



Resolution in Support of Covered Bridge Property Owners Association

WHEREAS, the PromiseLand West Church (hereinafter “the Church”) 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, the Covered Bridge neighborhood is in close proximity to the Church Property; 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 (the “Dream City” development); 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 activities; and

WHEREAS, the Covered Bridge Property Owners Association and other nearby neighborhood associations have not opposed the construction of enclosed buildings for worship services or religious education but have opposed the construction of the outdoor amphitheater since 2007; and

WHEREAS, in October 2011 the Church obtained a site development permit that administratively approved the construction of a large outdoor amphitheater with covered seating for approximately 1,000 people (“Development Permit”); and

WHEREAS, the Church has re-branded itself and the Dream City project as “LifeAustin;” 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 non-religious assembly activities that the Church had been promoting for the outdoor amphitheater; and

WHEREAS, Covered Bridge and Hill Country Estates Home Owners Association 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 (“ABOA Appeal”); and

WHEREAS, City staff refused to forward the ABOA Appeal to the ABOA and ABOA has never held a public hearing on the ABOA Appeal; 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, City staff again refused to forward the 2013 appeal to the ABOA; 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 timely filed an appeal to the granting of the one year extension of the Development Permit to the Planning Commission ("Extension Appeal"); and

WHEREAS, City staff have refused to forward the Extension Appeal to the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that Austin Neighborhoods Council Executive Committee ("ANC Executive Committee") supports the neighborhoods in their efforts to stop the adverse impacts on their residents' lives by the outdoor amphitheater; and

BE IT FURTHER RESOLVED that ANC Executive Committee supports the Extension Appeal; and

BE IT FURTHER RESOLVED that ANC Executive Committee urges the Planning Commission to hold a public hearing on the Extension Appeal; and

BE IT FURTHER RESOLVED that ANC Executive Committee urges the Planning Commission to consider and determine whether the Development Permit complied 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, ANC Executive Committee 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.

Presented to the ANC Executive Committee on October 8, 2014

Voted on October 8, 2014

Sponsors: Robert Kleeman, rkleeman@sneedvine.com and
Mike Conner, mikeconner@stanberry.com