

Attachment 4

**Drenner & Golden**  
**Stuart Wolff LLP**  
ATTORNEYS AT LAW

December 2, 2008

Ms. Maureen Meredith  
Neighborhood Planning & Zoning  
City of Austin  
505 Barton Springs  
Austin, Texas 78704

**VIA ELECTRONIC MAIL**

**Re: *FLUM Designations for Property Located at 8901 S.H. 71 West and  
7219 Mowinkle Drive, Austin, Texas.***

Dear Ms. Meredith:

We represent PromiseLand Church West (1301 Capital of Texas Hwy., Suite A-308, Austin, Texas 78746) (the "Owner"), owner of an approximately 53.28-acre tract located at 8901 S.H. 71 West (TCAD Tax Parcel ID No. 01014803010000) and an approximately 14.94-acre tract located at 7219 Mowinkle Drive (TCAD Tax Parcel ID No. 04045001190000) (the "Property").

This letter serves to supplement the letter of August 21, 2008, attached. While the August 21<sup>st</sup> letter stated the Owner's support for a FLUM designation that would accommodate SF-1 zoning, it appears that the backup materials and motion sheets may have incorrectly indicated the Owner in support of "Large Lot Rural Single Family Land Use" for the 53.28-acre tract, a designation that would be inconsistent with SF-1 zoning. We have spoken with Ms. Meredith about this, and shared our desire that the record reflect our opposition to the Large Lot Rural Single Family Land Use FLUM designation. The Owner supports the "Single Family Land Use" FLUM designation that would accommodate SF-1 zoning for the bulk of both tracts.

Please note that the 14.94-acre tract located at 7219 Mowinkle Drive was recently zoned SF-1 CO (Case No. C14-06-0231) with a specific limitation on density, and the Owner is unaware of any change in conditions that would lead to a FLUM designation that would exclude such an SF-1 zoning. It was also the recommendation of the Planning Commission that the bulk of the 53.28-acre tract located at 8901 S.H. 71 West be designated as Single Family Land Use on the FLUM (Tract I). This recognized the environmental benefits available with SF-1 zoning, allowing the clustering of structures that would not be possible with RR zoning. This position was supported by various stakeholders testifying before the Planning Commission.

Finally, the Owner supports and requests that the portion of the 53.28-acre tract directly fronting on S.H. 71 West be designated as Mixed Use/Office Land Use on the FLUM (Tract H). This FLUM designation is consistent with the recommended FLUM designations by the Planning Commission on the series of tracts located directly adjacent

AUSTIN | SAN ANTONIO

D&G  
SW

and to the east of this tract. A Large Lot Rural Single Family Land Use FLUM designation for a tract fronting on a major state highway is inconsistent with general planning principles and the treatment of similarly situated tracts along S.H. 71 and US 290.

In sum, the Owner supports and requests a FLUM designation of Single Family Land Use on the 14.94-acre tract located at 7219 Mowinkle Drive and the bulk of the 53.28-acre tract located at 8901 S.H. 71 West (Tract I), and supports and requests a FLUM designation of Mixed Use/Office Land Use on the remainder of the 53.28-acre tract fronting on S.H. 71 West (Tract H).

Please let us know if we may provide you with any additional information.

Sincerely,



John Philip Donisi

cc: Mr. Michael Heflin  
Executive Pastor, PromiseLand West  
1301 Capitol of Texas Highway, Suite A-308  
Austin, Texas 78746

August 21, 2008

VIA ELECTRONIC MAIL

Ms. Maureen Meredith  
Neighborhood Planning & Zoning  
City of Austin  
505 Barton Springs  
Austin, Texas 78704

**Re: *Support for the SF-1 zoning classification, as recommended by the Planning Commission, for tracts of real property located at 8901 S.H. 71 West and 7219 Mowinkle Drive, Austin, Travis County, Texas***

Dear Ms. Meredith:

We represent PromiseLand Church West (1301 Capital of Texas Hwy., Suite A-308, Austin, Texas 78746) (the "Owner"), owner of an approximately 53.28-acre tract located at 8901 S.H. 71 West (TCAD Tax Parcel ID No. 01014803010000) and an approximately 14.94-acre tract located at 7219 Mowinkle Drive (TCAD Tax Parcel ID No. 04045001190000) (the "Property").

This letter constitutes Owner's support for the SF-1 zoning recommendation and the Single Family/Rural Residential FLUM recommendation for the Property made by the Planning Commission on July 8, 2008 pursuant to Zoning Case No. C14-2008-0125 – West Oak Hill Neighborhood Planning Area Rezoning. We also believe this recommendation is consistent with that made by representatives of the OHAN neighborhood association planning group.

It is the intent of the Owner of the Property to develop this tract with a church and a parsonage, and related uses. A religious use is permitted in either SF-1 or RR zoning, and as such, is consistent with the recommended zoning and FLUM.

Please let me know if we may provide you with any additional information.

Sincerely,



John Philip Donisi



cc: Mr. Buddy Patten (via mail)  
11921 North Mopac Expressway  
Suite 110  
Austin, TX 78759

**Meredith, Maureen**

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**From:** David Richardson [REDACTED]  
**Sent:** Tuesday, December 02, 2008 7:22 AM  
**To:** board\_oh\_npct@[REDACTED]; 'stacie engeling'  
**Cc:** 'Duane Hutson'; Meredith, Maureen  
**Subject:** Property owned by Norb Johnson near Convict Hill and 290  
**Attachments:** Norb Johnson Letter of Support.doc

This morning I will deliver the attached letter to Duane Hutson (Doucet & Assoc.) from the Oak Hill NPCT fulfilling our agreement to provide a letter of support for a change in the FLUM and zoning for Norb Johnson's property which we 1) decided to consider and 2) approved with a conditional overlay at our last meeting.

I recognize there is controversy surrounding procedural issues about this case. We considered and discussed the propriety of our subsequent action to reconsider our decision. Our bylaws control our actions and by reference, Robert's Rules of Order NR control our procedures. The Chair believes our (the NPCT) responsibility to the community and the City is to fulfill agreements and contractual obligations created by the motions we approve. The subsequent ***motion to reconsider*** that was approved without a second and after the applicants left the building was out of order and therefore not binding upon the Chair or the NPCT. Failing to fulfill our agreements would be far more damaging to the NPCT than any other action. The CO reflects the sentiments of the Oak Hill community for land use at this location. What is important is providing the attached letter to fulfill our obligation to the applicant.

David Richardson  
Chair, Oak Hill NPCT

12/2/2008

Oak Hill Neighborhood Planning Contact Team

To: Duane Hutson, representing Mr. Norb Johnson  
Planning Department  
Doucet & Associates  
7401 B Highway 71 West  
Suite 160, Austin, TX 78735

Re: Property owned by Mr. Norb Johnson  
6.7 Acres west of Convict Hill Rd and south of US 290 W

The Oak Hill Neighborhood Planning Contact Team formed prior to formal adoption of the Oak Hill Combined Neighborhood Plan with the approval and guidance of the Austin Neighborhood Planning and Zoning Department.

On November 6, 2008, Duane Hutson asked the Oak Hill Neighborhood Planning Contact Team to consider recommending a change in the FLUM and zoning for the Property mentioned above owned by Mr. Johnson. Mr. Hutson provided the NPCT with a letter of support from the Pastor of the First Baptist Church adjacent to the subject property for a change in the FLUM from Office to Retail and a change in the Zoning from GO to GR. He also stated the other adjacent property owners had been contacted and were invited to comment but had failed to respond.

On November 19, 2008 the Oak Hill Planning Contact Team held its regularly scheduled meeting and considered this change in the FLUM and Zoning. A motion was raised and seconded to consider whether or not to consider the issue at all. The NPCT passed the motion and thus "decided to consider the requested changes and if approved provide the applicant with a letter of support."

After consideration, the NPCT voted to approve a motion and provide a letter of support for the recommended changes from Office to Retail and GR Zoning with a Conditional Overlay to restrict uses that the NPCT and the Owner mutually agreed were in the best interest of the Oak Hill community. The list of acceptable uses and prohibited uses is included on the following pages.

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David Richardson, Chair

November 30, 2008

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Stacie Engeling, Vice Chair

November 30, 2008



## GR Community Commercial

Offices or commercial uses serving neighborhoods and community needs, including unified and individually developed shopping centers or commercial sites; such as service stations, restaurants.

**Maximum Building Height:** 60 feet (2)

**Minimum Lot Size:** 5,750 sq/ft

**Permitted and Conditional Uses:**

### Residential

Bed and Breakfast (Group 1)

Bed and Breakfast (Group 2)

### Civic

Club or Lodge (c)  
College and University Facilities  
Communication Service Facilities  
Community Events (1)  
Community Recreation—Private  
Community Recreation—Public  
Congregate Living  
Counseling Services  
Cultural Services  
Day Care Services—Commercial  
Day Care Services—General  
Day Care Services—Limited  
Family Home  
Group Home Class I—General

Group Home Class I—Limited  
Group Home Class II  
Guidance Services  
Hospital Services—General (c)  
Hospital Services—Limited (c)  
Local Utility Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Public Primary Educational Services  
Public Secondary Educational Services  
Religious Assembly  
Residential Treatment  
Safety Services

### Commercial

Art Gallery  
Art Workshop  
Administrative and Business Offices  
~~Automotive Rentals~~  
~~Automotive Repair Services~~  
~~Automotive Sales~~  
~~Automotive Washing of any type~~  
~~Bail Bond Services~~  
Business or Trade School  
Business Support Services  
~~Commercial Off-Street Parking~~  
Communications Services  
Consumer Convenience Services  
Consumer Repair Services  
~~Drop-Off Recycling Collection Facility~~  
~~Exterminating Services~~  
Financial Services

### Indoor Entertainment

#### Indoor Sports and Recreation

Medical Offices—not exceeding  
5,000 sq/ft of gross floor space  
Medical Offices—exceeding  
5,000 sq/ft of gross floor space  
Off-Site Accessory Parking

#### Outdoor Entertainment (c)

#### Outdoor Sports and Recreation

#### Pawn Shop Services

Personal Improvement Services  
Personal Services  
~~Pet Services~~  
Plant Nursery (c)  
Printing and Publishing  
Professional Office  
Research Services

Food Preparation (c)  
Food Sales  
Funeral Services  
General Retail Sales—Convenience  
General Retail Sales—General  
Hotel-Motel

**Industrial**

Custom Manufacturing (c)

**Agricultural**

Urban Farm

Restaurant—General  
Restaurant—Limited  
~~Service Station~~  
Software Development  
Special use Historic (c)  
~~Theater~~



7401 B Highway 71 West  
Suite 160 • Austin, TX 78735  
p 512.583.2600  
f 512.583.2601

Rec'd 12-2-08

December 1, 2008

**VIA HAND DELIVERY**

Mayor Will Wynn  
City of Austin  
301 West 2<sup>nd</sup> Street, 2nd Floor  
Austin, Texas 78701

Re: 6.7 Acres with the Oak Hill Combined Neighborhood Planning Area

Dear Mayor Wynn,


Please accept this letter as a formal request to change the current recommendation for the Future Land Use Map and proposed zoning of the 6.7 acres located near the intersection of Convict Hill Road and US 290 West (Please see Location Map attached). This tract is a contested tract before you on the December 11, 2008 council hearing and is known as Tract 7 and R.

My client, Mr. Norb Johnson, is requesting a change from Office to Commercial on the Future Land Use Map and General Office (GO) to Community Commercial (GR) on the zoning of the property. Mr. Johnson recently purchased the property which is the reason for the timing of our request.

As part of the process for review of land use and zoning changes to the Oak Hill Neighborhood Plan, we have presented before the Oak Hill Neighborhood Plan Contact Team and received a favorable recommendation with conditions (Please see attached letter from David Richardson, Chair).

If you have any questions regarding this project please do not hesitate to contact me directly.

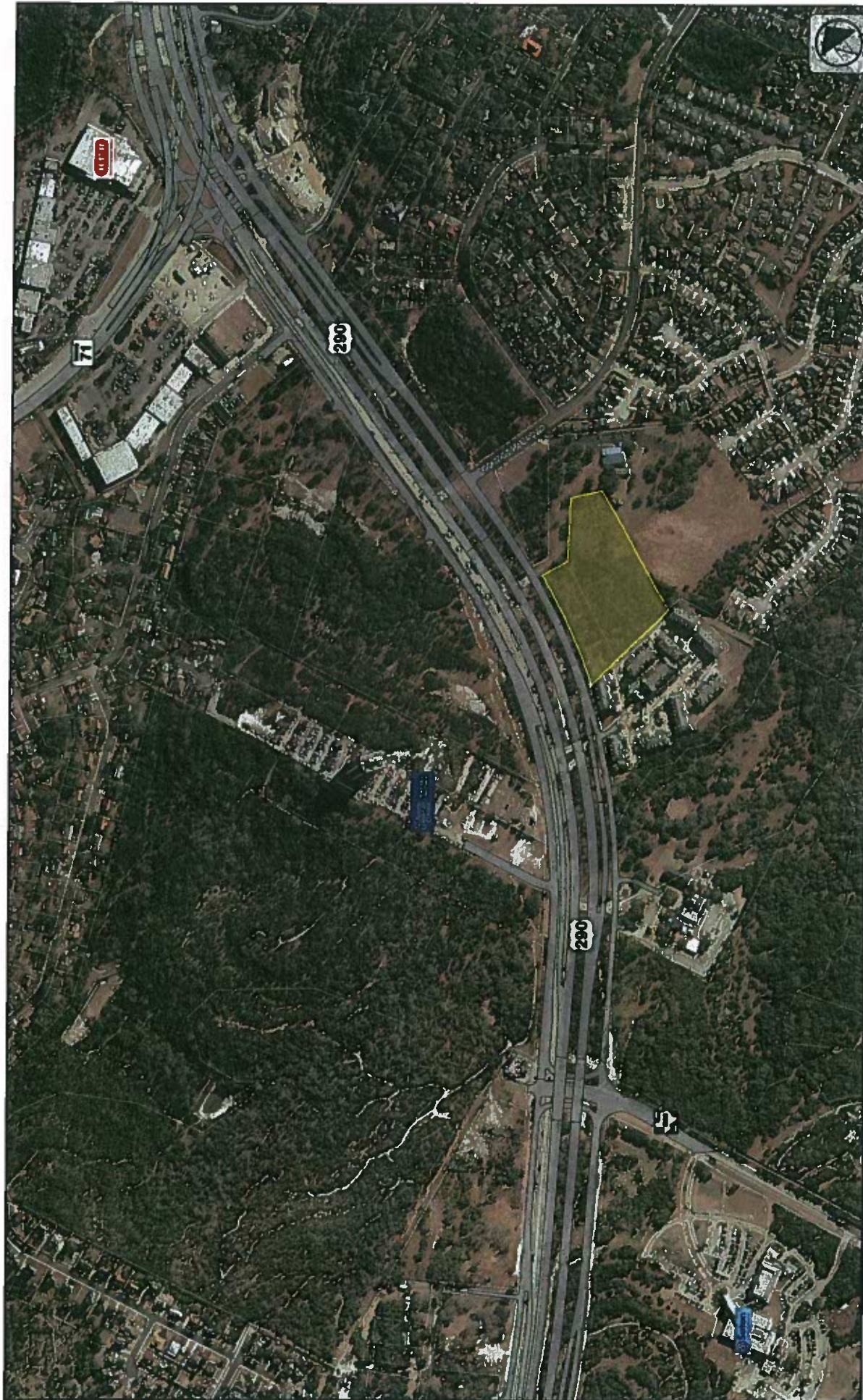
Best Regards,

  
Duane Hutson, AICP  
Doucet & Associates, Inc.

CC: Norb Johnson  
Maureen Meredith, City of Austin Neighborhood Planning and Zoning Department  
Greg Guernsey, Director, City of Austin Neighborhood Planning and Zoning Department  
Council Member Lee Leffingwell  
Council Member Mike Martinez  
Council Member Randi Shade  
Council Member Laura Morrison  
Council Member Brewster McCracken  
Council Member Sheryl Cole  
David Richardson, Chair, Oak Hill NPCT







# Commercial Park

Austin, Texas



Oak Hill Neighborhood Planning Contact Team

To: Duane Hutson, representing Mr. Norb Johnson  
Planning Department  
Doucet & Associates  
7401 B Highway 71 West  
Suite 160, Austin, TX 78735

Re: Property owned by Mr. Norb Johnson  
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The Oak Hill Neighborhood Planning Contact Team formed prior to formal adoption of the Oak Hill Combined Neighborhood Plan with the approval and guidance of the Austin Neighborhood Planning and Zoning Department.

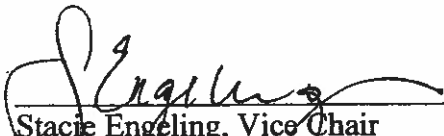
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David Richardson, Chair

November 30, 2008

  
Stacie Engeling, Vice Chair

November 30, 2008



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**Bed and Breakfast (Group 2)**

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Communication Service Facilities  
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Counseling Services  
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Day Care Services—General  
Day Care Services—Limited  
Family Home  
Group Home Class I—General

Group Home Class I—Limited  
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Guidance Services  
Hospital Services—General (c)  
Hospital Services—Limited (c)  
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Private Primary Educational Services  
Private Secondary Educational Services  
Public Primary Educational Services  
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Religious Assembly  
Residential Treatment  
Safety Services

### **Commercial**

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Art Workshop  
Administrative and Business Offices  
~~Automotive Rentals~~  
~~Automotive Repair Services~~  
~~Automotive Sales~~  
~~Automotive Washing of any type~~  
~~Bail Bond Services~~  
Business or Trade School  
Business Support Services  
~~Commercial Off Street Parking~~  
Communications Services  
Consumer Convenience Services  
Consumer Repair Services  
~~Drop-Off Recycling Collection Facility~~  
~~Exterminating Services~~  
Financial Services

### **Indoor Entertainment**

### **Indoor Sports and Recreation**

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Medical Offices—exceeding  
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Off-Site Accessory Parking  
~~Outdoor Entertainment (c)~~  
~~Outdoor Sports and Recreation~~  
~~Pawn Shop Services~~  
Personal Improvement Services  
Personal Services  
~~Pet Services~~  
Plant Nursery (c)  
Printing and Publishing  
Professional Office  
Research Services

Food Preparation (c)  
Food Sales  
Funeral Services  
General Retail Sales—Convenience  
General Retail Sales—General  
Hotel-Motel

Restaurant—General  
Restaurant—Limited  
~~Service Station~~  
Software Development  
Special use Historic (c)  
~~Theater~~

**Industrial**

Custom Manufacturing (c)

**Agricultural**

Urban Farm

**6.7 acres Agenda ITEM for Oak Hill NPCT**

Thursday, November 13, 2008 11:55 AM

**From:** "Duane Hutson" <Duane.Hutson@doucet-austin.com>**To:** "norbjohnson@yahoo.com" <norbjohnson@yahoo.com>NPCT Nov agenda.doc (45KB), Site Plan boundary only.pdf (953KB),  
Location Map.pdf (350KB)

Norb,

Take a look at the attached and let me know if you have any questions. I would also forward the attachments for their information.

To Whom it May Concern,

I am the owner of 6.7 acres adjacent to your property along US 290 West near the intersection of Convict Hill Road. I would like to request your attendance and support for land use proposal I am making on the 6.7 acres. This proposal is to be reviewed for recommendation and is scheduled on the Oak Hill Neighborhood Planning Contact Team agenda for November 19, 2008, which I have attached for your convenience. We are currently pursuing a change to the Future Land Use Map (FLUM) and Zoning of the property. Currently the FLUM is proposed with Office indicated on the 6.7 acres. We are proposing this be changed to Commercial considering the direct access to the subject property is via US 290 West. Likewise, we are also requesting a change to the currently proposed zoning of General Office (GO) to Community Commercial (GR). Again this allows for a broader range of appropriate uses utilizing the US 290 West frontage.

As we have discussed recently, I am available as well as my consultants to answer any questions you may have.

**Duane Hutson, AICP**  
Planning Department Manager

**Doucet & Associates, Inc.**

Planning Department

7401 B Highway 71 West  
Suite 160 • Austin, TX 78735  
p 512.583.2600  
f 512.583.2601**First Baptist Church  
of Oak Hill****Raymond Knowles**  
Pastor6907 Convict Hill Rd. Austin, TX 78749  
(512) 288-7570 or 288-5066*"Showing people the way to a New Life in Christ"*

*I have visited with Norb and fully support the changes  
he is applying for.*

*Bro. Ray Knowles  
1st Baptist Oak Hill.*

**Meredith, Maureen**

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**From:** Loayza, Katherine [REDACTED]  
**Sent:** Friday, November 21, 2008 4:52 PM  
**To:** Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl  
**Cc:** Lynn and Martin Leifker; Nias, Jim; Guernsey, Greg; Meredith, Maureen; Arzola, Sylvia  
**Subject:** 2nd Reading - Tract 12 and 12a West Oak Hill Neighborhood Plan Zoning  
**Importance:** High

Mayor and Councilmembers,  
We appreciate your support with the first reading of the rezoning of Tracts 12 and 12-A in the West Oak Hill Neighborhood Plan.

According to the City Clerk's transcript, the Council action on **Tract 12a**, with the substitute motion made by Councilmember Martinez, is as follows:

**" Single-family land use, SF-1 with minimum of half acre lots with a conditional overlay that restricts easement access, except for emergency vehicle use only, and that the main connection route in and out of the development is Twilight Mesa."**

We respectfully request minor changes to this language. The conditional overlay language does not specify where the easement is located nor to what roads access is restricted via this easement, and it does not specify that the prohibition on the use of the access would occur when the property was redeveloped.

Therefore, we request that the conditional overlay be amended to include the suggested language, as was provided to the Council at the October 23rd meeting, as follows:

***..."with a conditional overlay that "prohibits easement access to Hot Springs/Rotan Drive through Lot 10, Block B of the amended plat of Shadowridge Crossing Section 9, from Tract 12a (Waters Tract) at the time of site development for more than one residential dwelling", except for emergency vehicle use only, and that the main connection route in and out of the development is Twilight Mesa.***

The Council action for **Tract 12** did not include any conditional overlay to restrict use of the easement through the Leifker's property at the time of re-development.

Therefore, we respectfully request that you **add a conditional overlay to prohibit easement access for Tract 12 in order to be consistent with Tract 12a.** The Donley/Hooks tract, with 5 acres at 1/2 acre lot minimum requirements, could be redeveloped with up to 10 dwelling units that would all want to use the access easement if it is not specifically prohibited. This too, would create a significant hardship and a personal safety hazard for the Leifker family.


The suggested conditional overlay language is: ***" to prohibit easement access to Hot Springs/Rotan Drive through Lot 10, Block B of the amended plat of Shadowridge Crossing Section 9, from Tract 12 (Donley/Hooks Tract) at the time of site development for more than one residential dwelling, except for emergency vehicle use only."***

We appreciate your consideration of this amendment to the second and third readings of the ordinance. We are available to discuss this further at your convenience prior to the December 11 Council meeting.

Sincerely,  
Katherine P. Loayza, agent for

11/21/2008

Lynn and Martin Leifker  
6733 Hot Springs Drive  
899-8535

Katherine P. Loayza, Land Use Consultant  
Jackson Walker L.L.P.  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2259  
(512) 236-2002 (fax)  




Information provided by property owner,  
Simon Tract

Estimated Potential Development of the AH Properties:

**Simon Tract**

**7817 State Highway 71 West**

**Zoning Case #: C14-85-288.23**

**Ordinance # 880128-C**

**Restrictive Covenant - YES**

**SOS - NO**

**Conditional Overlay - NO**


**23.56 Acres Total**

**Zoning & Acreage breakdown**

**13.40 Acres Zoned Limited Office = 145,000 SF (Impervious Cover = 65%)**

**10.16 Acres Zoned SF-6 (Single Family 6) 4 Units per acre = 40 Townhomes,  
Or Condominiums. (Impervious Cover = 50%)**

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 = yellow on  
attached map

**Caskey Tract**

**7919 State Highway 71 West**

**Zoning Case # C14-85-288.22**

**Ordinance # 88121-L**

**Restrictive Covenant- YES**

**SOS- NO**

**Conditional Overlay - NO**

**14.17 Acres Total**

**Zoning & Acreage Breakdown**

**7.68 Acres Zoned (CS) Commercial:**

**Office & Warehouse = 51 Units = 75,605 SF**

65% IMP. COVER  
.25 : 1 FAR


**6.49 Acres Zoned**

**SF-1 = 5 Units (single family)**

**SF-2 = 11 Units (single family)**

**SF-6 = 15 Units (Townhomes)**

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 = Pink on  
attached map

**Kretzschmar Tract**

**7817 W Highway 71**

**Austin, Texas 78735**

**9.17 Acres**

**ABS 114 SUR 91 BOND AJ ACR 8.17 (1D1)**

**ABS 114 SUR 91 BOND AJ ACR 1.00**

**Case File**

**Restrictive Covenant: NOT KNOWN**

**Conditional Overlay: NOT KNOWN**

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 = Green on  
attached map

### **Summary of Potential Development potential for AH Properties**

<b>Tract:</b>	<b>Acreage</b>	<b>Zoning Use</b>	<b>Units</b>
<b>Simon Tract:</b>	23.56	LO & SF-6	145,000 Office & 40 townhomes
<b>Caskey Tract:</b>	14.17	C & SF-1, 2, 6	75,605 Office W.H. 31 townhome
<b>Kretzschmar Tract:</b>	9.17	Development potential unknown	

**Total Acres: 46.90**

**Total Office S.F 220,600**

**Total number of Single Family residential units 71**

