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JOHN M. JOSEPH

jmjoseph@coatsrose.com
Direct Dial
512.541.3593

July 5, 2011

Via Email

Betty Baker, Chair
Zoning & Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Riverbend Church - Site Plan No. SP-93-0563D(XT2)
Second Postponement Request

Dear Madam Chair and Zoning and Platting Commissioners:

We represent Riverbend Church which has a site plan extension pending before you. The case number is referenced above. This case has already been postponed (1) one time by City Staff. The Bunny Run Neighborhood is now also seeking a postponement.

This case was originally scheduled for hearing on June 21, 2011. However, due to an error in the City's Notice, the matter had to be postponed to July 5, 2011. Now the Bunny Run Neighborhood Association has now requested a postponement. Because this is the first request of the neighborhood the Church does not object to the postponement. However, Riverbend Church has been waiting to be heard by the Commission since June 21 and requests that this matter be rescheduled for the next schedule meeting of July 19, 2011.

Prior to the originally scheduled hearing date the Church reached out to the neighborhood, specifically Hilton Puckett and Tom Burns. Riverbend Church met with Hilton Puckett on June 15, 2011, and discussed the site plan and extension. The Church continued to follow-up and has again extended an invitation to the neighborhood to discuss the requested site plan extension. Riverbend Church has also requested an in person meeting with the neighborhood on the evening of Tuesday July 12, 2011.

It is important for you to understand that Riverbend Church's site plan extension request has already been delayed approximately (7) seven months because of an error the City made with its handling of a site plan extension filed on May 5, 2011 which required the Church to withdraw, submit and resubmit its site plan extension request. The Church has been patient

1717 W. 6th Street, Suite 420 Austin, Texas 78703

Phone: 512-469-7987 Fax: 512-469-9408

Web: www.coatsrose.com

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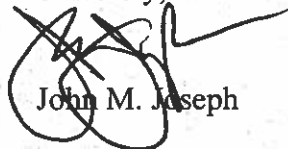
July 5, 2011

Page 2

though all of these errors and postponements and it is important that it receive an opportunity to present its request for a site plan extension on July 19, 2011.

Riverbend Church has been an integral part of this community since 1985 and plans to serve out its mission here as good neighbors and stewards of the property it occupies.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Joseph", written over a circular stamp or seal.

John M. Joseph

cc: Commissioner Sandra Baldrige
Commissioner Gregory Bourgeois
Commissioner Patricia Seeger
Commissioner Cynthia Banks
Commissioner Gabriel Rojas
Commissioner Donna Tiemann

C4

Anguiano, Dora

From: Galati, Donna
Sent: Tuesday, July 05, 2011 8:48 AM
To: Anguiano, Dora
Subject: FW: Case # : SP-93-0563D(XT2) Riverbend 75 yr. ext request - Beware of the Sleeping Tiger

Dora,

This was sent to commissioners and me. I didn't know if you wanted a copy as well.

Donna

From: Hilton [REDACTED]
Sent: Saturday, July 02, 2011 5:21 PM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gregorytbourgeois@gmail.com; prseeger@austin.rr.com; crbanks@hotmail.com; grcity@gmail.com; donna.zap@gmail.com; Galati, Donna
Subject: Case # : SP-93-0563D(XT2) Riverbend 75 yr. ext request - Beware of the Sleeping Tiger

Respected Commission and Council,

I think Riverbend is truly unique and a wonderful asset to the community. Both my children attended pre-school and kindergarten there. I do not oppose Riverbend church but, do strongly oppose the city giving them special unequal treatment and an unprecedented decision that opens the door for many to pass threw.

As a small builder for 37 years in the city of Austin, everyone has been subject to either build under the terms of a granted site plan or lose it. You may get one or possibly two- one year extensions, then your done! When it expires, you would have to start the process again and update it to current applicable conditions. Of course I would love to have been able to time my projects with robust building booms instead of some of the busts I was forced to complete projects in. Knowing the permit process and new rules that would be applicable, many times it would make the project unfeasible or non-compliant if I let the site plan lapse. I was forced to complete my projects in the time allotted. This in its own way helps the City of Austin get through those tough real estate crash cycles while continuing to grow its tax base.

To date, Riverbend Church has been building under a 18 year old site plan (SP-93-0563D) extended under a long delayed administrative 1 year extension, SP-93-0563D(XT). They currently are building their Student Center (SPC-2011-0090A) and now, they are feeling they deserve an unprecedented favorable 75 year extension (SP-93-0563D(XT2)). They anticipate they would continue to receive the same rights as the existing archaic site plan does. Back in 1993 - Riverbend Church was in the county, now they have been in the city for a number of years. Times have changed and the zoning and planning commission has evolved stipulations with those changes. Everyone was making guesses 18 years ago on what things would be like today. Rivers and streams can change their courses in 18 years. We make informed decisions but, no one can foresee or contemplate traffic, technology or other future changes that most likely would need to be a consideration that far out.

I met with Norm Schoenfeld (Pastor of Riverbend) on June 15th to discuss their progress and the pending requests they have with the city. I could not convince him of the dangerous precedent that would be set by the City of Austin in granting such an incredible request. It kind of reminded me about the wolf in sheep's clothing story, with the lawyers being the wolf and Riverbend being the sheep. I really don't want Riverbend's name as referenced case for every 3, 5, 10 or 75 year extension request by

the lawyers. Believe me when I state that the Real Estate Council of Austin is following this case with anticipation. Business is about to be booming for the lawyers! Good thing the City has a nice new large chamber to deal with the cases that will be lined up for extensions. Beware of the sleeping tiger behind granting them any more extensions.

Please do not take staffs recommendations of a 10 year extension and deny SP-93-0563D (XT2) as a dangerous precedent to be set by the City of Austin and not in the interest of the public. 1993 was a long time ago and its time to bring Riverbend current and into this century's City of Austin jurisdiction. Riverbend's advantageous PUD continues even though their site plan has come to an expiration date.

Hilton Puckett

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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 7.0.0.26, Virus/Spyware Database: 6.17840)
<http://www.pctools.com>

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C4
Anguiano, Dora

From: Galati, Donna
Sent: Tuesday, July 05, 2011 11:20 AM
To: Anguiano, Dora
Subject: FW: Riverbend Extension

Dora,

Can you forward this to the commissioners? I sent you one email from Mr. Dimston, this is another.

Thank you,
Donna

-----Original Message-----

From: David Dimston [mailto:ddimston@austin.gov]
Sent: Friday, July 01, 2011 12:48 PM
To: Galati, Donna
Subject: Riverbend Extension

Case #: SP-93-0563D(XT2) and SPC-2011-0090A.

Mayor Leffingwell, Members of the City Council, Members of the City of Austin Zoning & Platting Commission,

As my family and I are travelling out of town and unable to attend I request that this letter be read in my absence to this meeting so that it may be a matter of public record.

According to research, publicly available records, Riverbend Baptist Church was granted a 15 year development plan in 1994 or 1995. At the time even this timeframe was unusual, perhaps even unprecedented. It has been said that for churches and other religious institutions 10 years is or was the norm. In the intervening years Austin experienced tremendous growth. I would assert that few folks in 1994 could predict the growth and development that took place in the area. What was once a place on the outskirts of town has now been absorbed or enveloped by Austin. The point I am making is that so much change has happened, change that could barely be envisioned in the early nineties.

By all rights the development plan that should have expired last year should have never been extended, at 15 years it was excessive to start with and granting an automatic extension was wrong of the City of Austin. Does the City of Austin not issue a parking ticket to someone who leaves a parked car 5 hours past the expired time on the meter? I contend that the construction currently underway should have never been allowed to commence, they are building under an expired development plan. At the very least rules should be rewritten to prevent such an occurrence ever happening in the future.

With respect to the application for a 75 year extension I can only say that it is beyond excessive, it is incredible. The applicant, on behalf of the owner requests an extension for a period of time so far into the future that without being present at this meeting I can reasonably assume no one reading this letter will be alive. This is absolutely without equal. That Riverbend Baptist Church is a church is irrelevant to this discussion, they are no more entitled to uneven application of the law than I am. Their original 15year plan has expired, they already have a 1 year extension and that is it. They, like anyone of the individual, residential property tax paying owners

in this city must file a new set of plans for public input and approval by all the relevant departments of the City of Austin based on present circumstances and for a term no more or less than would be granted to anyone else. The City of Austin is establishing a dangerous precedent here. This property is private property that enjoys preferred tax status so the raising of any discussion about outreach or any other charitable efforts is moot.

In summary, as a neighbor and tax paying resident of the City of Austin I voice my strident opposition to ANY extension of ANY development plan by Riverbend Baptist Church.

Sincerely

David Dimston

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Sent from my mobile device

David Dimston
Austin, Texas
512.917.3635

"The whole problem with the world is that fools and fanatics are always so certain of themselves, and wiser people so full of doubts."
- Bertrand Russell