initial building permit for the outdoor amphitheater in 2013, the Hill Country Estates and Covered Bridge associations timely filed an appeal to the ABOA challenging the legality of the initial building permit under the City's Land Development Code; and

WHEREAS, the Church has filed an application with the City for a one year extension of the Development Permit that includes the outdoor amphitheater (SP-2011-185C(XT)); and

WHEREAS, the one year extension to the Development Permit has been administratively granted; and

WHEREAS, the Hill Country Estates and Covered Bridge associations have filed an appeal to the granting of the one year extension of the Development Permit to the Planning Commission ("Extension Appeal"); and

WHEREAS, Section 25-1-416 of the City Code authorizes the revocation of a released site plan if it is determined that site plan was released in error or the development does not comply with Title 25 of the City Code.

NOW, THEREFORE, BE IT RESOLVED, that OHAN continues to fully support the Neighborhoods in their efforts to stop the adverse impacts on their residents' lives by the outdoor amphitheater; and

BE IT FURTHER RESOLVED that OHAN supports the Extension Appeal; and

BE IT FURTHER RESOLVED that OHAN urges the Austin Planning Commission to consider and determine whether the Development Permit and Restrictive Covenant comply with Title 25 of the City Code before taking any action regarding the Extension Appeal; and

BE IT FURTHER RESOLVED that if the Extension Appeal is brought to the City Council for a hearing, OHAN urges the Austin City Council to consider and determine whether the Development Permit and Restrictive Covenant comply with the Title 25 of the City Code before taking any action regarding the Extension Appeal.

Passed by unanimous consent on September 10, 2014.

Jim Schissler, President
Oak Hill Association of Neighborhoods