



OAK HILL ASSOCIATION OF NEIGHBORHOODS

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

May 13, 2015

WHEREAS, in 2008 OHAN passed a resolution (hereinafter “the 2008 Resolution”) urging PromiseLand West Church (now “LifeAustin Church”, hereinafter “the Church”) to give full weight to the various options suggested by Hill Country Estates, Westview Estates, and Covered Bridge (the three neighborhoods in closest proximity to the Church’s then-proposed development on Highway 71, hereinafter “the Neighborhoods”); and

WHEREAS, the 2008 Resolution further supported the Neighborhoods’ position (a) in opposition to the proposed outdoor amphitheater as a host site for events with amplified sound, and (b) in trying to reduce the adverse impact on their residents’ lives by the Church’s proposed development; and

WHEREAS, in 2011, the site development permit was issued in error and Hill Country Estates Homeowners Association filed an appeal to the Board of Adjustment regarding the administrative approval of a site development permit for the construction of a large outdoor amphitheater on land zoned Rural Residential (“BOA Appeal”); and

WHEREAS, Hill Country Estates have never had their appeal heard, the BOA Appeal has never been forwarded to the Board of Adjustment and there has never been any public hearing regarding the approval of the site development permit for the construction of the large outdoor amphitheater; and

WHEREAS, City staff decided that Hill Country Estates did not have standing to appeal the administrative approval of the site development permit for the outdoor amphitheater and refused to forward the BOA Appeal to the Board of Adjustment, as required by state law and the City Code; and

WHEREAS, in 2012, Hill Country Estates and Covered Bridge filed suit against the City and Greg Guernsey regarding the administrative approval of the outdoor amphitheater and the refusal to forward the BOA Appeal to the Board of Adjustment (“Lawsuit”); and

WHEREAS, the City filed a motion to dismiss the Lawsuit on the grounds that Hill Country Estates and Covered Bridge did not have standing to challenge the administrative approval of the outdoor amphitheater; and

WHEREAS, after the trial court ruled in favor of the City to dismiss the Lawsuit, Hill Country Estates and Covered Bridge appealed the trial court ruling; and

WHEREAS, on May 7, 2015, the Court of Appeals ruled that the Board of Adjustment must decide on whether Hill Country Estates has standing to have the BOA Appeal heard by the Board of Adjustment; and

WHEREAS, the Church recently applied to the City of Austin for an Outdoor Music Venue sound permit (City Case # SO-2015-0174) to allow amplified sound at events held at the outdoor amphitheater; and

WHEREAS, at the request of Hill Country Estates and Covered Bridge, representatives from the Neighborhoods and the Church met recently regarding the sound permit application and the proposed use of the outdoor amphitheater.

NOW, THEREFORE, BE IT RESOLVED that OHAN urges the City to forward the BOA Appeal to the Board of Adjustment prior to the approval of any sound permit for the outdoor amphitheater; and

BE IT FURTHER RESOLVED that OHAN opposes the issuance of the Outdoor Music Venue sound permit (City Case # SO-2015-0174) and OHAN urges the City to revoke the site development permit as to the outdoor amphitheater.

Adopted the 13th day of May, 2015.

 /s/ Darryl W. Pruett
Darryl Pruett, OHAN President