

Heldenfels, Leane

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From: JJ Colburn [REDACTED]
Sent: Monday, November 09, 2015 10:55 AM
To: Heldenfels, Leane
Subject: LifeAustin: 8901 SH 71 West - Case number: C15-2015-0147

Dear Ms. Heldenfels,

I am contacting you in your capacity as staff liaison for the Austin Board of Adjustment (BOA). I have been a Covered Bridge community resident since 2010 and have lived through years of frustration with the intrusive behavior of Promiseland West/Life Austin Church and their determination to install an open air music venue with permanent sound amplification and a heavy schedule of events, including late night concerts, in the middle of our Rural Residential (RR) zoned neighborhood. This intrusion was inappropriately and illegally enabled and abetted by the City of Austin Planning and Zoning Department and its director, Greg Guernsey, refusing to forward our appeals of their decisions to the BOA, as required by law.

The Covered Bridge and Hill Country Estates neighborhoods have suffered with this intrusion for years. The neighborhoods have had to spend large sums of money trying to stop the building of the amphitheater and to contest the vacillating decision and obstruction presented by Mr. Guernsey and other city staff. We have had multiple meetings with the church and offered many reasonable options, none of which were adopted. Now that the church has proceeded with building and operating this illegal music venue, residents in these neighborhoods and others are having to deal with these intrusive sounds in their homes with doors and windows closed!

Please help us make this right by the following requests:

- I ask the Board of Adjustment to GRANT the appeals filed by Hill Country Estates HOA and the Covered Bridge POA
- I ask the Board of Adjustment to direct city staff to forward the Temporary Use Permit appeal filed by Hill Country Estates HOA and Covered Bridge POA to the BOA
- The hearing on the site plan and building permit appeals is currently on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. I ask that the request by the neighborhoods to postpone the hearing until December 9, 2015 be granted

Thank you for your assistance,

George

George Colburn

Covered Bridge

7619 Crackling Creek, Austin TX 78736

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Heldenfels, Leane

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From: Kitten Ferrell [REDACTED]
Sent: Friday, November 06, 2015 10:54 PM
To: Heldenfels, Leane
Subject: BOA Case C15-2015-0147

Dear Ms. Heldenfels,

I am writing you regarding the upcoming Board of Adjustment meeting in which the above referenced case (C15-2015-0147) will be heard.

I am asking that the BOA give our homeowners due process regarding the Life Austin Church Amphitheater located at 8901 SH 71 West.

Specifically, I ask that the BOA grant the appeals filed by Hill Country Estates Homeowners Association and Covered Bridge Property Owners Association.

I also ask that the BOA direct the City of Austin Staff to forward the Temporary Use Permit appeal filed by Hill Country Estates and Covered Bridge Associations to the BOA.

As a homeowner in Hill Country Estates, I am very concerned that this facility was ever allowed in a rural residential zoned area, and the lasting negative impact it is having on our homes, lives, and neighborhood.

The City of Austin's interpretation of religious assembly and the broad stretch of this interpretation that the City of Austin allowed this facility to use in constructing the amphitheater is gross over-reach under the guise of religion.

The zoning was never changed; the site plan went through under one person's interpretation of religious assembly (Greg Guernsey) ; we homeowners were never given notice; we were never given a public hearing; and the facility was built. Then the Life Austin Church applied for a sound permit, and then withdrew their application. They are currently operating their amphitheater under the residential sound code. I know of no "residences" that seat 1000+ people and CHARGE ADMISSION to events. This facility is a commercial venue and should have been zoned as such , (or turned down) and they should have to operate under the Temporary Use Permit guidelines as other events comply with. I find the continual sidestepping around zoning, codes, and regulations by this church reprehensible.

I ask for your fair and thoughtful consideration on this matter.

Thank you.

Respectfully submitted,

Kathryn (Blickhan) Ferrell and Robert Ferrell
6813 Bright Star Lane
Austin, TX 78736
(512) 288-4294

Sent from my iPad

Heldenfels, Leane

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From: Kim del Angel [REDACTED]
Sent: Friday, November 06, 2015 1:49 PM
To: Heldenfels, Leane
Subject: Case Number C15-2015-0147 Life Austin Outdoor Amphitheater 8901 SH 71 West

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Leane,

I am emailing on behalf of myself, my husband and our three boys as 10 year residents of Covered Bridge and Oak Hill. We love our neighborhood and Oak Hill. We built our home here because of the beauty and peace and quiet in the area and are truly heartbroken by the unjust decisions of city staff to allow the illegal building of the LifeAustin amphitheater.

The amphitheater is so disruptive to the area residents we can not relax in our backyards or homes and enjoy our precious family time without hearing rock concerts and seeing spotlights.

We are, to be quite honest, absolutely stunned the city staff would continually disregard our rights as citizens of Austin living in an appropriately zoned rural residential area expressly excluding amplified sound.

We are pleading with the board to put themselves in our shoes. What if it was their home, their peace and quiet, time with their family, their property value and their rights that have been so carelessly and heartlessly disregarded.

We respectfully request:

- The Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
- The Board of Adjustment to direct city staff to forward the Temporary Use Permit appeal filed by Hill Country Estates HOA and Covered Bridge POA to the BOA.
- The hearing on the site plan and building permit appeals is currently on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. I ask that the request by the neighborhoods to postpone the hearing until December 9, 2015 be granted.

Thank you for your time.

Kim and Eli del Angel

Sent from my iPhone

Heldenfels, Leane

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From: [REDACTED]
Sent: Friday, November 06, 2015 11:01 AM
To: Heldenfels, Leane
Subject: case ref number C15-2015-0147
[REDACTED]

Dear Ms Heldenfels,

My wife and I have been a resident of Austin since 1995. We live in a very pleasant neighborhood called Hill Country Estates. Recently a new church " Life Austin " built a facility adjacent to our neighborhood. This is fine except they also built an out door music venue which is very loud and is having a negative effect on our pleasant home.

We pay our property taxes (about \$100,000 to date) to live here. We expect that the Government agencies will do their job and enforce the laws and statutes to protect us from intrusions of nuisances such as the out door music venue that Life Austin has illegally built and operated at 8901 SH 71 West. If this problem is not rectified we will lose our peaceful neighbor hood and a substantial loss of property value (probably as much as the taxes we have paid).This is wrong!

This is not the Austin we have come to know and love.

This can be fixed. Please

1. Ask the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
2. Ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country HOA and the Covered Bridge POA to the BOA.

Respectively,
Fred and Faith Andrews
9405 murmuring Creek Drive
Austin ,Texas
E mail fandrews1@austin.rr.com

Heldenfels, Leane

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From: Frank Goodloe [REDACTED]
Sent: Friday, November 06, 2015 10:52 AM
To: Heldenfels, Leane
Subject: LifeAustin: 8901 SH 71 West - Case number: C15-2015-0147
[REDACTED]

Subject: Case Number C15-2015-0147
Life Austin Outdoor Amphitheater 8901 SH 71 West

Ms. Heldenfels,

I am contacting you in your capacity as staff liaison for the Austin Board of Adjustment (BOA). As an 8 year resident of the Covered Bridge community, I have lived through 7 years of frustration with the intrusive behavior of Promiseland West/Life Austin Church and their determination to install an open air music venue with permanent sound amplification and a heavy schedule of events in the middle of our Rural Residential (RR) zoned neighborhood. This intrusion was inappropriately and illegally enabled and abetted by the City of Austin Planning and Zoning Department and its director, Greg Guernsey, refusing to forward our appeals of their decisions to the BOA, as required by law.

The Covered Bridge and Hill Country Estates neighborhoods have suffered with this intrusion for years. The neighborhoods have had to spend large sums of money trying to stop the amphitheater building and to contest the vacillating decisions and obstruction presented by Mr. Guernsey and other city staff. We have had multiple meetings with the church and offered many reasonable options, none of which were adopted. Now that the church has proceeded with building and operating this illegal music venue, residents are suffering intrusive sounds in their homes with doors closed and their TVs on.

This wrong needs to be righted. In that regard, I make the following requests:

- I ask the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
- I ask the Board of Adjustment to direct city staff to forward the Temporary Use Permit appeal filed by Hill Country Estates HOA and Covered Bridge POA to the BOA.
- The hearing on the site plan and building permit appeals is currently on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. I ask that the request by the neighborhoods to postpone the hearing until December 9, 2015 be granted.

Respectfully,

Frank Goodloe

6705 Covered Bridge Dr. Unit 10

Austin, Texas 78736

512-906-1931 Home

512-826-0158 Mobile

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This email has been checked for viruses by Avast antivirus software.
www.avast.com

Heldenfels, Leane

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From: Dave Burns <davidgandaburns@gmail.com>
Sent: Friday, November 06, 2015 10:29 AM
To: Heldenfels, Leane
Subject: LifeAustin C15-2015-0147

Ms. Heldenfels:

Good morning. I hope this communication finds you well. I am writing you this morning to forward my support to Hill Country Estates' appeal for revocation of LifeAustin's (located at 8901 SH 71 West) permit for an outdoor amphitheater in a residential area. I remember there being controversy surrounding the church and the amphitheater for some time, even before construction started. It concerns me greatly that such a venue was allowed to be constructed with such proximity to residential areas. If LifeAustin and the amphitheater already existed in place before the residences in the proximity were constructed we wouldn't be having this conversation.

Please forward my concern to an appropriate party. I appreciate your time. Feel free to contact me with questions or concerns.

Thank you,

Dave Burns
512 656 7572

Heldenfels, Leane

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From: Matt [REDACTED]
Sent: Friday, November 06, 2015 9:20 AM
To: Heldenfels, Leane
Subject: Appeals

Ms. Heldenfels, It is my hope that you would consider asking the Board of Adjustment to grant the appeals filed by the Hill Country Estates and the Covered Bridge HOA's in reference to case number: C15-2015-0147 (LifeAustin's church's amphitheatre issue). I am a resident of Austin in the Oak Hill area.

Respectfully,
Matt Bales
6501 Wolfcreek Pass
Austin, TX. 78749

Heldenfels, Leane

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From: Ben Ehlers [REDACTED]
Sent: Friday, November 06, 2015 8:12 AM
To: Heldenfels, Leane
Subject: RE: BOA HEARING ABOUT LIFE AUSTIN OUTDOOR AMPHITHEATER

Hello Ms. Heldenfelds,
regarding the case number C15-2015-0147: Life Austin Outdoor Amphitheater (8901 SH 71 West):

I am a resident in Covered Bridge, and I am FOR allowing Life Austin to use and operate their Outdoor Amphitheater.

I am AGAINST this appeal (see email below) from our neighborhood association trying to prevent Life Austin from operating their outdoor amphitheater.

I believe that the Church Life Austin is a positive presence in our community and our neighborhood.

I am not a member of Life Austin Church, but I appreciate their positive presence and am thankful they are located near our neighborhood.

Thank you for considering my input in this matter. Kind regards,

-Benjamin Ehlers

8609 Fenton Dr.

Austin TX, 78736

ehlersb@hotmail.com

benjamin.j.ehlers@gmail.com

From: Tyhessia.Scott@stservices.com
To: Tyhessia.Scott@stservices.com
Date: Tue, 3 Nov 2015 16:37:29 -0600
Subject: INFORMATION RE: BOA HEARING ABOUT LIFE AUSTIN OUTDOOR AMPHITHEATER

Residents who live in neighborhoods surrounding the LifeAustin outdoor amphitheater have expressed their concerns and opposition to the outdoor amphitheater for more than seven years. Two neighborhoods filed appeals regarding some of the unprecedented determinations made by city staff that allowed the outdoor amphitheater to be built.

It's important to note that under City code, *if a building permit or certificate of occupancy is determined to have been issued in error, it can be suspended and reversed by the City of **Austin Board of Adjustment** (BOA) regardless of the stage of building that has occurred.* LifeAustin and its pastor, Randy Phillips, were personally informed and in writing about this possibility well before they broke ground on building the outdoor amphitheater. Instead, they built the amphitheater and assumed the risk that they might not be able to use it in the future.

A hearing before the BOA is set for November 9, 2015; however, the neighborhoods have asked for a postponement to December 9, 2015. Please take a minute to share your personal experiences, opinions

and/or areas of concern in an email to the BOA. Your email should go to Leane Heldenfelds, the staff liaison for the BOA. Ms. Heldenfelds' email address is Leane.Heldenfelds@austintexas.gov

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Please reference:

- 1) the case number: C15-2015-0147, and
- 2) the address for LifeAustin: 8901 SH 71 West

If you can, please send your email before November 8, 2015 so the BOA members will know on November 9th how many people are interested in the appeal. Please do not attempt to communicate directly with any member of the BOA. All communications must be sent to Ms. Heldenfelds.

Background Facts

The following is a very brief description of how the outdoor amphitheater was administratively approved without any public hearings, and how City staff blocked all attempts to allow neighbors to appeal the unprecedented approvals:

Site Plan Approval

In October 2011, City staff administratively approved the site plan submitted by PromiseLand Church West (aka Dream City and now known as "LifeAustin Church") that included the construction of a 1,500 seat outdoor amphitheater on property zoned Rural Residential.

Staff interpreted the "religious assembly" use to include outdoor religious assembly and an outdoor amphitheater as principal uses under religious assembly.

Staff interpretation also expanded "religious assembly use" to include musical and theatrical performances as well as benefit events at which tickets can be sold.

Staff's "interpretation" was made in a December 2008 private email between Greg Guernsey, Director of the City's Neighborhood Planning & Zoning Department, to a representative of LifeAustin Church. Neighbors first learned of the 2008 email in 2011.

Hill Country Estates HOA (HCE HOA) filed an appeal objecting to Staff's interpretation in October 2011.

Staff refused to send appeal to BOA claiming the appeal was not "timely." Staff said the "interpretation" had to be appealed within 20 days of when it was made (December 2008), although no notice of the "interpretation" was made to anyone other than LifeAustin.

HCE HOA and Covered Bridge Property Owners Association (CB POA) sued Director Guernsey and the City to require them to send appeal to the BOA as required by State law and City code, and to overturn interpretations that exceeded staff authority. The neighborhood associations did not sue LifeAustin.

City filed motion to dismiss lawsuit asserting the neighborhoods have "no standing" to sue the City and Guernsey.

Trial court granted City's motion to dismiss lawsuit on technical grounds in May 2013. Neighborhoods appealed to Court of Appeals.

In May 2015, Court of Appeals overturned trial court decision as to HCE HOA. Court of Appeals opinion said that trial court cannot decide standing to sue until BOA first decides standing issue.

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City's Approval of Outdoor Amphitheater Building Permit

HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" approving a building permit for LifeAustin's outdoor amphitheater.

Staff refused to forward building permit appeal to BOA.

In late 2012, staff sought an amendment to City Code Section 25-2-921(C) to authorize the building official to issue temporary use permits (TUP) in all residential zoning districts for outdoor benefits and festivals held on property used for education and religious assembly purposes.

In November 2013, staff issued a new interpretation of Section 25-2-921(C) in a memo that said due to non-enforcement, this code section no longer prohibits outdoor benefits and festivals on church and school property.

HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" of the TUP in December 2013 ("TUP Appeal").

Staff refused to forward TUP Appeal to BOA claiming the November 2013 interpretation did not contain any "appealable" decisions.

Since November 2013, outdoor benefits and festivals held on property used for education and religious assembly purposes has been allowed as interpreted in the November 2013 memo.

Two of Three Appeals Now Allowed to Proceed

Staff agrees to send site plan and building permit appeals to BOA but not TUP Appeal.

Primary Appeal Issues for Site Plan and Building Permit Appeals

Director Guernsey approved the outdoor amphitheater as a religious assembly use. He said the zoning code did not make a distinction between indoor and outdoor religious assembly. This is incorrect. Section 25-2-921(C) of the zoning code prohibits all outdoor assembly (public, historic and religious), including benefits, festivals and other events likely to attract a mass gathering of people in the RR to SF-3 zoning districts. The LifeAustin property is zoned RR.

Section 25-2-921(C) of the zoning code authorizes the City Building Official to issue temporary use permits for outdoor gatherings of up to 50 people in SF-4 and less restrictive zoning districts. To have a gathering of more than 50 people, the property must be located in a non-residential zoning district.

Some Areas of Concern

Staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater.

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• Ticketed concerts, plays and other forms of entertainment are not religious assembly.

• City should enforce the zoning code as it is plainly written.

• Staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues.

• If the code says non-residential zoning is required to have an outdoor event with more than 50 people, how can staff approve gatherings of 1,500 people in the RR zoning district?

• The zoning code requires a "conditional use permit" (and public hearings) to be obtained before property owners can hold graduations, theatrical plays/productions, meetings, concerts, recitals, ballets, family movie nights, and other events in an event center. This requirement has been ignored by staff.

• The amphitheater should be enclosed.

• Rural Residential zoning means a rural and quiet neighborhood.

• The LifeAustin outdoor amphitheater is not a residence and it is not quiet.

• Loud concerts on school nights are bad for school aged children.

• Harms property values. How would you feel if you could hear concert music inside your home?

• The approval of the outdoor amphitheater violates the letter and the spirit of the zoning code.
Actions YOU can take

1.

Email your comments to BOA staff liaison, Leane Heldenfelds, Leane.Heldenfels@austintexas.gov

2. Please reference the case number: C15-2015-0147 and amphitheater address: 8901 SH 71 West.

3. Ask the Board of Adjustment to **grant** the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

4. Ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

A hearing on the site plan and building permit appeals is on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. The neighborhoods have asked to postpone the hearing until December 9. We will update you later when the hearing date is set.

Heldenfels, Leane

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From: Christie Claussen [REDACTED]
Sent: Thursday, November 05, 2015 11:26 PM
To: Heldenfels, Leane
Subject: Case #C15-2015-0147 re: 8901 SH 71 West

Re: Case # C15-2015-0147
LifeAustin Amphitheater at 8901 SH 71 West

As residents of the Covered Bridge subdivision, we are requesting that the appeals filed by Hill Country Estates HOA and Covered Bridge POA be granted and that Staff be directed to forward the TUP appeal filed by Hill Country Estates HOA and Covered Bridge POA.

We attended many meetings regarding the proposed LifeAustin (Dream City) church and amphitheater and were astounded when we learned of the City's approval of the building permit for the amphitheater. The manner in which the permit was approved did not allow us to express our opinions and concerns about the loose interpretation of "religious assembly" and the non-specificity of restrictions (e.g., type of events, number of events, hours of events) imposed upon the use of the amphitheater. We feel that the zoning code was not enforced in allowing this structure to be built, nor is it now being enforced as far as special use/sound permits.

We are concerned about the amplified sound from the amphitheater. We are concerned about increased traffic that large events bring to an already stressed Highway 71 and increased cut-through traffic in our neighborhood. Having seen cars parked on the shoulder of Highway 71 during church events even before the amphitheater was built, we are concerned about the safety issues created by insufficient parking to accommodate large events. We are concerned about the effect on our quality of life and about negative impact on our property values.

We feel that the City has shown a lack of integrity and lack of respect for us as citizens in its failure to enforce zoning codes, the unorthodox manner in which the building permit was approved and the denial of our due process. Therefore, we sincerely hope that the appeals filed by Hill Country Estates HOA and Covered Bridge POA are granted and that Staff is directed to forward the TUP appeal filed by Hill Country Estates HOA and Covered Bridge POA.

Christie & Ted Claussen
7401 Black Mountain Dr.
Austin, TX 78736

Heldenfels, Leane

From: Alan Bennett [REDACTED]
Sent: Thursday, November 05, 2015 9:49 PM
To: Heldenfels, Leane
Subject: case number: C15-2015-0147 / 8901 SH 71 West, ATX
[REDACTED]

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Dear Ms. Heldenfels,

As a homeowner and resident of Hill County Estates, I would respectfully ask that the Board of Adjustment to **GRANT** the appeals filed in the above-referenced case and property, by the Hill Country Estates HOA and the Covered Bridge POA.

I would also ask that the BOA direct its staff to forward the TUP appeal filed by the Hill County Estates HOA and the Covered Bridge POA, to the BOA.

My house is across from the amphitheater in question, separated by a single line of trees, and an open field. I doubt there is anyone in either of our two neighborhoods who hears the amphitheater any more than me and my family. I understand the noise of the highway, but I choose to live near the highway; I did not choose to move into a neighborhood with an amphitheater (the amphitheater came afterwards). I do not choose to listen to their music till 10:00 PM even though I'm *inside* my house. I do not wish to have the property value of my house diminished because of the church's music, etc...

Yet Please understand; *I support the church, I support their cause, their mission, and what they do.* It's hard to argue with their purpose and mission, and I don't. In fact, I'm not even one of the ones who think their amphitheater should be enclosed, torn down, etc... All I'd ask, is that they turn the music down to where we don't have to hear it.

As a lawyer, I'm puzzled by the process by which their permit was granted, and how they are now able to consider themselves "a residence" for purposes of playing loud music, i.e., a noise complaint is treated just

like a neighbor throwing a party. I'd love for the church to be considered a "residence," if they paid property taxes like everyone else does with their "residence."

I would welcome you or any member of the BOA to come to my house during one of their concerts (let me know when you're coming and I'll have plenty of adult refreshments, I'll even cook burgers and hotdogs and you can envision what a cookout at my house would be like during a concert.

I'm puzzled how a church can build an amphitheater in a residential neighborhood, claim it's to be used for "religious assembly," and then charge admission to The Gatlin Brothers. It certainly looks (and sounds) like a commercial venue. OK, let's be honest, if they had Paul McCartney, or Meatloaf coming to play, I wouldn't be complaining (I have a wide range of musical tastes), but they don't.

I think the lawsuit is reasonable, I think the concerns of the HOA are reasonable. All we really need is for someone to come out and listen to a concert at full volume out here.

Thank you for your time and consideration, and while you may be thinking that I'm joking about have a cookout for the BOA, I'm not. Alan Bennett

Heldenfels, Leane

From: John Lethco [REDACTED]
Sent: Thursday, November 05, 2015 8:39 PM
To: Heldenfels, Leane
Cc: darryl@weichertlaw.com
Subject: RE: BOA Case Number: C15-2015-0147
[REDACTED]

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Regarding Case Number C15-2015-0147, Life Austin Amphitheatre, 8901 SH 71 West, Austin, TX 78735:

I strongly urge the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

I have been following the facts of this case and am surprised at the denial of due process and disregard for regulations and laws by the City of Austin Planning and Zoning Department.

I think the City of Austin Planning and Zoning Department has undermined the public's trust in this matter. This issue will not 'blow over' or just 'go away'.

The approval of this project was highly irregular and it is time for the BOA to take this matter into consideration in an even-handed and lawful manner.

Thank you,

John Lethco

6709 Debco Dr., Austin, TX 78749

Heldenfels, Leane

From: Darryl Pruett <[REDACTED]>
Sent: Thursday, November 05, 2015 5:54 PM
To: Heldenfels, Leane
Subject: FW: Case number: C15-2015-0147; Address: 8901 SH 71 West
Attachments: LifeAustin Amphitheatre OHAN Resolution3.pdf; LifeAustin Amphitheatre OHAN Resolution2.pdf; LifeAustin Amphitheatre OHAN Resolution.pdf

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Ms. Heldenfels:

Please forward these comments and resolutions to the members of the Board of Adjustment.

My name is Darryl Pruett. I am the President of OHAN, an umbrella group of nearly 40 neighborhood associations in the Oak Hill area.

Attached you will find the multiple resolutions OHAN membership has adopted in opposition to the amplified sound outdoor amphitheater being located in a residentially-zoned area.

As you can see, the neighborhoods' input has been ignored for at least 7 years (since 2008). As it stands right now, staff's erroneous interpretation has led to outdoor assembly in a residentially-zoned area. Plus, the outdoor assembly includes amplified sound. As a result, numerous homes are impacted, with multiple families being subjected to unwanted sounds in their own home, thus resulting in harm to the families and leading to a reduction in their property values because of this inappropriate and incompatible use.

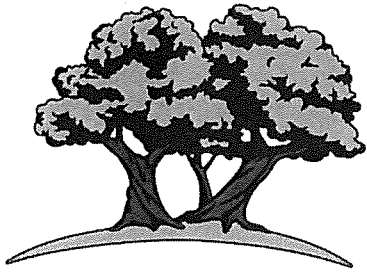
There has never been, not once, any hearing at which the public could provide input on whether outdoor assembly with amplified sound would be appropriate in a residentially-zoned area.

The City has taken the position that Hill Country Estates (one of OHAN's member organizations) failed to appeal staff's email "determination" in 2008. The problem with that argument, of course, is that staff's email was private and was not revealed to Hill Country Estates (or to anyone, for that matter) in 2008.

As set forth in the Court of Appeals' decision, this Board, not City staff, must decide whether Hill Country Estates has standing to appeal the matters set forth in their appeals.

OHAN urges the Board to: (a) find that Hill Country Estates has standing to appeal the various decisions that are the subject of its appeals; (b) approve the appeals; and (c) reverse the administratively approved site development permit for the outdoor amphitheater and any related permits.

Darryl W. Pruett
The Weichert Law Firm
3821 Juniper Trace, Suite 106
Austin, Texas 78738
(512) 263-2666 ext. 103
Fax: (512) 263-2698
darryl@weichertlaw.com
<http://weichertlaw.com>



OAK HILL ASSOCIATION OF NEIGHBORHOODS

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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

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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

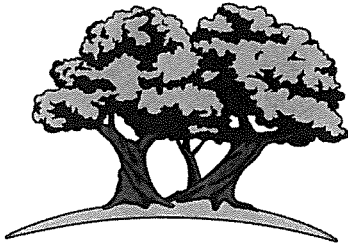
WHEREAS, at the request of Hill Country Estates and Covered Bridge, representatives from the Neighborhoods and the Church met recently regarding the sound permit application and the proposed use of the outdoor amphitheater.

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



OAK HILL ASSOCIATION OF NEIGHBORHOODS

Neighbors in service to southwest Travis County

P.O. Box 90906, Austin, TX 78709-0906

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

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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

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

August 6, 2008

WHEREAS, PromiseLand West Church (hereinafter "the Church") has purchased a tract of land on Highway 71 for its proposed "DreamCity" development; and

WHEREAS the Church's tract is currently zoned RR (rural residential); 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 DreamCity development; and

WHEREAS, the Church currently has approximately 800 members and hopes to grow to over several thousand members; and

WHEREAS, the proposed DreamCity master plan calls for various structures including a Phase One Worship and family ministries building, a future main worship center, parking facilities, secondary family ministry structures, and an outdoor amphitheatre with amplified sound capabilities; and

WHEREAS, the Church's DreamCity development calls for one avenue of public ingress and egress directly onto Highway 71; and

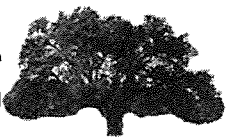
WHEREAS, representatives from the Neighborhoods and the Church have met several times to discuss plans for the proposed development and concerns voiced by residents of the Neighborhoods; and

WHEREAS, the two most overriding concerns from the Neighborhoods relate to sound and light from events held at the outdoor amphitheatre, and traffic/safety issues;

NOW, THEREFORE, BE IT RESOLVED: that OHAN urges the Church to give full weight to the various options suggested by the Neighborhoods; and

BE IT FURTHER RESOLVED: that OHAN specifically supports the Neighborhoods' position in opposition to the proposed DreamCity outdoor amphitheatre as a host site for events with amplified sound; and

BE IT FURTHER RESOLVED: that OHAN specifically supports the Neighborhoods' position that a center turn lane and acceleration lanes must be in place on Highway 71 prior to the construction of any proposed DreamCity Phase II improvements; and



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BE IT FURTHER RESOLVED: that OHAN specifically supports the Neighborhoods' position that access onto Mowinkle Street must never be used to furnish ingress and egress for the church and Church activities, and OHAN urges the Church to abide by its stated commitment to restrict any such traffic flow to service of the parsonage and for emergency vehicles; and

BE IT FURTHER RESOLVED: that OHAN fully supports the Neighborhoods in their efforts to try to reduce the adverse impact on their residents' lives by the proposed DreamCity development.

Adopted this 6th day of August, 2008.

Dwain K. Rogers Jr

Dwain Rogers, OHAN President

Heldenfels, Leane

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From: Andy Salmon andy@osheeglobal.net
Sent: Thursday, November 05, 2015 5:50 PM
To: Heldenfels, Leane
Subject: LifeAustin: 8901 SH 71 West, case number: C15-2015-0147

We live on Telluride Trail, not far from the amphitheater.

We are firmly opposed to allowing amplified sound outdoors at this site. Please include our position in your considerations.

Andy Salmon and Kim & James Harrigan
6711 Telluride Trail 78749

Sent from my iPad

Heldenfels, Leane

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From: Phyllis Light <[REDACTED]@austin.com>
Sent: Thursday, November 05, 2015 5:01 PM
To: Heldenfels, Leane
Subject: from a concerned citizen re: Life Austin Amphitheater

Dear Ms. Heldenfels,

We are so grateful that at last, someone will listen to us regarding the travesty that has happened in our neighborhood, vis a vis the Life Austin Amphitheater. We are a peace-loving neighborhood, zoned "rural residential," yet, the amphitheater seems to be a commercial venue, with accompanying crowds, noise, and lights.

The problem is: Director Greg Guernsey approved the outdoor amphitheater as a religious assembly use. He said the zoning code did not make a distinction between indoor and outdoor religious assembly. This is incorrect. Section 25-2-921(C) of the zoning code **prohibits all outdoor assembly** (public, historic and religious), including benefits, festivals and other events likely to attract a mass gathering of people in the RR to SF-3 zoning districts. The LifeAustin property is zoned RR.

Section 25-2-921(C) of the zoning code authorizes the City Building Official to issue temporary use permits for outdoor gatherings of up to 50 people in SF-4 and less restrictive zoning districts. To have a gathering of more than 50 people, the property must be located in a non-residential zoning district.

The noise level of the concerts is unbelievable. Many of us have been bombarded by incredibly loud music, such that people can't hear their TVs over the music coming into their homes, and kids aren't able to go to sleep because of the loud noise.

Here are some of our concerns:

- Staff didn't have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater.
- Plays, ticketed concerts and other forms of entertainment are NOT "religious assembly."
- The city should enforce the zoning code as it is plainly written.
- Staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues.
- If the code says non-residential zoning is required to have an outdoor event with more than 50 people, how can staff approve gatherings of 1,500 people in the RR zoning district?
- The zoning code requires a "conditional use permit" (and public hearings) to be obtained before property owners can hold graduations, theatrical plays/productions, meetings, concerts, recitals, ballets, family movie nights, and other events in an event center. This requirement has been ignored by staff.
- The amphitheater should be enclosed.
- Rural Residential zoning means a rural and quiet neighborhood.
- The LifeAustin outdoor amphitheater is not a residence and it is not quiet.
- Loud concerts on school nights are bad for school aged children.
- Harms property values. How would you feel if you could hear concert music inside your home?
- The approval of the outdoor amphitheater violates the letter and the spirit of the zoning code.

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We have been attempting to be heard on this for the past 7 years. Thank you so much for hearing our concerns and supporting us in rectifying this unthinkable situation. We don't understand how this happened, and we want to at least have them enclose the amphitheater ~~we don't want to wreck our~~ neighborhood and all our property values. We are hoping to be heard by the Board of Adjustment as well. Apparently Pastor Randy Phillips was aware that he was taking a risk building the amphitheater and knew that at some point, he may be prevented from using it.

Thank you so much for your assistance with this.

Sincerely,

Phyllis Light, Ph.D., a resident of Hill Country Estates, right next to LifeAustin.

(Case reference number: C15-2015-0147 and amphitheater address: 8901 SH 71 West)

Heldenfels, Leane

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From: Robyn Lively <lively@hillcountrytexas.com>
Sent: Thursday, November 05, 2015 4:20 PM
To: Heldenfels, Leane
Subject: [Released] Life Outdoor Amphitheatre

In reference to case number: C15-2015-0147 and the amphitheater at 8901 SH 71 West, I am writing to ask the Board of Adjustment to **grant** the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

Also, please have the Board of Adjustment direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

Sincerely,

Robyn L. Lively

Heldenfels, Leane

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From: Doug Vogelsass ~~doug.vogelsass@gmail.com~~
Sent: Thursday, November 05, 2015 11:10 AM
To: Heldenfels, Leane
Subject: case number: C15-2015-0147
~~_____~~

Ms. Heldenfels,

I am writing in regards to the BOA hearing for case number: C15-2015-0147, the appeal hearing for the request that city code be followed in the case of the outdoor amphitheater at LifeAustin Church located at 8901 SH 71 West.

I support the Hill Country Estates HOA and Covered Bridge Property Owners Association as well as residents in surrounding neighborhoods whose quality of life and property values are being diminished by the excessive noise that is often and regularly produced by events at the LifeAustin amphitheater.

The amphitheater is a nuisance to the surrounding neighborhoods and its use is incongruent with the intent and spirit of its zoning.

I live within one mile of the amphitheater and am often disturbed by the noise from these events. I am also a Realtor who focuses on this area and it is clear that buyers who are aware of the existence of the amphitheater and/or the noise disturbances are hesitant to value the homes in the area as highly as they would if there were not an outdoor concert venue at LifeAustin.

I strongly urge the City of Austin to consider the concerns and complaints about LifeAustin's use of the amphitheater and hold firm all applicable regulations to protect the quality of life and property values of the surrounding neighborhoods.

Thank you,

Doug
Vogelsass

C15 - 2015 - 0147

Heldenfels, Leane

From: Ed Reynolds [REDACTED]
Sent: Thursday, November 05, 2015 12:07 AM
To: Heldenfels, Leane
Subject: Life "church"

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My name is Ed Reynolds.

I service the instruments of many top musicians in this town, nationwide and world-wide. Been at that trade for 35 years.

I like loud music. I go out to HEAR loud music in clubs like the Saxon Pub or the Continental.

I also PLAY loud music, in a music room I built on my residence.

None of my neighbors ever hear that, because I built my music space so as not to destroy the quality of life of my neighbors.

That, of course, is in stark contrast to what Life Austin "church" does.

The noise from LA "church" DESTROYS the quality of life of it's neighbors, because they have CHOSEN to trample on that quality of life, by failing to design their (for-profit) venue to contain that sound, and/ or design a sound system to "rock" their audiences, while also RESPECTING their neighbors.

As a person who has helped design sound systems, I can assure you that it's "not rocket science" to do that. As a person who got co-operation from ATT&T re the noise from their generators on Circle drive, (and got it quieted down) I can say that folks CAN build things do contain/ minimize their noise. Cost Is NOT excessive.

By the way: those neighbors who are being sonically assaulted were here LONG before LA "church". Those neighbors pay the taxes which support this city and those who preside in / are employed by various offices.

THOSE folks, who are intent upon preserving the quality of life in their neighborhoods are the folks you need to be listening to. THEY are the "backbone" of true community spirit, whether LA "church" advertises itself as such, or not.

In my personal view, and knowing what it takes to manage sound, LA "church" is uncaring as to it's effect on it's neighbors, and possibly corrupted by the prospect of riches.

I am also VERY impressed that not one of the folks who have been assaulted by the noise from LA church has wished for it's demise, and that they ONLY want the peace and quiet BACK ... Peace and quiet that they HAD before LA" church" spewed forth it's unjustifiable degradation of the quality of life that they call "spiritual". So; Kudos to those assaulted, and a severe "shame on you" to the insensitive / myopic/ greedy, who have no respect for people's serenity and peaceful existence.

You might think that I'd be on the side of LOUD Music, since I assist folks who do that for a living.

However; I am MORE on the side of folks who have worked hard for many years to buy the homes they purchased FOR peace and quiet, and FOR a neighborhood that is NOT slated to become the new "6th street west".

The noise from LA "church" is taking the whole area in that unwanted, unwelcome and undesirable direction. I CAN HEAR THE NOISE FROM LA "church" in my yard, ONE MILE AWAY, as the crow flies. THAT is not right!

Regardless of the label of "church" or not; this is NO different than Senor Buddy's (Thankfully gone) that visited it's noise upon Westview estates without consideration or conscience.

55 of us signed a petition objecting to that.

Bottom line: The folks that "make the rules" need to know that what makes Austin "a cut above" so far as a place to live is the QUALITY OF LIFE. ... THAT attracts folks.

Re that : LOUD UNWANTED NOISE in neighborhoods that were here LONG BEFORE noise from places like LA "church" destroy that quality of life, and that kind of thing needs to be stopped / prohibited.

AND; you can BE ASSURED that folks who sell their properties to escape the noise from LA : "church" will suffer a LARGE loss of market value re their homes as a DIRECT result of the excessive noise from LA "church".

The point is this: If present statutes do not support the residents, the taxpayers, then those statutes need to be amended in favor of those residents: The BACKBONE of Austin.

If those who "make the rules" cannot respect Austinites, and support the base of their own support, then perhaps they need to be "amended" too.

By the way; I have volunteered / participated for NO money to help w/ the cleanup after Rita and Katrina.

I did that with a church group. I'm NOT anti-church.

Also: I have a roof leak, a \$2000.000 water bill from a busted line, a dead pool pump etc. For me to devote my time to writing this means I am serious in support of my neighbors, and in support of Austin in general.

I personally can only hear the noise from LA "church" a mile away, so it's not a big deal to me. But if I let my neighbors suffer (in the extreme) at the hands of for-profit concert promoters, (like I and my neighbors suffered re Senor Buddy's)

.... then who am I?

And who are you?

I encourage all to step up to the plate on this issue.

Ed Reynolds

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Heldenfels, Leane

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From: Jeanne Kirk [REDACTED]
Sent: Monday, November 09, 2015 10:09 AM
To: Heldenfels, Leane
Cc: Kirk, Jeanne
Subject: LifeAustin: 8901 SH 71 West - Case number: C15-2015-0147
Importance: High

Dear Ms. Heldenfels,

I am contacting you in your capacity as staff liaison for the Austin Board of Adjustment (BOA). I have been a Covered Bridge community resident since 2008 and have lived through years of frustration with the intrusive behavior of Promiseland West/Life Austin Church and their determination to install an open air music venue with permanent sound amplification and a heavy schedule of events, including late night concerts, in the middle of our Rural Residential (RR) zoned neighborhood. This intrusion was inappropriately and illegally enabled and abetted by the City of Austin Planning and Zoning Department and its director, Greg Guernsey, refusing to forward our appeals of their decisions to the BOA, as required by law.

The Covered Bridge and Hill Country Estates neighborhoods have suffered with this intrusion for years. The neighborhoods have had to spend large sums of money trying to stop the building of the amphitheater and to contest the vacillating decision and obstruction presented by Mr. Guernsey and other city staff. We have had multiple meetings with the church and offered many reasonable options, none of which were adopted. Now that the church has proceeded with building and operating this illegal music venue, residents in these neighborhoods and others are having to deal with these intrusive sounds in their homes with doors and windows closed!

Please help us make this right by the following requests:

- I ask the Board of Adjustment to GRANT the appeals filed by Hill Country Estates HOA and the Covered Bridge POA
- I ask the Board of Adjustment to direct city staff to forward the Temporary Use Permit appeal filed by Hill Country Estates HOA and Covered Bridge POA to the BOA
- The hearing on the site plan and building permit appeals is currently on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. I ask that the request by the neighborhoods to postpone the hearing until December 9, 2015 be granted

Thank you for your assistance!

Jeanne

Jeanne C. Kirk
Covered Bridge
8601 Foggy Mountain Drive, Austin TX 78736
jeanneckirk@gmail.com

Heldenfels, Leane

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From: Leonard Baumel <Ingbaumel@sbcglobal.net>
Sent: Sunday, November 08, 2015 9:27 PM
To: Heldenfels, Leane
Subject: case number C15-2015-0147

Dear Ms. Heldenfels;

I am writing in regard to case number C15-2015-0147, the amphitheater at the Life Austin Church, 8901 SH 71 West.

First of all I would like to request that the hearing before the Board of Adjustment scheduled for November 9, 2015 be postponed until December 9, 2015.

Next I want to urge the Board of Adjustment to grant the appeals filed by the Hill Country Estates and Covered Bridge neighborhoods. The noise generated by the amphitheater has caused disturbance, headaches, and has deprived our neighborhoods of the peace and tranquility that brought us here. The inconsideration and disrespect shown by the operator of this amphitheater towards us is very wrong.

Please correct this wrong by granting the appeals.

Thank you.

Gladys Baumel

lsbgbb-glad@yahoo.com

Heldenfels, Leane

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From: Leonard Baumel [REDACTED]
Sent: Sunday, November 08, 2015 9:09 PM
To: Heldenfels, Leane
Subject: case number C15-2015-0147
[REDACTED]

Dear Ms. Heldenfels;

I am writing in regard to case number C15-2015-0147, the amphitheater at the Life Austin Church, 8901 SH 71 West.

First of all I would respectfully request that the hearing before the Board of Adjustment scheduled for November 9, 2015 be postponed until December 9, 2015.

Next I would like to strongly urge the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. The presence of the highly amplified sound that is blown in every direction by the varying winds and atmospheric conditions has disrupted the lives of neighbors and neighborhoods on all sides of the amphitheater. When people can hear the amphitheater from the inside their homes, the situation becomes intolerable. This amphitheater was built in defiance of common sense due to an erroneous interpretation of the City's zoning ordinances.

We beg the Board of Adjustment to accept our appeals and rectify the injustice that has been done to us and our neighbors.

Thank you.

Leonard Baumel
lngbaumel@sbcglobal.net

Heldenfels, Leane

From: Janice Faries [REDACTED]
Sent: Sunday, November 08, 2015 8:55 PM
To: Heldenfels, Leane
Subject: BOA hearing case number: C15-2015-0147 - Covered Bridge Property Owners Association and Hill Country Estates HOA

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To: Leane Heldenfelds

Re: LifeAustin outdoor amphitheater, 8901 SH 71 West, Austin, Texas

Case number: C15-2015-0147, and

I support the Covered Bridge Property Owners Association, the Hill Country Estates HOA and the residents in surrounding neighborhoods who oppose LifeAustin's outdoor amphitheater. We are asking that the City of Austin's Regulations and Codes be followed now, as it was apparently ignored in the past. The surrounding neighborhoods quality of life has been disrupted by the noise from the entertainment events of LifeAustin's professionally engineered, high-powered amplified outdoor venues. Nearby neighborhoods such as Westview Estates, the Thomas Springs neighborhood, Blue Hill neighborhood and others are also being impacted.

Many moved to this area many years ago to avoid the noise and activity of dense city life. The above mentioned neighborhoods did not move to the area after the building of the LifeAustin's outdoor amphitheater, LifeAustin built in the existing neighborhood instead. These previously established neighborhoods now have no choice but to accept, move, or put up with this disruption and hope soon the City of Austin will consider their staff's previous failure to completely follow the City Codes and Regulations and reverse their previous decisions.

Possibly an enclosed structure can hopefully solve the majority of the LifeAustin noise issue. Therefore, I urge the City of Austin to consider

the surrounding neighborhoods concerns and complaints regarding the above issue.

Thank you very much.

Janice Faries

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Heldenfels, Leane

From: Tim Wooten <twooten@hushmail.com>
Sent: Sunday, November 08, 2015 8:06 PM
To: Heldenfels, Leane
Subject: Amphitheater - Case # C15-2015-0147

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Dear Leane Heldenfels,

My wife and I are residents of the Hill Country Estates community at 6701 Midwood Pkwy. We have been members of our community for the past 18 years and love our home and neighbors. Due to the noise originating from the amphitheater located at 8901 SH 71 West, our lives have been disrupted. Objections to the noise generated by the sound checks, shows, and concerts performed at this amphitheater have been filed with the city of Austin via numerous 311 telephone calls. We wish to reference the current case number, C15-2015-0147, to ask the Board of Adjustment to grant the appeals filed by Hill Country Estates Home Owners Association and the Covered Bridge Property Owners Association. We also ask that the Board of Adjustment to direct staff to forward the Temporary Use Permit appeal filed by the Hill Country Estates Home Owners Association and the Covered Bridge Property Owners Association.

Thank you for your assistance in this matter.

Sincerely,
Tim and Jayne Wooten

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Heldenfels, Leane

From: Phillip George [REDACTED]
Sent: Sunday, November 08, 2015 6:54 PM
To: Heldenfels, Leane
Subject: Ref; case C15-2015-0147 LifeAustn

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I was writing to ask the Board of Adjustment to to grant the appeals filed by Hill Country Estates HOA and Covered Bridge POA..

In addition I ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and Covered Bridge POA to the BOA.

I moved to Covered Bridge in Mid 2009 after retirement. I have spent a life time defending due process as Police officer. We were not informed of of any attempt to build a Amphitheater for any reason as there was no public knowledge. The Austin City Staff failed to give public notice. This is my retirement home and I do not want the possibility of our peace being deserted by concerts for any purpose and I am a Christian. As my neighbor in Country Estates said " I don't care if it is Silent Night, if I can hear it in my home it is not acceptably."

Thanks for your attendance to this matter.

Phillip W George
Police Sgt. Retired
7515 Roaring Springs Dr
Austin, TX. 78736

512-810-1289

Heldenfels, Leane

From: [REDACTED]
Sent: Sunday, November 08, 2015 6:47 PM
To: Heldenfels, Leane
Subject: Appeals for Cq5-2015-0147
[REDACTED]

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Re:case number: C15-2015-0147 and amphitheater located 8901 SH 71 West.

We live 2 miles from where the concerts are held and we can hear the thumping bass, like when a car has a loud stereo and drives by our house. But the thumping doesn't "drive away". It's constant during a show.

Board of Adjustment, please grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

And direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

Thank you,
Gina Lovelace
7005 Chinook Dr.
Austin, TX 78736

Heldenfels, Leane

From: [REDACTED]
Sent: Sunday, November 08, 2015 4:52 PM
To: Heldenfels, Leane
Subject: Fwd: [covered_bridge] INFORMATION RE: BOA HEARING ABOUT LIFE AUSTIN
OUTDOOR AMPHITHEATER

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Hi

I am writing to express my concern over the Life Austin amphitheater, the way it was approved and the ongoing deceptive actions taken by city staff to avoid any retraction of permits for the outdoor event center.

Having a home within view of the facility isn't an issue for me. What is an issue is the noise nuisance created by it. We didn't move to the nuisance, but rather it came to us. The facility isn't for religious expression or practice. It is being used for commercial purposes. We have called 311 every time they have a concert because we not only hear it while trying to relax outside, but also while we are inside our home.

All of the points listed below are in line with our concerns and I ask the BOA to retract any permits unfairly provided to this facility. They are not acting in good faith and are not being a good neighbor, as promised. If they want to have services outside, there is no need to have evening concerts not at a decibel level that disturbs the neighborhoods surrounding them.

Thanks

Please reference: 1) the case number: **C15-2015-0147**, and
2) the address for LifeAustin: **8901 SH 71 West**

If you can, please send your email before November 8, 2015 so the BOA members will know on November 9th how many people are interested in the appeal. Please do not attempt to communicate directly with any member of the BOA. All communications must be sent to Ms. Heldenfels.

Background Facts

The following is a very brief description of how the outdoor amphitheater was administratively approved without any public hearings, and how City staff blocked all attempts to allow neighbors to appeal the unprecedented approvals:

Site Plan Approval

In October 2011, City staff administratively approved the site plan submitted by PromiseLand Church West (aka Dream City and now known as **"LifeAustin Church"**) that included the construction of a 1,500 seat outdoor amphitheater on property zoned Rural Residential.

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- Staff interpreted the “religious assembly” use to include outdoor religious assembly and an outdoor amphitheater as principal uses under religious assembly.
- Staff interpretation also expanded “religious assembly use” to include musical and theatrical performances as well as benefit events at which tickets can be sold.
- Staff’s “interpretation” was made in a December 2008 private email between Greg Guernsey, Director of the City’s Neighborhood Planning & Zoning Department, to a representative of LifeAustin Church. Neighbors first learned of the 2008 email in 2011.
- Hill Country Estates HOA (HCE HOA) filed an appeal objecting to Staff’s interpretation in October 2011.
- Staff refused to send appeal to BOA claiming the appeal was not “timely.” Staff said the “interpretation” had to be appealed within 20 days of when it was made (December 2008), although no notice of the “interpretation” was made to anyone other than LifeAustin.
- HCE HOA and Covered Bridge Property Owners Association (CB POA) sued Director Guernsey and the City to require them to send appeal to the BOA as required by State law and City code, and to overturn interpretations that exceeded staff authority. The neighborhood associations did not sue LifeAustin.
- City filed motion to dismiss lawsuit asserting the neighborhoods have “no standing” to sue the City and Guernsey.
- Trial court granted City’s motion to dismiss lawsuit on technical grounds in May 2013. Neighborhoods appealed to Court of Appeals.
- In May 2015, Court of Appeals overturned trial court decision as to HCE HOA. Court of Appeals’ opinion said that trial court cannot decide standing to sue until BOA first decides standing issue.

City’s Approval of Outdoor Amphitheater Building Permit

- HCE HOA and CB POA filed appeal of City’s and Guernsey’s “interpretation” approving a building permit for LifeAustin’s outdoor amphitheater.
- Staff refused to forward building permit appeal to BOA.
- In late 2012, staff sought an amendment to City Code Section 25-2-921(C) to authorize the building official to issue temporary use permits (TUP) in all residential zoning districts for outdoor benefits and festivals held on property used for education and religious assembly purposes.

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- In November 2013, staff issued a new interpretation of Section 25-2-921(C) in a memo that said, due to non-enforcement, this code section no longer prohibits outdoor benefits and festivals on church and school property.
- HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" of the TUP in December 2013 ("TUP Appeal").
- Staff refused to forward TUP Appeal to BOA claiming the November 2013 interpretation did not contain any "appealable" decisions.
- Since November 2013, outdoor benefits and festivals held on property used for education and religious assembly purposes has been allowed as interpreted in the November 2013 memo.

Two of Three Appeals Now Allowed to Proceed

- Staff agrees to send site plan and building permit appeals to BOA but not TUP Appeal.

Primary Appeal Issues for Site Plan and Building Permit Appeals

· Director Guernsey approved the outdoor amphitheater as a religious assembly use. He said the zoning code did not make a distinction between indoor and outdoor religious assembly. This is incorrect. Section 25-2-921(C) of the zoning code **prohibits all outdoor assembly**(public, historic and religious), including benefits, festivals and other events likely to attract a mass gathering of people in the RR to SF-3 zoning districts. The LifeAustin property is zoned RR.

· Section 25-2-921(C) of the zoning code authorizes the City Building Official to issue temporary use permits for outdoor gatherings of up to 50 people in SF-4 and less restrictive zoning districts. To have a gathering of more than 50 people, the property must be located in a non-residential zoning district.

Some Areas of Concern

- Staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater.
- Ticketed concerts, plays and other forms of entertainment are not religious assembly.
- City should enforce the zoning code as it is plainly written.
- Staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues.
- If the code says non-residential zoning is required to have an outdoor event with more than 50 people, how can staff approve gatherings of 1,500 people in the RR zoning district?

· The zoning code requires a “conditional use permit” (and public hearings) to be obtained before property owners can hold graduations, theatrical plays/productions, meetings, concerts, recitals, ballets, family movie nights, and other events in an event center. This requirement has been ignored by staff.

GL
405

- The amphitheater should be enclosed.
- Rural Residential zoning means a rural and quiet neighborhood.
- The LifeAustin outdoor amphitheater is not a residence and it is not quiet.
- Loud concerts on school nights are bad for school aged children.
- Harms property values. How would you feel if you could hear concert music inside your home?
- The approval of the outdoor amphitheater violates the letter and the spirit of the zoning code.

Actions YOU can take

1. Email your comments to BOA staff liaison, Leane Heldenfelds, Leane.Heldenfels@austintexas.gov
2. Please reference the case number: C15-2015-0147 and amphitheater address: 8901 SH 71 West.
3. Ask the Board of Adjustment to **grant** the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
4. Ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

A hearing on the site plan and building permit appeals is on the BOA agenda for November 9, 2015 at 5:30 pm in City Council chambers. The neighborhoods have asked to postpone the hearing until December 9. We will update you later when the hearing date is set.

Jeanne C Kirk, CMP
National Account Manager
Experient
Sent from my iPhone

Posted by: Jeanne Kirk 

Reply via web post • Reply to sender • Reply to group • Start a New Topic • Messages in this topic (1)

Heldenfels, Leane

From: William-Bobbie Moore [REDACTED]
Sent: Sunday, November 08, 2015 4:42 PM
To: Heldenfels, Leane
Subject: Reference to case # C15-2015-0147 - Life Austin Amphitheatre at 8901 SH 71 West

CL
406

Ms Heldenfels,

I am writing this in reference to the Life Austin Amphitheatre on Hwy 71 West. While I am not a resident of any community that is affected by the noise created by this facility, I was house sitting for my daughter one weekend when there was a concert. I live in the Views of Belterra behind the Nutty Brown Cafe. Before we purchased our home we had researched the complaints about their amphitheatre and while we are occasionally able to hear a slight noise, it is nothing that disturbs us or our guests when enjoying evenings outdoors. When I heard the noise coming from the Life Austin Amphitheatre I felt like I was sitting in the middle of the performance. I could hear every word sung hear every note played and the crowd noise was very disruptive.

I am asking that the BOA grant the affected neighborhoods their requested appeal. The quality of life in these neighborhoods is certainly affected by the unsolicited noise coming from this facility. This does not seem to be the sort of facility that would be conducive to a residential zoning.

Thank you for your attention to this matter, Bobbie Moore

Heldenfels, Leane

From: RONI SEEMANN [REDACTED]
Sent: Sunday, November 08, 2015 4:23 PM
To: Heldenfels, Leane
Subject: Case C15-2015-0147 Resident of Covered Bridge

61
407

Hello Ms Heldenfels,

I am writing to you in reference to case number: C15-2015-0147 and the Life Austin amphitheater located at 8901 SH 71 West. I am urging you to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. I want you to know that initially we were thrilled to hear we had a church moving in to our neighborhood but when the amphitheater was slipped in to the equation at the last minute with no public input I lost faith with the City of Austin having the best interest of it's citizens.

Here is an opportunity for the city to show that it does care about the quality of life of a lot of its' citizens over the personal wealth of one domain. I encourage you to please ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA. The church has done everything to undermine the quality of life of all it's neighbors. Please come visit the surrounding neighborhoods during one of the concerts. It won't be possible before Dec 9 because they changed the schedule in fear that you all might hear how intrusive they truly are to the peace and quiet of their neighbors. The next big concert is Dec 18 and they are charging for "passes" from \$13-\$45. All this under a Residential zone. I'm sure you've heard it all before but I feel compelled to do my part to encourage the city to do what is right and good for our area.

Thanks!

Roni Seemann
7324 Black Mountain Dr (Covered Bridge Subdivision)
Austin TX 73746

Heldenfels, Leane

From: Cynthia Harp [redacted]
Sent: Sunday, November 08, 2015 4:08 PM
To: Heldenfels, Leane
Subject: LifeAustin Church noise

C51
408

Dear Leane,

IN reference to case: C15 2015 0147
8901 SH 71 West [redacted]
78736

My home in Hill Country Estates is situated the furthest location from the Life Austin Amphitheater. I can hear the music in my backyard and on occasion the music has been so loud as to hear distinct lyrics. If I lived closer to the Amphitheater, I would consider my house not a home and I would sell it and move. The noise is that destructive.

This Amphitheater should never have been permitted.

Please grant the appeal filed by Hill Country Estates HOA and Covered Bridge POA and forward the TUP to the BOA.

Please go against what has been wrongly done. Please hear the voice of all families in these surrounding neighborhoods.

We are in no way opposed to the church and their activities. It is the level of intrusive and offensive noise that they create.

Best Regards,
Cynthia Harp
Hill Country Estate Resident

Heldenfels, Leane

From: Kristen Cox [REDACTED]
Sent: Sunday, November 08, 2015 3:55 PM
To: Heldenfels, Leane
Subject: Case C15-2015-0147
[REDACTED]

GL
409

Good Afternoon -

I'm a resident of Covered Bridge, a neighborhood in south Austin and in close proximity to Life Austin (8901 SH 71 West).

For many years my husband and I have expressed our concerns about the 1500 seat amphitheater that was dreamed for the property, planned and mapped for the property, constructed on the property and ultimately, to our amazement, launched on their property. Throughout this time, we have hoped for the best and prepared for the worst.

In 2010 we went so far as to put our home on the market. While we love where we live, we couldn't face the likelihood that our property values were going to dive once the amphitheater was built. It would ruin us financially. For 3 months, potential buyers expressed interest in purchasing our home and turned away once they learned that the large church under construction behind us was the one that planned to build the dreaded outdoor concert venue.

Last night was a prime example of life with an amphitheater in our back yard. I hosted a dinner party and had music playing throughout my house as well as on our 2 decks. As 6 of us on my lower deck were eating and talking, noise consumed our conversation. "What is that?" asked one of my guests. Another of my guests who is a sergeant with the Travis County Sheriff's Office answered her question, "That's an amphitheater. We get calls complaining about that thing all the time." The noise was audible above the music I was playing and our dinner conversation. This is the irritation we live with.

I implore you to accept our appeals regarding this matter.

Kind regards,
Kristen Cox
7312 Covered Bridge Dr.

Heldenfels, Leane

From: JDullnig [REDACTED]
Sent: Sunday, November 08, 2015 3:25 PM
To: Heldenfels, Leane
Subject: Our concerns about the amphitheater at 8901 SH71 West

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410

My wife and I share this email address and want to express our concerns about an amphitheater that is very near our home. The case number is C15-2015-0147 and the address of the amphitheater is 8901 SH 71 West.

We request that you ask the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. Please ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

This amphitheater is a significant inconvenience. We have concerns about the negative impact it may have on the value of our property and the noise it creates. Thank you for your assistance in this matter. Please let us know if you have any questions that we may answer regarding this matter

Jon and Judith Dullnig
7325 Black Mountain Drive
Austin, Texas 78736
512-288-1282

Heldenfels, Leane

From: Brad Pollard [redacted]
Sent: Sunday, November 08, 2015 2:56 PM
To: Heldenfels, Leane
Subject: case number: C15-2015-0147
[redacted]

51
411

Re: LifeAustin: 8901 SH 71 West

I live in Travis Country West, at least a mile (as the crow flies) from Life Austin and the amphitheater. Further, we are across highway 71 from the church, and the amphitheater points away from our neighborhood. I am still amazed that at night I can hear the music/bass from the amphitheater. We aren't even close to the church! I would be livid – beyond upset – if my home was closer to this amphitheater. The noise carries! It is loud!!

It seems crazy to me that this got approved in a residential area. Something is flawed in the process.

Brad Pollard

8413 Cobblestone, 78735

Heldenfels, Leane

From: MBBSBB <[REDACTED]>
Sent: Sunday, November 08, 2015 2:56 PM
To: Heldenfels, Leane
Subject: Case Number C15-2015-0147 re: 8901 SH 71 West

61
412

TO: Leane Heldenfels, Staff Liaison, City of Austin Board of Adjustment

Ms. Heldenfels,

We are residents of the Covered Bridge neighborhood in Austin and are requesting that the Board of Adjustment take the following actions with regard to the outdoor amphitheater constructed without required neighborhood input at 8901 SH 71 West:

- 1) We are asking that the BOA hearing on this matter be postponed until December 9, 2015 so that the Board has sufficient time to review this complex issue
- 2) We are asking that the Board grant the appeals filed by the Covered Bridge Property Owners Association and the Hill Country Estates Homeowners Association of the city decisions on the site plan and building permit for this amphitheater
- 3) We are asking that the Board grant the associations' appeal to the temporary use permit granted for this amphitheater.

The construction of an outdoor amphitheater in our rural residential neighborhood, by any organization, degrades the quality of life for those of us who live here and is inconsistent with city of Austin zoning regulations.

We appreciate the Board of Adjustment's consideration of this request.

Thank you.

Mary Braunagel-Brown
Bruce Brown
7321 Roaring Springs Dr.
Austin TX 78736

Heldenfels, Leane

From: Sandra Heflin [mailto:sh71@att.net]
Sent: Sunday, November 08, 2015 2:51 PM
To: Heldenfels, Leane
Subject: Case #: C15-2015-0147

61
413

Regarding Case # C15-2015-0147
Address: 8901 SH 71 West, Austin TX

Leane, I am writing you to let you know about my concerns regarding what I have seen since moving into Covered Bridge neighborhood in Oak Hill this past August. I couldn't live much closer to the amphitheater, I'm right up against the greenbelt on Roaring Springs. I could walk to the church if I wanted to.

I'm writing you to complain about noise, but not music. The noise from a couple of my neighbors complaining about this amphitheater is non-stop. I was dreading the first "concert" Life Austin put on because these neighbors (who are all online- I've never actually met anyone who has heard music from the church) are complaining so much. It turns out, i can't hear any music at all and this whole drama has been unnecessary.

Since August, my family, which consists of seven members, has heard music only ONE time and that was on ACL weekend, so we are not sure of the source.

We've had ample opportunities now to hear this "nuisance" and yet, we've heard nothing. I mentioned just that on a neighborhood website, Nextdoor, and I was quickly told that I need to support the neighbors who could hear it because it was the right thing to do. I was told to lie and say I could hear this mystery music because supposedly someone else could. When I responded, weeks later, that I did not feel comfortable doing so, as I would essentially be accusing someone of doing something I had no evidence of, several neighbors responded with such vitriol that I have removed myself from the board, in fear that these irate people may harm my property or family.

In part due to the online bullying, I am beginning to believe this whole amphitheater fight has nothing to do with sound coming from the amphitheater. I think it has more to do with a long-fought battle that some in the neighborhood are bitter about losing. I suspect that there may also be some anti-Christian sentiment going on because I was warned by a neighbor that several homes have had their Christian Christmas decorations vandalized in recent years. I really hope that is not the case.

Whatever the cause, I am saddened that this is the reality of the neighborhood I have just spent a lot of money and effort to move my family to. There are certainly much worse things that we could live next to than a church.

I implore you to research this and find the truth. I don't think any facility should be bullied like this by a few select neighbors, no matter how loud or organized those neighbors may be. From what I've read, this battle was

already fought and the church agreed to keep their sound to a residential level. Either they have excellent acoustics or the "residential level" doesn't carry very far.

GL
414

Thank you for your time. Feel free to contact me with any questions.

Sandra Pearson
512.994.7904

Sent from my iPhone

Heldenfels, Leane

From: Linda Lievens [REDACTED]
Sent: Sunday, November 08, 2015 2:42 PM
To: Heldenfels, Leane
Cc: Ron Lievens
Subject: LifeAustin Amphitheater

GL
415

Case number: C15-2015-0147
RE: LifeAustin [REDACTED]
8901 SH 71 West
Austin, TX

Dear Leane,

I have lived in the Covered Bridge neighborhood for 10 years and have attended many meetings over these years regarding the building of the Dream City amphitheater, now called Life Austin. As a community, I feel we were never opposed to the church being built but were always concerned and intended to oppose the building of an outdoor musical amphitheater between many neighborhoods. This just never made sense and would surely have been opposed if we would have been given a chance to voice our opinions. We were told by Randy Phillips and other church representatives over the various meetings that this church intended to be a good neighbor, that our concerns were important to them and that they would NOT charge admittance to any concert because it was not a profit based venue.

While building the venue, they did install sound proofing, but even with that we can always hear their concerts. Even now as I am typing this email on a Sunday afternoon, a concert is going on and we can hear it when stepping out our front door. This is not what we anticipated when we build our beautiful home in the hill country in what was originally a nice fairly quiet subdivision. We can hear their concerts on Saturday evenings sitting outside in our backyard. They DO charge admittance for their concerts. And lets be honest... the pastor belongs to a successful Christian rock group so we knew that building this amphitheater meant music whenever they wanted and they truly do NOT take the concerns of their neighbors seriously because we have voiced our concerns over this amphitheater many, many times.

Please consider any options possible to stop this music venue. We were denied a voice as a community when it was approved and hope that there is some way to be heard now. Thank you for your consideration in this matter.

Regards,
Linda Lievens

Linda Lievens
8818 Towana Trail
Austin, TX 78736
512/913-1514

Heldenfels, Leane

From: Sandra Heflin [REDACTED]
Sent: Sunday, November 08, 2015 2:39 PM
To: Heldenfels, Leane
Subject: Covered Bridge / Life Austin

61
416

Leane, I am writing you to let you know about my concerns regarding what I have seen since moving into Covered Bridge neighborhood in Oak Hill this past August. I couldn't live much closer to the amphitheater, I'm right up against the greenbelt on Roaring Springs. I could walk to the church if I wanted to.

I'm writing you to complain about noise, but not music. The noise from a couple of my neighbors complaining about this amphitheater is non-stop. I was dreading the first "concert" Life Austin put on because these neighbors (who are all online- I've never actually met anyone who has heard music from the church) are complaining so much.

Since August, my family, which consists of seven members, has heard music only ONE time and that was on ACL weekend, so we are not sure of the source. We've had ample opportunities now to hear this "nuisance" and yet, we've heard nothing. I mentioned just that on a neighborhood website, Nextdoor, and I was quickly told that I need to support the neighbors who could hear it because it was the right thing to do. I was basically told to lie and say I could hear this mystery music because supposedly someone else could. When I responded, weeks later, that I did not feel comfortable doing so, as I would essentially be accusing someone of doing something I had no evidence of, several neighbors responded with such vitriol that I have removed myself from the board, in fear that these irate people may harm my property or family.

In part due to the online bullying, I am beginning to believe this whole amphitheater fight has nothing to do with sound coming from the amphitheater. I think it has more to do with a long-fought battle that some in the neighborhood are bitter about losing. I suspect that there may also be some anti-Christian sentiment going on because I was warned by a neighbor that several homes have had their Christian Christmas decorations vandalized in recent years.

Whatever the cause, I am saddened that this is the reality of the neighborhood I have just spent a lot of money and effort to move my family to. There are certainly much worse things that we could live next to than a church.

I implore you to research this and find the truth. I don't think any facility should be bullied like this by a few select neighbors, no matter how loud or organized those neighbors may be. From what I've read, this battle was already fought and the church agreed to keep their sound to a residential level. Either they have excellent acoustics or the "residential level" doesn't carry very far.

Thank you for your time. Feel free to contact me with any questions.

Sandra Pearson
512.994.7904
Sent from my iPhone

Heldenfels, Leane

From: [REDACTED]
Sent: Sunday, November 08, 2015 1:37 PM
To: Heldenfels, Leane
Subject: C12-2015-0147

61
417

Dear Ms Heldenfels,

I would like to first thank you for taking the time to "listen" to the many neighborhoods that have been writing to you.

My husband and I researched a dream home where we would have beautiful quiet nights with a sky full of stars. Neighbors that that would become dear friends, almost like family. In 1986 we found it. Hill Country Estates became our dream. We worked hard to make our back yard part of our living area. My 95 year old father came to live with us. He too loved being outside. Our dream has been shattered by a church, on 8901 SH 71 West, "Life Austin"!

The extreme loud "music" that we hear from their outdoor theater has changed our life. I want to share just two incidences among many with you. I have migraines. On night I had a severe migraine. The music from the church was so loud inside my house, my migraine became worst. I had no where to go to get away from the rattling windows and the booming base. My husband found me on the floor in the bathroom after vomiting for hours! Never has this happened! My 7 grandchildren cannot sleep when they come to visit because of this illegal outdoor theater!

I ask for your help and compassion to support the appeals filed by Hill Country Estate HOA and the Covered Bridge POA.

I also plead your help to direct staff to forward the TUP appeal filed by the Hill Country Estates HOA and Covered Bridge POA to the BOA.

We bought the lot next door to us as an investment. I seriously doubt it is an investment anymore. This MUST stop. This is NOT what our Austin is about.

Would you like to have this situation next to your home?

Thank you again for helping us.

Stephanie Werner
6907 Midwood Parkway
Austin, Tx 78736

Stephanie Werner

Heldenfels, Leane

From: Erica Brumleve <[REDACTED]@gmail.com>
Sent: Saturday, November 07, 2015 5:37 PM
To: Heldenfels, Leane
Subject: RE: C15-2015-0147 and Outdoor Amphitheater located @ 8901 SH 71 West

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418

Ms. Heldenfels-

I am writing to request that the Board of Adjustment take the following actions regarding C15-2015-0147 and The Outdoor Amphitheater @ 8901 Hwy 71 West:

1. To request that the Board of Adjustment grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
2. To request that the Board of Adjustment direct staff to forward the TUP appeal filed by Hill Country Estates (HCE) HOA and the Covered Bridge POA to the BOA.

As you may be aware, the following has transpired pertaining to this issue:

In October 2011, City staff administratively approved the site plan submitted by PromiseLand Church West (aka Dream City and now known as "LifeAustin Church") that included the construction of a 1,500 seat outdoor amphitheater on property zoned Rural Residential. Staff interpreted the "religious assembly" use to include outdoor religious assembly and an outdoor amphitheater as principal uses under religious assembly. Staff interpretation also expanded "religious assembly use" to include musical and theatrical performances as well as benefit events at which tickets can be sold. Staff's "interpretation" was made in a December 2008 private email between Greg Guernsey, Director of the City's Neighborhood Planning & Zoning Department, to a representative of LifeAustin Church. Neighbors first learned of the 2008 email in 2011. Hill Country Estates HOA (HCE HOA) filed an appeal objecting to Staff's interpretation in October 2011. Staff refused to send the appeal to the BOA claiming the appeal was not "timely." Staff said the "interpretation" had to be appealed within 20 days of when it was made (December 2008), although no notice of the "interpretation" was made to anyone other than LifeAustin. HCE HOA and Covered Bridge Property Owners Association (CB POA) sued Director Guernsey and the City to require them to send appeal to the BOA as required by State law and City code, and to overturn interpretations that exceeded staff authority. The neighborhood associations did not sue LifeAustin. City filed motion to dismiss lawsuit asserting the neighborhoods have "no standing" to sue the City and Guernsey. A Trial court granted City's motion to dismiss lawsuit on technical grounds in May 2013. Neighborhoods appealed to Court of Appeals. In May 2015, the Court of Appeals overturned trial court decision as to HCE HOA. Court of Appeals' opinion said that trial court cannot decide standing to sue until BOA first decides standing issue.

City's Approval of Outdoor Amphitheater Building Permit

HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" approving a building permit for LifeAustin's outdoor amphitheater. Staff refused to forward building permit appeal to BOA. In late 2012, staff sought an amendment to City Code Section 25-2-921(C) to authorize the building official to issue temporary use permits (TUP) in all residential zoning districts for outdoor benefits and festivals held on property used for education and religious assembly purposes. In November 2013, staff issued a new interpretation of Section

25-2-921(C) in a memo that said, due to non-enforcement, this code section no longer prohibits outdoor benefits and festivals on church and school property. HCE HOA and CB POA filed appeal of City's and Guernsey's "interpretation" of the TUP in December 2013 ("TUP Appeal"). Staff refused to forward TUP Appeal to BOA claiming the November 2013 interpretation did not contain any "appealable" decisions. Since November 2013, outdoor benefits and festivals held on property used for education and religious assembly purposes have been allowed as interpreted in the November 2013 memo.

GL
419

Two of Three Appeals Have Now Been Allowed to Proceed. Staff agrees to send the site plan and building permit appeals to BOA but not TUP Appeal.

Primary Appeal Issues for Site Plan and Building Permit Appeals

Director Guernsey approved the outdoor amphitheater as a religious assembly use. He said the zoning code did not make a distinction between indoor and outdoor religious assembly. This is incorrect. Section 25-2-921(C) of the zoning code prohibits all outdoor assembly(public, historic and religious), including benefits, festivals and other events likely to attract a mass gathering of people in the RR to SF-3 zoning districts. The LifeAustin property is zoned RR. Section 25-2-921(C) of the zoning code authorizes the City Building Official to issue temporary use permits for outdoor gatherings of up to 50 people in SF-4 and less restrictive zoning districts. To have a gathering of more than 50 people, the property must be located in a non-residential zoning district.

As a resident of the Covered Bridge Neighborhood, I am concerned that the Neighborhoods did not receive due process in a timely manner pertaining to this issue and that staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater. Ticketed concerts, plays and other forms of entertainment are not religious assembly. The city should enforce the zoning code as it is plainly written. City staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues. If the code says non-residential zoning is required to have an outdoor event with more than 50 people, how can staff approve gatherings of 1,500 people in the RR zoning district? The zoning code requires a "conditional use permit" (and public hearings) to be obtained before property owners can hold graduations, theatrical plays/productions, meetings, concerts, recitals, ballets, family movie nights, and other events in an event center. This requirement has been ignored by staff. The amphitheater should be enclosed. Rural Residential zoning means a rural and quiet neighborhood. The LifeAustin outdoor amphitheater is not a residence and it is not quiet. I have been able to hear concerts from this venue in my backyard and I live almost at the opposite end of the Covered Bridge neighborhood from this amphitheater. This outdoor amphitheater will definitely harm property values in the future. The approval of the outdoor amphitheater violates the letter and the spirit of the zoning code.

Thank you for your consideration of this request.

Sincerely,

Erica Brumleve
7301 Black Mountain Drive
Covered Bridge Neighborhood
Austin, TX 78736

Heldenfels, Leane

From: Janet Stakes <[REDACTED]>
Sent: Friday, November 06, 2015 5:27 PM
To: Heldenfels, Leane
Subject: Case #:C15-2015-0147
[REDACTED]

51
420

RE: Case: C15-2015-0147
Life Austin-8901 SH71 West

Dear Ms. Heldenfels,

My husband and I have lived in Hill Country Estates for 21 years. We loved it because it was a small neighborhood, peaceful and quiet and away from the city lights and sounds. We have enjoyed that serenity all of these years until the last 4 or so years when our neighborhood found out that Life Austin Church was planning on building an amphitheater that would highly impact our peaceful enjoyment of our neighborhood. Now that it has been built, might I add without the proper channels of approval and against city zoning laws, it is definitely impacting our peaceful and quiet enjoyment.

I live at the far end of our neighborhood, furthest away from the venue. I opened my front door one Thursday night in particular and it sounded like the music was coming from a house on my cul-de-sac it was so loud. It took me a few minutes of looking up the street (which only has 9 houses on it) to realize it was coming from the amphitheater at Life Austin. I could tell because when the music stopped I could hear them talking to the audience. I couldn't believe how loud it was and felt sorry for my neighbors living on the side of the neighborhood closest to the venue. One neighbor who lives on the closer proximity side recently told me they had difficulty getting their very young children to sleep on a Thursday night because the music was so loud and it was literally rattling the windows in her house. I personally have called and registered a noise level complaint to Austin 311 on several occasions.

We were denied our proper and legal rights in regards to this venue, and based on the City of Austin zoning laws the amphitheater should not have been built on this site. We ask that you require them to tear it down or enclose it. Rural Residential zoning means a rural and quiet neighborhood. We ask that the Board of Adjustment grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. We ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

This situation could also harm our property values. We have lived here too long to have this disrupt our lives, yet it is doing so. We demand this case be strongly considered by the BOA and ask their consideration of the laws violated be properly dealt with at this time.

Thank you for your time and consideration

Janet & Doug Stakes
9609 Streamside Dr.
Austin, TX 78736
512-940-2422

Heldenfels, Leane

From: KRISTIN DANSON [REDACTED]
Sent: Friday, November 06, 2015 4:28 PM
To: Heldenfels, Leane
Subject: Reference to case # C15-2015-0147 - Life Austin Amphitheatre at 8901 SH 71 West

61
421

Ms. Heldenfels,

I am one of the homeowners in Hill Country Estates, and own 6801 Bright Star homestead, and 6805 property. We greatly appreciate the BOA taking the time to hear the issues with the Life Austin Amphitheatre. I have lived in this neighborhood since 1999, and for the first time in the 16 years, I have considered moving out of the neighborhood. This summer and fall, with the numerous concerts and sound checks, I have not wanted to be home on Friday, Saturday, and Sundays. A time when typically I get to relax with family and friends by grilling out, lounging by the pool, and instead, I found myself trying to be gone from my home due to the noise of the Amphitheatre. We've had a church at the corner of Midwood Pkwy & 71 for 15 years, and have had no issues, so be clear this is not about a religious venue. With the Life Austin Amphitheatre at 8901 SH 71 West, it has completely disrupted our neighborhood. The music is so disturbingly loud that I can hear the lyrics clearly inside and outside my house, the bass thumps in my master bedroom and has wakened me from sleep, as well as the crowd cheering and performers yelling in the microphones. It's not pleasant. When I want to go to a concert, I go to enclosed arenas that are not in a residential areas, e.g. the Moody Theatre.

We ask that our residential area be respected. If I were to have a band at my house every weekend with hundreds of people, I am quite certain that Austin PD, the community, and my neighbors would all have something to say about it, and most definitely shut it down.

I am asking, that the BOA listen to our complaints and put themselves in our shoes, and grant the appeals filed by Hill Country Estates HOA and Covered Bridge POA, as well as, direct staff to forward the TUP appeal filed, before our property values go down, and our quality of a peaceful life in our little neighborhood goes away completely.

Please understand that in:

- section 25-2-921 of zoning code prohibits all outdoor assembly (public, historic and religious), including benefits, festivals, and other events likely to attract a mass gathering. Life Austin is zoned RR. (I would say 1500+ people is a mass gathering)

The approval of the amphitheatre has been such a violation of our civil liberties, the letter and spirit of the zoning code, and simply our quality of life.

I invite anyone on the committee to come to my house at 6801 Bright Star Lane when a concert is in play to understand the severity of this.

Thank you for your time and understanding.
Kristin Danson

Heldenfels, Leane

61

422

From: Maria Reinke ~~marianreinke@gmail.com~~
Sent: Wednesday, November 04, 2015 8:55 PM
To: Heldenfels, Leane
Subject: LifeAustin: 8901 SH 71 West, case number: C15-2015-0147

Hello,

I am so happy to hear that all is not lost in the case against the Life Austin Amphitheater.

Our home is on Covered Bridge Drive and we get a "lovely view" of the metal church building that houses the Life Austin fellowship. As I write this, it strikes me that this building is a perfect example of pastor Randy Phillips' duplicitous nature. The front façade of this building is very attractive, but look in the back and you see a cold shell. However, as unsightly as the church building is, my real complaint is the amphitheater. I do not impose my music on my neighbors and have no wish to have Life Austin impose their music on me. I am just a hardworking person who looks forward to enjoying my own backyard on the weekend, in the peace and serenity that comes from nature's songs, be it coyotes or cardinals - not loud music.

Please consider rescinding the permit for the amphitheater.

Thanks,
Maria Reinke
512-638-6609

Heldenfels, Leane

61

423

From: Teresa Garcia [REDACTED]
Sent: Wednesday, November 04, 2015 6:25 PM
To: Heldenfels, Leane
Subject: Re: case number: C15-2015-0147 at 8901 SH 71 West
[REDACTED]

Ms Heldenfelds:

As a resident of Westview Estates whose quality of life has been severely negatively impacted by the gross zoning violations of the Life Austin Church's outdoor amphitheater, I am asking you to please communicate to the Board of Adjustments that the actual community surrounding the church property is not enhanced or in any way "blessed" by the amplified outdoor events. Please grant the appeals requests filed by Hill Country Estates HOA and the Covered Bridge POA, which they filed not only on their behalf but on the behalf of all of the neighborhoods that surround Life Austin Church. I also ask that the Board of Adjustments staff direct the TUP appeal to the Board of Adjustments. We intentionally moved out to a rural residential area to be able to enjoy peace and quiet. If I had wanted to live next door to a live music venue, I would have moved to Belterra near Nutty Brown Cafe.

Respectfully,

Teresa Garcia

Heldenfels, Leane

01
424

From: Charlsa gmail [REDACTED]
Sent: Wednesday, November 04, 2015 7:04 AM
To: Heldenfels, Leane
Subject: Case C15-2015-0147 (amphitheater at 8901 SH 71 West)

This message concerns various pending matters regarding the LifeAustin amphitheater located at 8901 SH 71 West (your case number C15-2015-0147). Although I now live in the Zilker neighborhood, I owned a home and lived in Hill Country Estates from 1994 to 2011. The issues surrounding the amphitheater began when I was an officer in Hill Country Estates Homeowners Association ("HCEHOA"); and as a result of the City's inappropriate handling of filings through these past years, these same issues can now have a huge negative impact on residential properties throughout the greater Austin area.

Accordingly, I am respectfully asking the Board of Adjustment to take several actions:

- Agree to the neighborhoods' request for postponement (from November 9 to December 9);
- Grant the site plan and building permit appeals filed by HCEHOA and Covered Bridge POA ("CBPOA"); and
- Instruct City staff to forward the Temporary Use Permit appeal filed by HCEHOA and CBPOA to the Board of Adjustment.

Thank you.

Charlsa Bentley (78704)

***If not for the dark of night,
there would be no stars. ***

Heldenfels, Leane

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425

From: Don Emerson [REDACTED]
Sent: Tuesday, November 03, 2015 9:49 PM
To: Heldenfels, Leane
Subject: C15-2015-0147 / 8901 SH 71 West Life Austin Outdoor Amphitheater

re: case number: C15-2015-0147 / 8901 SH 71 West Life Austin Outdoor Amphitheater

Ms. Heldenfels,

I thank you for this opportunity to share our experience living near the Life Austin Outdoor Amphitheater.

I have two children in school (grades 4 and 8), and the loud amplified rock music emanating from Life Austin's Outdoor Amphitheater has been so loud *inside* our house that it's distracted my children from both homework and sleep. Loud thumping bass which has reverberated off our windows like a drum.

While this *was* a quiet rural residential neighborhood, and I don't understand how Life Austin has been allowed to build a concert venue within a rural residential zone, and continues to perform loud performances with no concern for it's neighbors.

I don't object to Life Austin joining the neighborhood, but to have loud, amplified concerts and performances, particularly after dark on school nights, is unreasonable.

There would be no complaint if the church took the money from their ticketed amplified performances and simply enclosed their amphitheater. Likewise non-amplified performances before sundown would be raise no objection. We should not however be subjected to such noise in our neighborhood and residences. We wish and deserve to enjoy quiet in our yards and homes again.

Please grant the appeals by the Hill Country Estates HOA and the Covered Bridge POA, and direct their TUP appeal to the Board of Adjustment.

This is a residential neighborhood, and we deserve some peace.

Thank you, Don Emerson

Heldenfels, Leane

From: Marquis, Terry [REDACTED]
Sent: Tuesday, November 03, 2015 9:42 PM
To: Heldenfels, Leane
Subject: C15-2015-0147 BOA HEARING ABOUT LIFE AUSTIN OUTDOOR AMPHITHEATER @ 8901 SH 71 West

51
426

Hello Leane,

We just wanted to write a quick email concerning this case.

1. This venue is very disruptive to the peace and quiet of our rural residential neighborhood. The events prevent the enjoyment of our home where we have lived for 26 years. As an example, our pets howl and cry during concerts. We can hear most events in our living room, so our home is not even a safe haven from this noise pollution.
2. Please grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.
3. Please also direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

Thank You for your attention,

Janet and Terry Marquis
6804 Bright Star Lane
AUS TX 78736

Heldenfels, Leane

From: CR Miertschin [REDACTED]
Sent: Tuesday, November 03, 2015 9:05 PM
To: Heldenfels, Leane
Subject: Case number: C15-2015-0147, LifeAustin: 8901 SH 71 West

61
427

Dear Ms. Heldenfels,

We have been residents of Hill Country Estates since June 1990, and we are writing in regard to the subject case and facility.

This is our retirement home and we selected this subdivision because of the large lots, privacy, easy access to our church, and the hill country atmosphere; which is unusually quiet for a residential neighborhood and includes an abundance of wildlife.

But now, this inviting and treasured way of life has been destroyed by loud music which can be heard indoors, which is a total disruption of the peace and quiet which we have for so long enjoyed in our senior years.

To allow the construction of an amphitheater in rural residential zoning is shocking and unbelievable. But, this is what happened and this is not right, and apparently major errors were made during the planning and permitting process.

To help make this right, we ask the Board of Adjustment to **grant** the appeals filed by Hill Country Estates HOA and the Covered Bridge POA, and to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

Sincerely,

CR and Amanda Miertschin
7000 Bright Star Lane
Austin, TX 78736
512-288-5385

Heldenfels, Leane

From: Beki Halpin [REDACTED]
Sent: Wednesday, November 04, 2015 1:38 PM
To: Heldenfels, Leane
Subject: Case #C15-2015-0147
[REDACTED]

51
428

Regarding Case #C15-2015-0147 and the amphitheater at 8901 SH 71 West,

I am asking that the BOA 1) grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA.

and 2) direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

The process regarding the permitting of this amphitheater as a place of worship when it is really a huge outdoor entertainment venue that blasts unwanted sound out into the neighborhoods was non-transparent and likely illegal. Neighborhoods need to feel that city staff regards the laws and codes of the city as binding for large developers and for religious institutions as well as the ordinary resident.

This could set a precedent that allows all religious properties to become outdoor entertainment venues regardless of where they are located.

Thank you,
Beki Halpin
7107 Stone Ledge Circle
Austin, TX 78736

Heldenfels, Leane

From: Jim Buck [REDACTED]
Sent: Wednesday, November 04, 2015 12:58 PM
To: Heldenfels, Leane
Cc: Eli del Angel; Mike Kirk; Info (Ellen for Austin)
Subject: Life Austin Amphitheater Case: C15-2015-0147

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429

Ms. Heldenfels:

The Covered Bridge POA contends that they have "no issues" with the "entity" however, their actions speak louder than words.

I was appointed to their Board of Directors for nearly a year with no issues and then it was casually mentioned that I was a member of Life Austin. Things deteriorated quickly, I was ridiculed, I was challenged and accused of being an operative of the church. To this day I cannot ask for information without having to confirm for the POA Board that the information will not be provided to the church. This is of particular note as the POA Board repeatedly states "we have no issue with the church..." Yet, they kicked me off for having a different philosophical perspective... I'd would argue they certainly view Life Austin from an adversarial perspective. They didn't view me any different until I disclosed I was a member of Life Austin, that is discriminatory.

As a resident of Covered Bridge I respectfully request the Board of Adjustment deny the appeals filed by Hill County Estates and Covered Bridge Property Owners Associations respectively. Further, I would request that the hearing on the site plan proceed as scheduled on November 9th.

James W. Buck
President
Texas Legal
7500 Rialto Blvd. | Building One | Suite 120 | Austin, TX 78735
jbuck@texaslegal.org*
Office: 512.327.1372 Fax: 512.327.0163
www.texaslegal.org



**TLPP is now Texas Legal! Please update your contact information with my new email address. Thank you.*

Heldenfels, Leane

From: [REDACTED]
Sent: Wednesday, November 04, 2015 12:36 PM
To: Heldenfels, Leane
Subject: Amphitheater concerns

C1
430

My husband and I have lived in Hill Country Estates for 25 years. It has been a lovely, peaceful neighborhood until Life Austin built an amphitheater in the middle of our neighborhoods. Our neighborhoods have been here for many years before the amphitheater was built. When they have a concert, we can hear the music and the cheering very loudly on our property. We can't sit outside and enjoy a nice evening without having the intrusion of their loud music. In reference to the case #C15-2015-0147 and Life Austin Church Amphitheater at 8901 SH 71 West, please grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. Please have your staff forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA. We would love to enjoy the outdoors and be able to sit in enjoyment of nature again.

Thank you very much,

Dixie Schroeder
7005 Midwood Parkway
Austin, Texas 78736

Heldenfels, Leane

67
431

From: John Abel <[REDACTED]>
Sent: Wednesday, November 04, 2015 12:26 PM
To: Heldenfels, Leane
Subject: RE: Case # C15-2015-0147 8901 SH 71 West

Ms. Heldenfels,

I have concern of Case C15-2015-0147 concerning the amphitheater at 8901 SH 71 West.

When I built my home on Midwood Pkwy 22 years ago it was with the understanding that the zoning of the property in my area would prevent something like the amphitheater nearby from being built and from interfering with the rural neighborhood existence I was buying into.

While I knew urban sprawl would someday touch our area, I never suspected that City staff would be able to ignore city code and the residents affected by choosing unilaterally to form their own interpretation of City code.

Now I am enduring with regularity, rock concerts and other loud assemblies keeping me awake on event nights up to a late hour for me. I am normally somewhat early to bed and early to rise.

My feeling is that it is a classic example of a corrupt bureaucracy when one civil servant or a small group of civil servants can ignore codes and laws and act from their own imaginations or in their own self-interests.

Furthermore, it is my understanding that these unlawful acts by the City staff can be reversed by the City of Austin Board of Adjustment. I sincerely hope that the BOA does the just thing by reversing the actions of what I now consider to be an unlawful City staff.

Sincerely,

John Abel
6807 Midwood Pkwy.
Austin, Tx. 78736

PS I'm 63 years old and while I love rock music, I can no more tolerate a concert in my back yard than I would my neighbor's kid playing his stereo at top volume in his driveway outside my bedroom window at 11pm.

Heldenfels, Leane

From: david VanDelinder [REDACTED]
Sent: Wednesday, November 04, 2015 11:35 AM
To: Heldenfels, Leane
Subject: Subject: Case C15-2015-0147 (amphitheater at 8901 SH 71 West)
[REDACTED]

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432

This message concerns various pending matters regarding the LifeAustin amphitheater located at 8901 SH 71 West. Despite our efforts as neighbors to reach some accommodation with Life Austin Church, today neighborhoods surrounding the church amphitheater are exposed to noise pollution that is reducing our quality of life and our property values. Please support Austin neighborhoods.

I am respectfully asking the Board of Adjustment to take several actions:

- Agree to the neighborhoods' request for postponement (from November 9 to December 9);
- Grant the site plan and building permit appeals filed by HCEHOA and Covered Bridge POA ("CBPOA"); and
- Instruct City staff to forward the Temporary Use Permit appeal filed by HCEHOA and CBPOA to the Board of Adjustment.

Thank you.

David VanDelinder
6800 Midwood Parkway
Austin, Texas 78736
(512) 762-1519
dovandelinder@gmail.com

GL
433

C15-2015-0147

Heldenfels, Leane

From: alfred stlouis [REDACTED]
Sent: Wednesday, November 04, 2015 10:34 AM
To: Heldenfels, Leane
Subject: Life Austin Noise Permit

61
434

I live in Westview Estates, just about 1/2 mile from this Church/Commercial Music venture, and I strongly oppose the permit which allows these folks to blast our neighborhood with loud, amplified music! I support the several surrounding neighborhoods who are requesting the permit to be revoked. The Church could easily enclose the amphitheatre, but they apparently insist on sound blasting us in hopes we will be converted and join in on the Rock music.

Heldenfels, Leane

From: Matt Julian <[REDACTED]@gmail.com>
Sent: Tuesday, November 03, 2015 8:23 PM
To: Heldenfels, Leane
Subject: Case Number: C15-2015-0147
Attachments: LifeChurch9-3-15.wav

61
435

Dear Ms. Heldenfelds,

I am a resident of Hill Country Estates and am writing on behalf of my family with regard to the outdoor amphitheater at Life Austin Church at 8901 SH 71 W., Austin, TX.

Though our residence is located approximately 1 mile from the amphitheater we are severely impacted by the sound emanating from the venue whenever a live event is held there. For your edification, I have attached a small recording of one such event taken from the top of our driveway. I hope you will give a listen.

By way of this mail, I would like to request and encourage that the Board of Adjustment grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. I would also like to ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

I thank you advance for your assistance.

Best regards,
Matt Julian
6708 Bright Star Lane
Austin, TX 78783
512-586-7035

[REDACTED]

Heldenfels, Leane

From: Terrie Raymond <[REDACTED]>
Sent: Tuesday, November 03, 2015 6:33 PM
To: Heldenfels, Leane
Subject: Case C15-2015-0147 / 8901 SH 71 West - LifeAustin

GL
4/3/16

Importance: High

Dear Ms. Heldenfels-

It is my understanding you are the staff liason for the Austin Board of Adjustment in connection with the above referenced matter. I wish to express my support that the Board of Adjustment:

- 1) **Grant the appeals filed by Hill Country Estates Homeowners Association and the Covered Bridge Homeowners Associations.**
- 2) **Direct City staff to forward to the Board of Adjustment the TUP appeal filed by Hill Country Estates Homeowners Association and the Covered Bridge Homeowners Associations.**

I oppose the outdoor amphitheater and request that a review by the Austin Board of Adjustment result in suspension and reversal of all building permits and/or occupancy permits in Case C15-2015-0147 / LifeAustin - 8901 SH 71 West.

For over 5 years the respective Homeowners Associations for Covered Bridge and Hill Country Estates have maintained regular contact with the City Council and Planning and Zoning Department, registering as materially affected parties in order to submit orderly input to the process and voice concerns. The original site plan was not approved in the normal and routine manner, and instead managed by City staff using private emails. The City should be accepting equal input from both sides of this issue, but for reasons unknown it has clearly maneuvered and swerved to avoid cooperation with the neighborhoods, disallowing any public input or hearings.

The negative impact of a 1,500 person outdoor entertainment facility within a few hundred feet of two (soon to be three) residential neighborhoods should be obvious. Safety. Noise. Traffic. I would like to add that I have personally attended a public meeting where the LifeAustin Executive Pastor announced intent to use the amphitheater for amplified, outdoor music events at least twice a month, and would not need any conditional use permits to operate! How could LifeAustin reasonably expect to prevent adverse impact to homes adjacent to their property from sound levels generated by an outdoor event staged to be heard by 1,500 attendees?

I ask the Austin Board of Adjustment to at last consider the long denied appeals of the homeowners of Covered Bridge and Hill Country Estates and also the following:

- 1) Rural Residential zoning means a rural and quiet neighborhood;
- 2) LifeAustin outdoor amphitheater is not a residence. It is a for-profit, commercial, entertainment facility. It is not quiet;
- 3) Initial approval by City staff of the amphitheater ignored outdoor assembly zoning regulations pertaining to outdoor assembly (Section 25-2-921C).

Regards-

Terrie Raymond
7004 Covered Bridge Drive
Austin, Tx 78736

61
437

Heldenfels, Leane

From: Carolyn Barkley <[REDACTED]@gmail.com>
Sent: Tuesday, November 03, 2015 5:54 PM
To: Heldenfels, Leane
Subject: Case Number C15-2015-1047, LifeAustin 8901 SH71 West

C-1
438

Board of Adjustment, City of Austin:

Please grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. And please direct the staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

The Staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater. Ticketed concerts, plays and other forms of entertainment are not religious assembly.

Staff's interpretations set a precedent for all church grounds to become outdoor entertainment venues.

The subdivisions of Hill Country Estates and Cover Bridge were in existence before the LifeAustin's amphitheater were approved and built. Now, we have lost our right to a peaceful and quiet life.

The "music" is so loud in our homes and surrounding property, we cannot talk to each other, the children cannot sleep, we are forced to listen to music we do not choose to hear and the value of our homes has decreased.

Section 25-2-921 (C) of the zoning code prohibits all outdoor assembly, including benefits, festivals and other events likely to attract mass gatherings of people in the RR to SF-3 zoning districts. LifeAustin is zoned RR.

Please grant the appeals filed by Hill Country Estates HOA and Covered Bridge HOA so we can have peace and quiet again in our subdivisions and direct Staff to forward the TUP appeal to the BOA.

Sincerely,
Carolyn Barkley
PO Box 92169
Austin, TX 78709-2169
[REDACTED]

Heldenfels, Leane

From: Barton Wilder RT <roadtrip@texas.net>
Sent: Tuesday, November 03, 2015 5:53 PM
To: Heldenfels, Leane
Subject: Life Austin Outdoor Amphitheater

GL
439

Dear Ms Heldenfels,

I have lived in Westview Estates since 1997. I moved into this neighborhood, with its tranquility and peace, BECAUSE it was an established rural area where my family and I could enjoy the privacy and quietude it provided. We have narrow streets and no street lights so it's quite lovely at night. One can hear coyotes barking and the call of Great Horned Owls. Although there is some light pollution that spills over from the city, it is still a place where one can star watch in the evening, as we often do.

Now, our tranquil, rural residential neighborhood has been upended by the intrusion of a mammoth church campus and its enormously loud amphitheater that seats more than a thousand. The church sponsors weeknight for-profit rock concerts. I note that their website currently lists only free events. This is a ruse, as that has certainly not been the case in the past several years.

I feel strongly that the City employee who approved this travesty made a grave mistake, totally failing to take into consideration the concerns of the neighbors who must endure this organization's assaults on our ears and our patience. No one should have their rights to live undisturbed removed by a bureaucrat who either failed to grasp the intentions of Life Austin or chose to ignore the rights of the many neighbors who pre-existed.

I hope you will consider my rights and the rights of my neighbors to live undisturbed and unmolested by music that invades my home. Please reverse the decision regarding this organization's permitting. The case # is C15-2015-0147. LifeAustin Church is located at 8901 SH 71 West.

Most Sincerely,

Laura L. Barton

Heldenfels, Leane

From: Sharon Figaro [REDACTED]
Sent: Tuesday, November 03, 2015 3:48 PM
To: Heldenfels, Leane; 'Greg Figaro (gfigaro@sasacounseling.com)'
Subject: Case C15-2015-0147
[REDACTED]

C51
440

Leane,

We built our house in Hill Country Estates more than 20 years ago. What attracted us to the neighborhood was the serenity, wildlife, and friendly neighbors. That has all changed since the Life Austin Amphitheater at 8901 SH 71 West has been allowed to book concerts that seat up to 1500 people. The music can be heard not only outside but INSIDE our home as well. We hear the guitars, bass, and lyrics. If a concert is booked we cannot go to sleep until the concert is over. Our serenity is now taken over by loud music, the wildlife is diminishing and the church is by no means friendly neighbors.

We are confused and frightened that this facility can be zoned and allowed for such concerts. Not only for our neighborhood but other neighborhoods in Austin. I would hate for this to happen to our friends and family who live in Austin, which includes you and your family. We still believe Austin is a great place to live and that we look after each other.

Please help us make this right and fair to all neighbors.

Sharon & Greg Figaro
6911 Bright Star Lane
Austin, Texas 78736

Heldenfels, Leane

From: Frank [REDACTED]
Sent: Tuesday, November 03, 2015 2:09 PM
To: Heldenfels, Leane
Subject: Case number: C15-2015-0147 concerning LifeAustin: 8901 SH 71 West
[REDACTED]

61
441

Importance: High

Ms. Heldenfels,

Case number: **C15-2015-0147** concerning LifeAustin: **8901 SH 71 West**

My name is Frank Bongiorno and live at 9404 Summer Sky Drive Austin, TX 78736. I am located partially within the Austin City Limits.

My Homestead:

Ownership Information					
Account #	Owner Name				
01015002040000	BONGIORNO FRANK J				
Mailing Address					
9404 SUMMER SKY DR AUSTIN, TX 78736-2423					
Legal Description					
LOT 3 BLK E HILL COUNTRY PHS II-A					
2014 Tax Year Detail					
Taxing Unit	Assessed Value	Net Taxable Value	Base Due	Penalty/Interest	Attorney Fees/Other Fees
AUSTIN ISD	\$332,520.00	\$317,520.00	\$0.00	\$0.00	\$0.00
CITY OF AUSTIN (TRAV)	\$8,793.00	\$8,793.00	\$0.00	\$0.00	\$0.00
TRAVIS COUNTY	\$332,520.00	\$266,016.00	\$0.00	\$0.00	\$0.00
TRAVIS COUNTY ESD #3	\$323,727.00	\$323,727.00	\$0.00	\$0.00	\$0.00
TRAVIS CENTRAL HEALTH	\$332,520.00	\$266,016.00	\$0.00	\$0.00	\$0.00
ACC (TRAVIS)	\$332,520.00	\$327,520.00	\$0.00	\$0.00	\$0.00
Total			\$0.00	\$0.00	\$0.00

I also own the adjoining lot within the City:

Ownership Information			
Account #	Owner Name	Mailing Address	Legal Description
01015002120000	BONGIORNO FRANK	9404 SUMMER SKY DR AUSTIN, TX 78736-2423	LOT 2 BLK E HILL COUNTRY PHS II-A

61
942

2014 Tax Year Detail					
Taxing Unit	Assessed Value	Net Taxable Value	Base Due	Penalty/Interest	Attorney Fees/Other Fees
AUSTIN ISD	\$42,000.00	\$42,000.00	\$0.00	\$0.00	\$0.00
CITY OF AUSTIN (TRAV)	\$4,200.00	\$4,200.00	\$0.00	\$0.00	\$0.00
TRAVIS COUNTY	\$42,000.00	\$42,000.00	\$0.00	\$0.00	\$0.00
TRAVIS COUNTY ESD #3	\$37,800.00	\$37,800.00	\$0.00	\$0.00	\$0.00
TRAVIS CENTRAL HEALTH	\$42,000.00	\$42,000.00	\$0.00	\$0.00	\$0.00
ACC (TRAVIS)	\$42,000.00	\$42,000.00	\$0.00	\$0.00	\$0.00
Total			\$0.00	\$0.00	\$0.00

Back

Note: I did partake in the sound test but was unable to access any information after logging into the website as directed so I consider this test unacceptable and should be redone. I was not the only resident within my neighborhood who was unable to review this information during the test. **This is was never resolved.**

I do work from home and was unable to concentrate during the day before, during and after the testing was done because of the loud music from the church. The sound levels were bouncing on my windows and I found it impossible to concentrate on my work. I am certain that continued music blasting will effect my work and thus my ability to provide for my family.

I also can't imagine to have to endure the constant bass and high pitches of the noise while trying to enjoy life with my family anywhere within or outside my residence. This will undoubtedly create a higher stress level on time off when I should be relaxing and makes it harder to concentrate during my work hours. As it stands now, I can hear the music playing within the church from my front and backyard in the early hours of the morning. If the City chooses to keep allowing an outside music venue for church and/or private events would be catastrophic to my life. I would undoubtedly have to sell the house I have been in for so long and love and take a lower price since **my home and property value will depreciate.**

It seems absurd that this type of noise pollution should be allowed around our peaceful neighborhood when **that land was never zoned to be allowed.** I have been living at this location for approximately 20 years and never before until now that **I fell like my rights to live in a peaceful environment have been violated** so much by this noisy nuisance.

Map of locations:



Please feel free to contact me with any questions or concerns.

Frank & Kristina Bongiorno
9404 Summer Sky Drive
Austin, TX 78736
(512) 288-0637

Heldenfels, Leane

From: Daloma Armentrout ~~daloma@earthlink.net~~
Sent: Tuesday, November 03, 2015 1:30 PM
To: Heldenfels, Leane
Subject: LifeAustin Amphitheater, 8901 SH 71 West, C15-2015-0147

61
444

re: C15-2015-0147
LifeAustin Amphitheater, 8901 SH 71 West

Dear Ms. Heldenfelds:

I am requesting that the Board of Adjustment grant the appeals filed by the Hill Country Estates Homeowners Association and the Covered Bridge Property Owners Association in the above appeal pending before the BOA.

LifeAustin's outdoor amplified events are clearly prohibited by code. Their outdoor amphitheater is on property zoned Rural Residential. RR zoning means a rural and quiet neighborhood. City Staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater. The City should enforce the zoning code as it is plainly written. Unfortunately, Staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues.

Either we have land use and zoning restrictions to protect neighborhood values, and the property tax base, or we do not. Planning and Development assured us that no amphitheater could be built with administrative approval, but that a zoning case (public hearings) would be required. Despite that assurance based on the letter, spirit, and history of code, City Staff then privately (and without public process), created interpretations that gutted our zoning protections. Neighborhoods are being subjected to frequent

professionally amplified entertainment events, and being deprived of peace,
the quiet enjoyment of our property, and due process.

61
445

I also respectfully request that the Board of Adjustment direct staff to forward the temporary use permit appeal filed by the Hill Country Estates HOA and the Covered Bridge POA to the BOA for its review and determination.

Thank you for your consideration.

Daloma Armentrout
dalomala@earthlink.net

Heldenfels, Leane

From: Roy Shamir [redacted]
Sent: Tuesday, November 03, 2015 12:25 PM
To: Heldenfels, Leane
Subject: Case C15-2015-0147 regarding Life Austin at 8901 SH 71 West
[redacted]

61
446

Dear Ms. Heldenfels,

I am writing regarding the upcoming BOA hearing on the subject of the Life Austin amphitheater. I hope I can help shed some light on one affected neighbor's point of view.

Over the last several years, I have witnessed repeated attempts by our neighborhood to protest the permit, construction and operation of the Life Austin amphitheater. To date, these attempts were fruitless, leading to an intolerable situation in our neighborhood.

We chose to live in the suburbs of Austin so that we can create a safe and peaceful space for our family of 5. We moved from a busy urban area of Israel straight to our house in Bright Star Lane 10 years ago, and were immensely thankful for our fortune to be able to live with such peace and quiet in the beautiful Austin area.

However, the operation of the amphitheater has become a serious hindrance to our peace and quiet. Some of the louder concerts can be heard clearly in our back yard, and in the children's bedrooms upstairs. We have a 6 year old son whose bedtime routine starts at 7:30-8:00PM. So even if the concert ends at 9PM, this is still a serious disturbance. We are relatively fortunate: the noise level reaching us is not nearly as high as some other residents are experiencing; when taking walks in the neighborhood, several times I was appalled to witness the incredibly loud sound levels that my neighbors down the street are experiencing.

Quite frankly, we have considered moving out of our home because of this disturbance. We love our home and hope that we never have to do so. We also have a deep concern regarding our property value given the current conditions.

I appreciate you taking the time to learn more about the disturbance in our neighborhood. I'm very hopeful that you will be able to help us with this predicament.

With regards,
Roy Shamir
7101 Bright Star Lane

Heldenfels, Leane

From: Marlene Warner [REDACTED]
Sent: Tuesday, November 03, 2015 11:55 AM
To: Heldenfels, Leane
Subject: Case #C15-2015-0147
[REDACTED]

61
447

M's Heldenfelds:

I am e-mailing you in regards to case number: C15-2015-0147 of Life Austin amphitheater at 8901 SH 71 West.

I hope you consider this case serious to all of us living in Hill Country Estates and the surrounding communities. We never got our due process and the noise has become a big nuisance to all of us living out here. Since they began their concerts this past summer it has disrupted our lives. The noise is unbelievable.

I have lived out here for over 25 years. We bought our property and built our home to enjoy the beauty and the sounds of nature. Unfortunately, this ended for us and we now are forced to listen to the music or come into the house. On the other hand, coming into the house does not help either because the sound goes through our brick wall and disrupts us listening to TV.

Numerous times, I called 311 to file a complaint and I also talked to District Rep. Officer Binder who actually told me that they are within the sound limit and cannot do anything about it. He works for the city. Then your city staff actually let Pastor Randy build his amphitheater when it should have never happened. Life Austin outdoor amphitheater is not a residence and it is not quiet. How would you like your life to be disrupted like ours?

A couple of weeks ago, my husband and I made a nice dinner, to sit out on our deck only to have to bring everything in due to the noise of his band. Needless, to say this ended when they began playing their music.

I have problems with my heart and the anxiety of having to listen to this excess noise doesn't help my PAC & PVC's and presently being treated for them. All of this anxiety comes from a Pastor who would not build an indoor theater. He told us he wanted to spread the word of the lord through his music. For a man who preaches peace why did he have to take it away from us?

I am asking you and the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and Covered Bridge POA and to direct staff to forward the TUP appeal filled by us.

This is important to me and I beg that you listen to my request to finally end this and give us back our peace and quiet.

Sincerely,

Marlene & Beak Warner
7001 Midwood Parkway

Heldenfels, Leane

From: Michael Owen [REDACTED]
Sent: Tuesday, November 03, 2015 9:59 AM
To: Heldenfels, Leane
Cc: moke_mister04@yahoo.com
Subject: BOA Case# C15-2015-0147
[REDACTED]

GL
H48

This message is from Michael Owen. [REDACTED]

reference: case number: C15-2015-0147

LifeAustin: 8901 SH 71 West

Ms. Heldenfels:

This e-mail is to inform you of my desire to postpone the meeting scheduled for November 8 until December. I admit that I was disappointed to learn of the back-door process that was used to keep affected residents out of the loop of approval. Residents who moved into their Rural Residential neighborhoods to enjoy the peace and quiet of the country atmosphere.

As a longtime resident of the city, I also note that this was the culmination of decades of failed attempts by Master Randy to create such a venue on the grounds of his father's private church in downtown Austin. In the months preceding the stated Grand Opening of his new and profitable LifeAustinAmp in which his personal band was showcased and included multiple rotating searchlights in the sky, we have been subjected to objectionable noise from concerts who's ticket prices range up into the \$40+ range.

Inside of our houses we can hear Music, Base vibrations, and crowd noise for durations of the event. This doesn't include the additional annoyance of noise generated from sound checks when setting up that may happen hours before, or the day before the event in which Travis County Deputies serve as parking lot attendants.

Heldenfels, Leane

From: P Jones <[REDACTED]@yahoo.com>
Sent: Monday, November 02, 2015 9:18 PM
To: Heldenfels, Leane
Subject: Board of Adjustment Case: C15-2015-0147; LifeAustin amphitheater: 8901 SH 71 West

GL
449

Dear Ms. Heldenfelds:

I am requesting that the Board of Adjustment **grant** the appeals filed by the Hill Country Estates Homeowners Association and the Covered Bridge Property Owners Association in the above appeal pending before the BOA.

LifeAustin's outdoor amphitheater is on property that is zoned Rural Residential. RR zoning means a rural and quiet neighborhood. City Staff did not have the authority to administratively approve LifeAustin's construction of an outdoor amphitheater. The City should enforce the zoning code as it is plainly written. Unfortunately, Staff's interpretations set a precedent to allow all church grounds to become outdoor entertainment venues.

I also respectfully request that the Board of Adjustment direct staff to forward the temporary use permit appeal filed by the Hill Country Estates HOA and the Covered Bridge POA to the BOA for its review and determination.

Thank you for your consideration.

Paula Jones
Hill Country Estates Homeowners Association

Heldenfels, Leane

From: Dylan Duke <dylandu1205@gmail.com>
Sent: Tuesday, November 03, 2015 9:36 AM
To: Heldenfels, Leane
Cc: omegaduke1205@gmail.com
Subject: Case C15-2015-0147

67
450

Leane,

I hope all is well.

I am writing you to address my grievance with the Life Austin Amphitheater at 8901 SH 71 West.

My wife and I have three children and moved into our formally quite neighbor almost 4 years ago.

We now are subject to incredibly loud music throughout the week and on weekends. The intense bass and loud music combined with the roar of the crowd gives my backyard and house a feel of living on 6th street.

It is a wide belief that this church has corrupted the City of Austin officials and has pushed through with their outrageous commercial plans regardless of neighborhood complaints, constant calls to 911 and 311, a clear violation of permitting and an outrageous claim that they are a resident. How many residents have events with 1500 people that charge tickets and charge for food and drink?

I would like someone to explain to me why I have to answer my children's questions of why their windows are shaking at 9:30 PM on a Sunday night.

The amphitheater has caused a great amount of stress and concern.

We simply ask we make this right. We ask the Board of Adjustment to grant the appeals filed by Hill Country Estates HOA and the Covered Bridge POA. Further, we ask the Board of Adjustment to direct staff to forward the TUP appeal filed by Hill Country Estates HOA and the Covered Bridge POA to the BOA.

Thank you,

Dylan & Omega Duke
6705 Bright Star Lane
Austin, TX 78736