

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0222 – William Cannon Rezoning

P.C. DATE: January 13, 2009
March 10, 2009

ADDRESS: North side of William Cannon Drive between Ridge Oak Road and Beckett Road

OWNERS: John Rocha, Jewell Simmons, Lloyd Burt
Judy Grimes, Valerie Brinkman,
Charles Spradling; and Fast Enterprises, Ltd.
(Frank Smith)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: RR-NP **TO:** LR-MU-NP

AREA: 16.26 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

January 13, 2009: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANTS TO MARCH 10, 2009.*

[C. SMALL; J. REDDY – 2ND] (8-1) M. DEALEY – NAY; C. EWEN – ABSENT

March 10, 2009: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANTS.*

[J. REDDY; M. DEALEY – 2ND] (9-0)

ISSUES:

The Applicants have requested an indefinite postponement of the rezoning case, as outlined in the attached letter at the very back of the Staff packet.

DEPARTMENT COMMENTS:

The subject rezoning area is developed with several single family residences on large lots that have dual frontage on William Cannon Drive and Reynolds Road. William Cannon Drive was not constructed at the time all the residences were originally built, and access is taken to Reynolds Road, a local street. The lots are zoned rural residence – neighborhood plan (RR-NP) combining district. The rezoning area was a contested Future Land Use Map (FLUM) tract at the time the West Oak Hill Neighborhood Plan was being finalized in December 2008, but the base zoning district remained unchanged. There are single family residences to the north within replatted lots of the original Lot 8 of G.K. Beckett Estates (RR-NP), the Cottage Court condominiums to the east (MF-3-NP), undeveloped land and office

buildings to the south (SF-3-NP; LO-NP; GO-CO-NP), and a child care facility, undeveloped property that is approved for a joint use driveway, and a cemetery to the west (LR-NP; LO-NP; P-CO-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicants have requested the neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP) combining district for the opportunity to redevelop the lots with commercial and office uses, while providing the opportunity to maintain residential uses as well. The conceptual site plan shows buffer areas along Reynolds Road and adjacent to the three single family lots located on the south side of Reynolds Road that are not part of this application. Driveway access is proposed along William Cannon Drive. Please refer to Exhibit A-2.

The area within this rezoning application has frontage on West William Cannon Drive, a major arterial roadway, and there are commercial and office zoning and uses to the west and south. Thus, it would appear that rezoning to a non-residential district would be appropriate for consideration. However, a distinguishing factor is that the rezoning area was originally part of a subdivided lot and the accompanying deed restrictions specified a one acre minimum lot size and that the lots be used for residential purposes. Furthermore, although much of the rezoning acreage has been replatted since the time of the original Lot 8 of G.K. Beckett Estates subdivision, the restrictions have not been removed, and thus continue to apply (Section 212.014 A.3 of the Texas Local Government Code).

Although the deed restrictions are private, and not enforceable by the City, there is a Council resolution adopted in December of 1987 which directs Staff to deny zoning cases in conflict with existing private restrictions that prohibit non-residential uses on the property. Please refer to Exhibit D. For these reasons, the Staff recommendation is to deny the Applicant's request for LR-MU-NP zoning and maintain the existing RR-NP zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR-NP	Undeveloped
<i>North</i>	RR-NP; P-NP	Single family residences within the original area of the G.K. Beckett Estate subdivision; Fire station
<i>South</i>	GO-CO-NP; LO-NP; SF-3-NP	Office building; Undeveloped
<i>East</i>	MF-3-NP; LO-NP	Condominiums; Church
<i>West</i>	LR-NP; LO-NP; P-CO-NP	Child care facility; Undeveloped; Cemetery

NEIGHBORHOOD PLANNING AREA: West Oak Hill **TIA:** Is not required

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No Barton Springs Zone – Recharge Zone

CAPITOL VIEW CORRIDOR: No**SCENIC ROADWAY:** Yes,
West William Cannon Drive**NEIGHBORHOOD ORGANIZATIONS:**

40 – McCarty Lane / Beckett Estates Neighborhood Association
 137 – Village at Western Oaks Neighborhood Association
 148 – Western Oaks Property Owners Association
 298 – Oak Hill Association of Neighborhoods (OHAN)
 384 – Save Barton Creek Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 742 – Austin Independent School District
 779 – Oak Hill Combined NPA Staff Liaison
 786 – Home Builders Association of Greater Austin
 943 – Save Our Springs Alliance
 967 – Circle C Neighborhood Association
 1029 – Cottage Court Condominium HOA, Inc.
 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation

SCHOOLS:

Patton Elementary School

Small Middle School

Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0131 – Forest Oaks Cemetery – 6300 West William Cannon Drive	SF-2; GR; CS to P	To Grant P-CO	Approved P-CO with CO for 2,000 trips, prohibits access to Ridge Oak Road and requires 20' landscape buffer along Ridge Oak Road (10-10-02).
C14-02-0106 – William Cannon Office Park -	SF-3 to GO	To Grant GO-CO	Approved GO-CO with CO for 2,000 trips; RC for IPM and Grow Green plants (10-24-02).
C14-94-0076– Western Oaks Section III-C – 8005 – 7906 Rosson Drive at Hudson Loop	I-SF-2 to SF-2	To Grant SF-2 subject to IPM compliance	Approved SF-2 (8-18-94).
C14-83-074 – Western Oaks, Section III-G –	I-SF-2 to BB (multifamily residence district)	To Grant	Approved MF-3 with site plan for 44 buildings (4-3-86).

5317-5503 Block of McCarty Lane			
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RELATED CASES:

The Oak Hill Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 11, 2008 (C14-2008-0125 – Ordinance # 20081211-097). The subject rezoning area was known as Tract AE, a contested Future Land Use Map (FLUM) tract and was designated as Large Lot Rural Single Family Land Use on Final Reading at City Council.

The property was annexed into the City of Austin on October 2, 1983. On July 26, 1984, the area between West William Cannon Drive, Ridge Oak Road, McCarty Lane and Beckett Drive was zoned SR (Suburban Residence), 1st Height and Area, which converted to Rural Residence zoning in 1984 (C14-83-299 – City of Austin Planning). There are no pending subdivision or site plan applications on the subject property.

The rezoning area as well as surrounding lots on Reynolds Road, Westview Road and the south side of McCarty Lane was originally platted as a portion of Lot 8 of the G.K. Beckett Estate (approximately 79.98 acres in size), a subdivision recorded in June, 1953. Several replats of Lot 8 have occurred since then, including five in this rezoning application. The rezoning area consists of Lot 2 of the Burt and Davis subdivision, recorded in June 1974; Lots 1, 2 and 3 of the L. J. Thomson Subdivision, recorded in September 1963; Lots 1, 2 and 3 of the Ramsey Subdivision, recorded in January 1997; Lot 1 of The Carter Subdivision (which includes a plat note prohibiting access to William Cannon Drive), recorded in May 1992; Lot 3A of the Jewel Simmons Addition, recorded in December 1979; and an unplatted 3.282 acres out of the G.K. Beckett Estate. Please refer to Exhibit B.

The original deed restrictions filed for Lot 8 of the G.K. Beckett Estate subdivision (February 1955) included restrictions on the use to residential purposes only and one single family residence, established minimum square footage for the main dwelling and construction standards, a 50-foot wide front setback, and 5-foot wide side setbacks. The amended deed restrictions were recorded in March 1955 and established a minimum one acre lot size, 75-foot wide front setbacks and 15-foot wide side setbacks. Please refer to Exhibit C.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
West William Cannon Drive	122 feet	Varies	Arterial	Yes	Priority 1 Route	No
Ridge Oak Road	43 feet	17 feet	Local	No	No	No
Becket Road	80 feet	40 feet	Collector	No	No	No

Reynolds Road	50 feet	17 feet	Local	No	No	No
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CITY COUNCIL DATE: January 29, 2009

ACTION: Approved a Postponement request by the Staff to March 26, 2009 (7-0).

March 26, 2009

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

Applicant's Request: The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff Recommendation: The RR, Rural Residence district is intended as an area for very low density residential use, with a minimum lot size of one acre. This district is appropriate for selected locations where rural characteristics are desired, or where terrain or public service capacities necessitate very low densities.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The rezoning area was originally part of a subdivided lot and the accompanying deed restrictions specified a one-acre minimum lot size and that the lots be used for residential purposes. Although much of the rezoning acreage has been replatted since the time of the original Lot 8 of G.K. Beckett Estates subdivision, the restrictions have not been removed, and thus continue to apply. Furthermore, although the deed restrictions are private, and not enforceable by the City, there is a Council resolution adopted in December of 1987 which directs Staff to deny zoning cases in conflict with existing private restrictions that prohibit non-residential uses on the property. For these reasons, the Staff recommendation is to deny the Applicant's request for LR-MU-NP zoning and maintain the existing RR-NP zoning.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with several single family residences and is fairly flat.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 15% which is based on the more restrictive watershed regulations described below. The current RR zoning allows for 25% impervious cover provided the properties retain their residential use, as allowed by the zoning regulations.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing Zone. This tract lies in the Recharge Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with this rezoning case. Please be aware that an approved rezoning status does not eliminate the requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2-year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

A Neighborhood Traffic Analysis may be required for this project. LDC, Sec. 25-6-114. Please contact this reviewer at your earliest convenience to discuss proposed access to this site.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

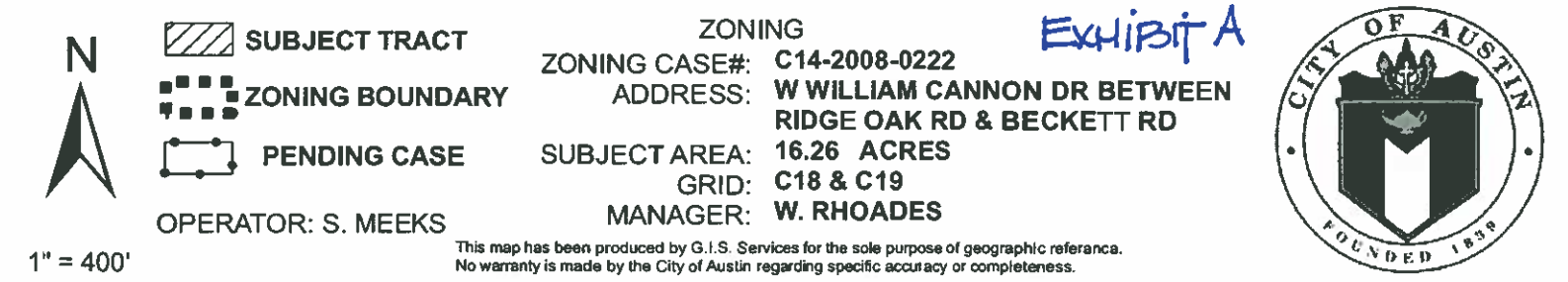
Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Scenic Roadway sign district. All signs must comply with Scenic Roadway sign district regulations.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

- a. The site is subject to compatibility standards. Along the Northwest property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- g. Additional design regulations will be enforced at the time a site plan is submitted.







**+/-16.26 ACRES ON WILLIAM CANNON BLVD.
BETWEEN RIDGE OAK ROAD AND BECKETT ROAD**

EXHIBIT A-2

BURT AND DAVIS SUBDIVISION

REYNOLDS ROAD

LOT 1
V.E. Davis
(1.891 Ac)
3272
1163
10

TRACT 1

LOT 2
Lloyd & Sue Burt (3.54 Ac)
Vol. 4450:Pg. 2351

REZONING AREA

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Clerk of the County Court, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. and duly recorded on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. in the Plat Records of said County, Book 66, Page 2.

WITNESS MY HAND AND SEAL OF OFFICE this 10th day of June, A.D. 1974.

Doris Shropshire, County Clerk, Travis County, Texas
Deputy

FILED FOR RECORD on the 10th day of June, A.D. 1974 at 11:00 o'clock A.M.
Doris Shropshire, County Clerk, Travis County, Texas
Deputy

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Doris Shropshire, clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. and duly recorded on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. in the Plat Records of said County, Book 66, Page 2.

WITNESS MY HAND AND SEAL OF OFFICE this 10th day of June, A.D. 1974.

Doris Shropshire, County Clerk, Travis County, Texas
Deputy

APPROVED FOR ACCEPTANCE on the 10 day of June, A.D. 1974
By Richard L. Lillie, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 10 day of June, A.D. 1974
Secretary

SEPTIC TANK NOTE:
Each house in this subdivision shall be connected to a septic tank with a capacity of not less than 750 gallons and with a drain field of not less than 100 square feet and shall be installed in accordance with the regulations of the city-county health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and/or the developer.

This subdivision is approved for two(2) lots to be served by septic tanks, for single family dwellings only.

Date 6/13/74
H.E. Hargis, Jr.
H. E. Hargis

in approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares or any bridges or culverts necessary to be placed in such streets, roads or other public thoroughfares shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with the plans and specifications of the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads or other public thoroughfares or any bridges or culverts in connection therewith.

BE IT RESOLVED by the Commissioners Court of Travis County, Texas:
That the acceptance for maintenance by Travis County, Texas of the streets in real estate subdivisions does not obligate the county to install street parking signs, as this is considered to be a part of the developer's responsibility; but that erecting signs for traffic control, such as stop signs, yield signs and STOP and YIELD signs, shall remain the responsibility of the developer.

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Doris Shropshire, County Clerk of Travis County, Texas, do hereby certify that on the 10 day of June, A.D. 1974, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record in said plat and said order has been duly returned in the minutes of said court in Book 66, Page 2.

WITNESS MY HAND AND SEAL OF OFFICE this 10 day of June, A.D. 1974.

Doris Shropshire, County Clerk, Travis County, Texas
Deputy

FILED FOR RECORD on the 10th day of June, A.D. 1974 at 11:00 o'clock A.M.
Doris Shropshire, County Clerk, Travis County, Texas
Deputy

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Doris Shropshire, clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. and duly recorded on the 10 day of June, A.D. 1974 at 11:00 o'clock A.M. in the Plat Records of said County, Book 66, Page 2.

WITNESS MY HAND AND SEAL OF OFFICE this 10th day of June, A.D. 1974.

Doris Shropshire, County Clerk, Travis County, Texas
Deputy

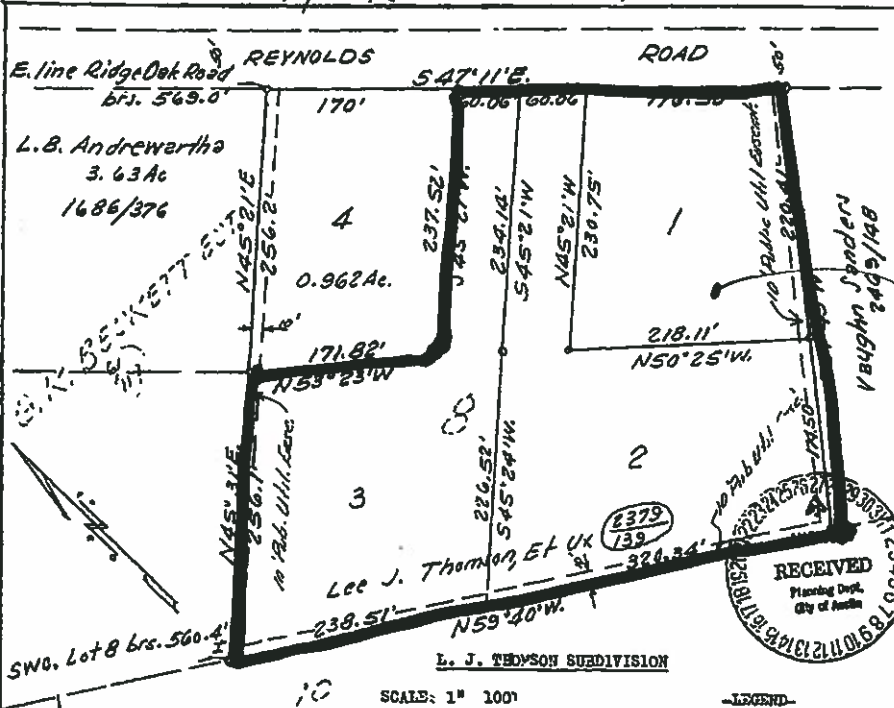
JUN 13 1974
Clerk

EXHIBIT B
RECORDED PLAT

Apr 3-63 RECHA

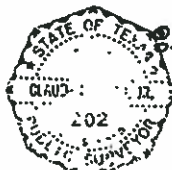
7228

456



REZONING AREA

By Claude F. Bush, Jr.
Claude F. Bush, Jr.,
Reg. Public Surveyor #202
August 26, 1963



THE STATE OF TEXAS
COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS:
That we Lee J. Thomson and wife Lee Thomson, owners of the hereon designated tract out of Lot 8 of the G. K. Beckett Estate according to the map or plat of said subdivision recorded in Book 6, Page 119 of the Plat Records of Travis County, Texas, being the same land conveyed to us by deed recorded in Volume 2379, Page 139 of the Deed Records of Travis County, Texas, do hereby subdivide said tract containing 5.41 acres of land, in accordance with the foregoing plat and do hereby adopt this plat as our subdivision to be known as L. J. THOMSON SUBDIVISION, subject to any covenants or restrictions heretofore granted.
WITNESS OUR HANDS this the 26th day of August, A.D. 1963

Lee J. Thomson
Lee J. Thomson
Lee Thomson
Lee Thomson

THE STATE OF TEXAS
COUNTY OF TRAVIS:
Before me the undersigned authority on this day personally appeared Lee J. Thomson and wife Lee Thomson, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed and the said Lee Thomson, wife of the said Lee J. Thomson, having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Lee Thomson declared that she willingly signed the same as her act and deed for the purposes and consideration therein expressed and that she did not wish to retract it.
WITNESS MY HAND AND SEAL OF OFFICE this the 26th day of August, A.D. 1963

Claude F. Bush, Jr.
Notary Public for Travis County, Texas

APPROVED FOR ACCEPTANCE on the 27th day of August, A.D. 1963.
By Harley H. Osborne
Harley H. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 27th day of August, A.D. 1963.
Secretary W. L. Lewis Chairman David B. Barrow

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares of any bridges or culverts necessary to be placed in such streets, roads, or other public thoroughfares, shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads or other public thoroughfares or any of the bridges or culverts in connection therewith.

SEPTIC TANK NOTE: Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drainage field of not less than 150 ft. and shall be installed in accordance with the regulations of the city-county health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and/or the subdivider.

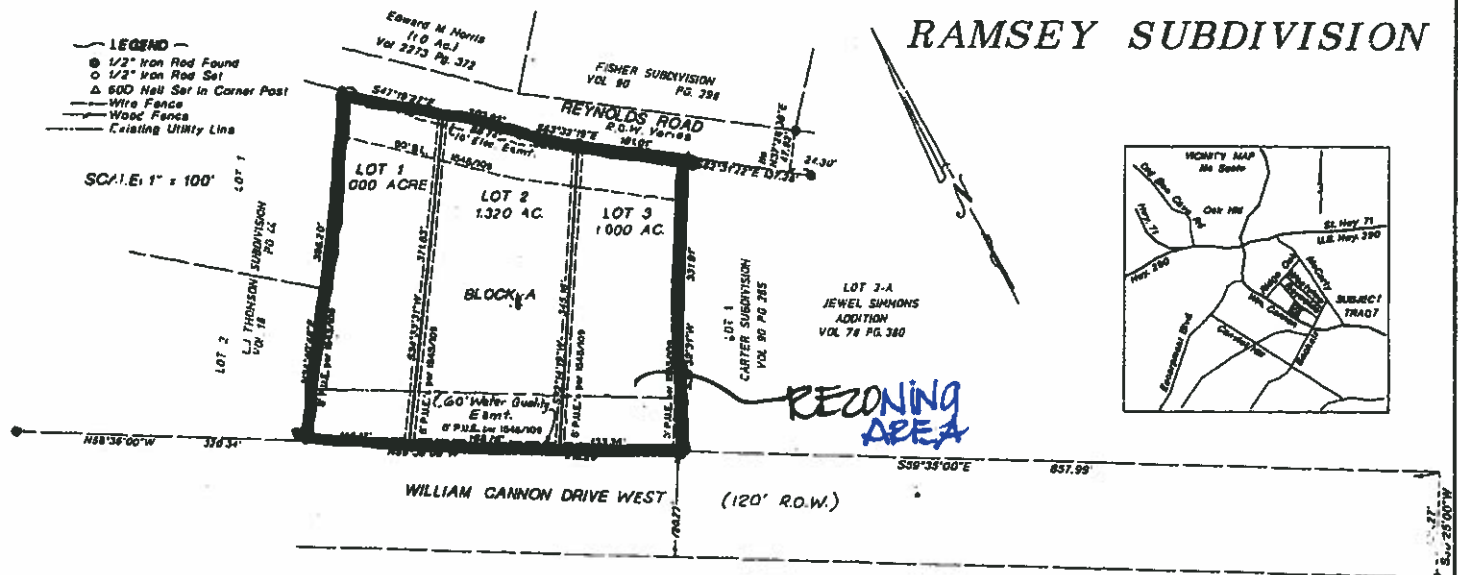
THE STATE OF TEXAS
COUNTY OF TRAVIS:
I, Miss Emilie Linberg, county clerk of Travis County, Texas do hereby certify that on the 3rd day of September, A.D. 1963, the Commissioners Court of Travis County, Texas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said court in Book 3, Page 354.
WITNESS MY HAND AND SEAL OF OFFICE this the 3rd day of September, A.D. 1963.
Miss Emilie Linberg, County Clerk, Travis County, Texas
By P. Hayden Deputy

EXHIBIT B
RECORDED PLAT

56.00

B9827

1.24.97

PLAT 1411 VOCE
00000702313Vol. 98 Page 181
PLAT RECORD COUNTY TIDG-5

STATE OF TEXAS
COUNTY OF TRAVIS • KNOW ALL MEN BY THESE PRESENTS

That we, Max Ramsey, Jr., and wife, Corie Ramsey, owners of 3.320 acres of land out of the Thomas Anderson Survey No. 17 in Travis County, Texas, being all of that certain tract of land conveyed to us by Deed recorded in Volume Pg. Real Property Records of Travis County, Texas, said 3.320 acre tract also being a portion of Lot 8, G. K. Beckett Estates, a subdivision recorded in Plat Book 6, Page 119 of the Plat Records of Travis County, Texas, said subdivision having been approved for resubdivision in pursuant to the Public Notification and Hearing provision of Chapter 212.015 of the Texas Local Government Code, do hereby re-subdivide said 3.320 Acres in accordance with the plat as shown hereon to be known as "RAMSEY SUBDIVISION" and do hereby dedicate to the public the use of the streets and easements as shown hereon. Said tract is subject to any easements or restrictions heretofore granted and not released.

WITNESS MY HAND THIS THE 2nd DAY OF Aug, 1996, A.D.

Max Ramsey, Jr.
5601 Reynolds Road Austin, TX 78749

Corie Ramsey
Corie Ramsey

THE STATE OF TEXAS
THE COUNTY OF TRAVIS •

Before me, the undersigned authority, on this the 2nd day of Aug, A.D., 1996, did personally appear Max Ramsey, Jr. and Corie Ramsey, known to me to be the persons whose names are subscribed to the foregoing instrument, and they acknowledged before me that they executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC R. Walton
Printed Name R. Walton
Commission Expires 4-21-2000



THE STATE OF TEXAS
THE COUNTY OF TRAVIS •

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing and its Certificate of Authentication was filed for record in my office on the 24th day of January, 1997, A.D., at 1:00 o'clock P.M. and duly recorded on the 24th day of January, 1997, A.D., at 1:00 o'clock P.M. in the Plat Records of said County and State in Book 181-182 Page 181-182.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 24th day of January, 1997, A.D.
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS



BY: M. Lunday
Deputy
M. Lunday

FILED FOR RECORD at 1:00 o'clock P.M., this the 24th day of January, 1997, A.D.

DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS.

BY: M. Lunday
Deputy
M. Lunday



ACCEPTED AND AUTHORIZED for record by the Director of the Department of Planning and Development, of the City of Austin, Travis County, Texas, this the 16th day of January, 1996, A.D.

Alice Glascoy for
Alice Glascoy, Director of Planning
Development Review and Inspection Department.

Lumbermans Investment
(17.788 Ac.)
Vol. 10754 Pg. 250

THE STATE OF TEXAS
THE COUNTY OF TRAVIS •

I, J. Leroy Bush, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat is true and correct, was prepared from an actual survey of the property made by me or under my supervision on the ground, and that all boundary corners, points of curvature, and other points of reference have been marked with monuments as described hereon.

J. Leroy Bush
Registered Professional Land Surveyor No. 1828
BUSH SURVEYING, INC.
1904 Fortview Road Austin, Texas 78704



I, Kurt Prossner, am authorized under the Laws of the State of Texas to practice the profession of Engineering, and hereby certify that this plat is feasible from an engineering standpoint and complies with the engineering related portions of Title 13 of the Austin City Code of 1981, as amended, and is true and correct to the best of my knowledge.

WITNESS MY HAND this 29 day of October, 1996, A.D.

Kurt Prossner
Kurt Prossner
Registered Professional Engineer No. 58191
Prossner & Associates, Inc.
12218 Hwy. 620 Suite 104
Austin, Texas 78750



IMPERVIOUS COVER NOTE:
Each lot shall be limited to a maximum allowable impervious cover as follows:

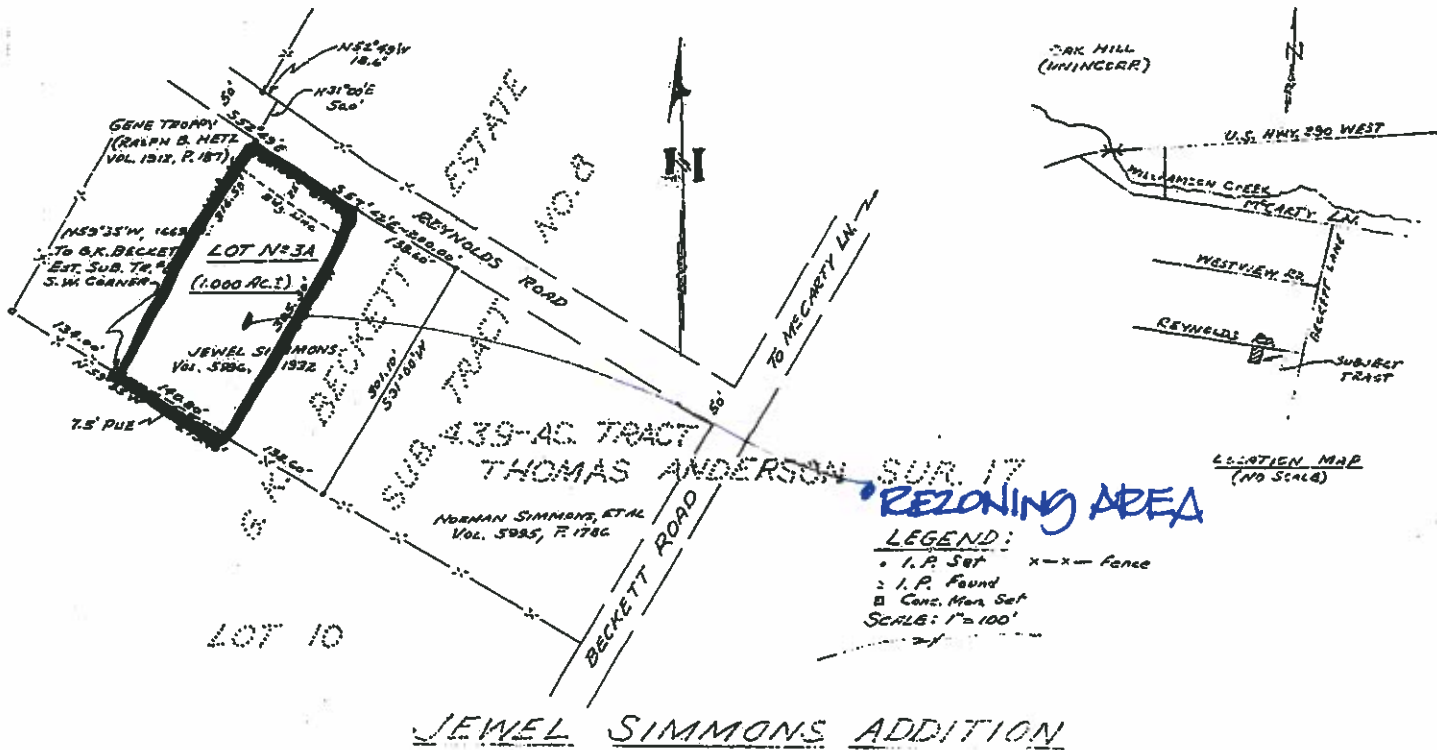
Lot 1 is limited to 5227 square feet of impervious cover.
Lot 2 is limited to 6900 square feet of impervious cover.
Lot 3 is limited to 5227 square feet of impervious cover.

NOTE: The seller is required to provide to the occupant of each lot, at the time of occupancy, a homeowner environmental education packet and an integrated pest management plat (IPM) that has been approved by the City of Austin Drainage Utility Department.

NOTE: Public sidewalks, built to City of Austin Standards, are required along William Cannon Drive West. These sidewalks shall be in place prior to the lot being occupied. Sidewalks along Reynolds Road are required to be constructed by property owner after the abutting roadway is improved and concrete curbs are in place. Failure to construct the required sidewalks may result in the withholding of certificates of occupancy, building permits, or utility connections by the governing body or utility company.

EXHIBIT B
RECORDED PLAT
8-28-2000

C8-96-0160.04



STATE OF TEXAS I
COUNTY OF TRAVIS I

KNOW ALL MEN BY THESE PRESENTS
That I, OLIVE SMITH owner of one (1) acre of land, out of Lot Eight (8), G. K. Beckett Estates Subdivision, as recorded in Plat Book 6, Vol. 5950, P. 610 of the Deed Records of Travis County, Texas, and being that property vacated by instrument recorded in Vol. 5950, P. 610, Travis County Deed Records, do hereby subdivide said tract in accordance with the attached plat still subdivision to be known as "JEWEL SIMMONS ADDITION" and do hereby dedicate to the public the streets and easements shown hereon.
WITNESS MY HAND THIS 19TH DAY OF NOV. A. D. 1979.

Olive Smith
OLIVE SMITH 5903 REYNOLDS RD. AUSTIN TEXAS 78749

"In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares, and shown on this plat, and all bridges and public culverts necessary to be constructed or placed in such streets, roads or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."

Be it resolved by the Commissioners Court of Travis County, Texas: That the acceptance for maintaining by Travis County, Texas, of the roads or streets in Real-Estate Subdivisions does not obligate the County to install street parking signs, as this is considered to be a part of the developer's construction; but that erection signs for traffic control, such as for speed limits and STOP and YIELD signs, shall remain the responsibility of the County.

HEALTH DEPARTMENT RESTRICTIONS:

- 1.) No structure in this subdivision shall be occupied until connected to a public sewer system or to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.
- 2.) No structure in this subdivision shall be occupied until connected to a potable water supply from an approved public water supply with adequate quantity for family use and operation of an approved septic tank system.

These restrictions are enforceable by the Austin-Travis County Health Department and/or the last owners or developer.

This subdivision has been accepted for development for septic tank use by the Austin-Travis County Health Department.

Tammy A. Green, R.E. DATE Nov. 7, 1979
SIGNATURE, Tammy A. Green, R.E.

"I, Howard W. Mittel, a Registered Professional Engineer under the laws of the State of Texas am authorized to practice the profession of Engineering of which surveying is a part do hereby certify that this plat complies with Chapter 51 of the Austin City Code; it is true and correct, and was prepared from an actual survey of the property made under my supervision on the ground."

Howard W. Mittel DATE Sept. 26, 1979
Howard W. Mittel, Registered Professional Engineer, No. 15920

This tract lies entirely outside the limits of the 100-year frequency flood zone.

Howard W. Mittel DATE Nov. 7, 1979
Howard W. Mittel, Registered Professional Engineer, No. 15920

STATE OF TEXAS I
COUNTY OF TRAVIS I

Before me, the undersigned authority, on this day personally appeared OLIVE SMITH known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE, this the 19TH DAY OF NOV. A. D. 1979

Omnia H. Blane
Notary Public in and for Travis County, Texas

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin on the 27TH day of Nov. A. D. 1979.

William H. Stoll Martha Schecter
CHIEF CLERK SECRETARY
WILLIAM H. STOLL MARTHA SCHECTER

APPROVED FOR ACCEPTANCE:
Richard L. Bell DATE November 27, 1979
Richard L. Bell, Director of Planning
FILED FOR RECORD, this the 4 day of Dec. A. D. 1979 at
2:05 o'clock P.M.
Doris Shropshire, Clerk County Court, Travis County, Texas

By: Linda Klemsier
DEPUTY
LINDA KLEMSIER

STATE OF TEXAS I
COUNTY OF TRAVIS I

I, Doris Shropshire, County Clerk of Travis County, Texas, do hereby certify that on the 27TH day of November, A. D. 1979, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the Minutes of said Court in Book 3 at Page 423.

WITNESS MY HAND AND SEAL OF OFFICE, this the 30TH day of December, A. D. 1979.
Doris Shropshire, County Clerk, Travis County, Texas.

By: Linda Klemsier
DEPUTY

STATE OF TEXAS I
COUNTY OF TRAVIS I

I, Doris Shropshire, Clerk of the County Court of Travis County, Texas, within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 4 day of Dec. A. D. 1979 at 2:05 o'clock P.M. and that said instrument is in the Plat Records of said County in Book 3 at Page 423.

WITNESS MY HAND AND SEAL OF THE COURT of said County, the date last written above.
Doris Shropshire, Clerk County Court, Travis County, Texas.

By: Linda Klemsier
DEPUTY
LINDA KLEMSIER

EXHIBIT B
RECORDED PLAT
RECEIVED SEP 25 1979 CITY PLANNING CITY OF AUSTIN
RECEIVED OCT 11, 1979 CITY PLANNING CITY OF AUSTIN
CBS-79-186

*MAD OF
G.K. BECKETT ESTATE
THOMAS ANDERSON SURVEY #17
TRAVIS COUNTY, TEXAS*

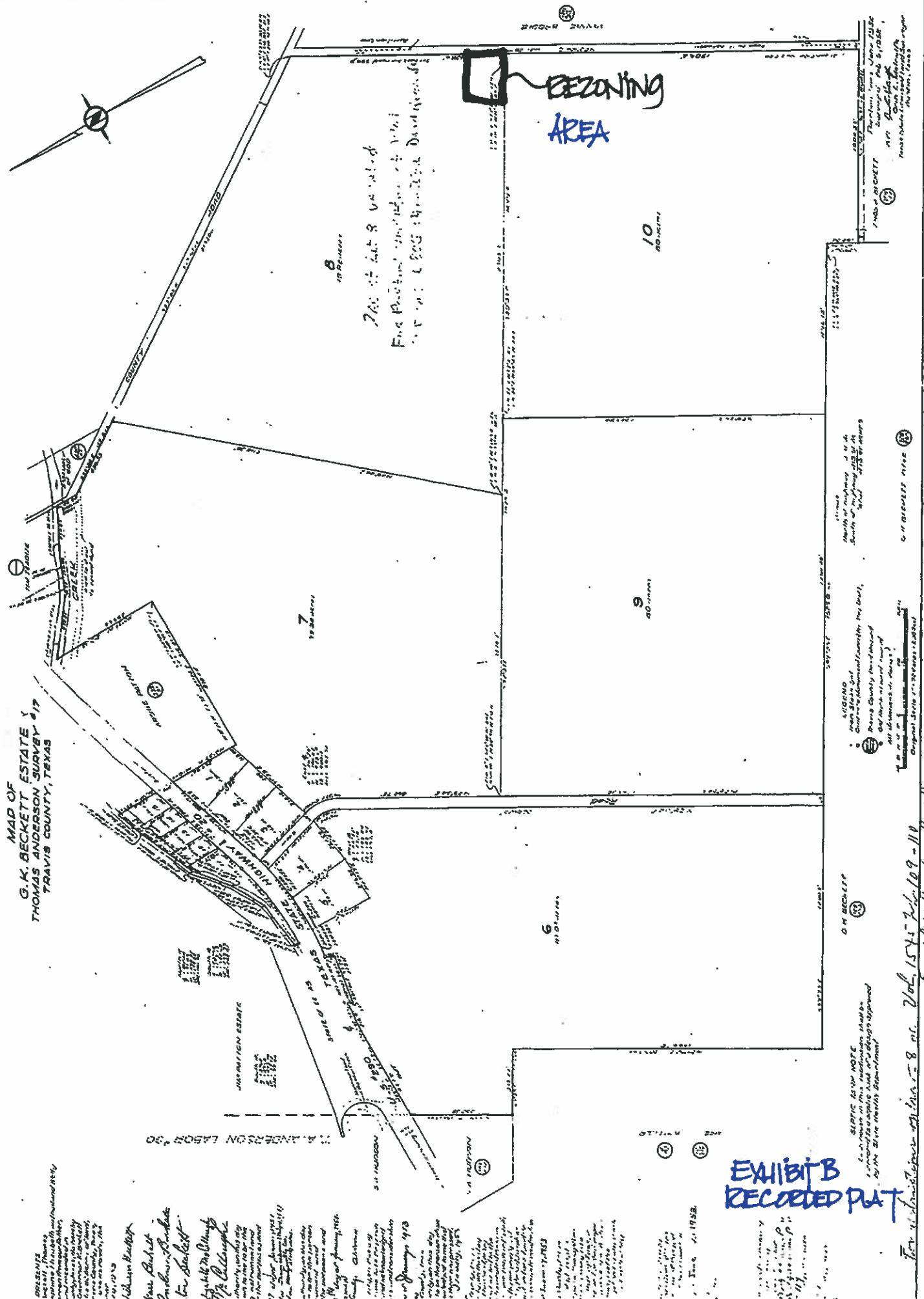


EXHIBIT B
RECORDED PAGE

For 4. *Amelanchier* var. *laevis* 8 m. Vol. 1545 Feb. 189 - 110
 Sm. Riv. 1st empty box
 For *Amelanchier* var. *laevis* 4.5 m. Vol. 1547, Page 445 by good friend,
 1st empty box
 Original 1545 Feb. 189 - 110

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on.



Dana DeBeauvoir, County Clerk

By Deputy

Tommy Penny
Tommy Penny

MAY 14 1991

109

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That we, S. A. HUDSON, a single man, and AMANDA HUDSON, a feme sole, both of Travis County, Texas, are the sole owners of all that certain tract of land known and described as Lot or Tract No. Eight (8) of the subdivision of the G. K. Peckett Estate as re-ordered in Book 6, Page 118 of the Plat Records of Travis County, Texas, and being the same property described in that certain deed to S. A. Hudson, et al, recorded in Vol. 1472, Page 424, Deed Records of Travis County, Texas, desire to impose said property with the following restrictions, covenants and conditions, to-wit:

1. The premises shall be used for residential purposes only and one single family residence on this tract.

2. The main dwelling to have not less than 1200 square feet of floor space exclusive of garage and open porches and to be of standard construction, at least one third (1/3) masonry and no box constructions.

3. All improvements shall be set back at least fifty (50) feet from the front property line.

4. Each tract of land shall be fenced sufficiently to turn cattle and goats.

5. Each tract of land is subject to an easement of five feet on either side of the dividing lines of all tracts for public utility installation and maintenance.

6. The foregoing covenants, conditions and restrictions shall be deemed to be covenants running with the land, and by the acceptance of this deed, the Grantee shall hereby bind himself, his heirs, assigns, and legal representatives, faithfully to keep and observe each of the same.

7. In the event any person shall violate, or attempt to violate, or fail to perform or observe any of the foregoing restrictions, covenants and conditions, then any person owning any part of the above described property shall be authorized to enjoin in such violation or proposed violation, or to recover damages for such violation, and to that end, to institute and prosecute appropriate proceedings either in law or in equity, and the undersigned, their heirs, assigns, and legal representatives may also institute and prosecute any such proceedings, without being obligated to do so.

15 4 5

INITIAL DEED RESTRICTIONS

EXHIBIT C
INITIAL DEED RESTRICTIONS

WITNESS OUR HANDS at Austin, Travis County, Texas, this the 6th day
of February, A. D., 1955.

I, Dana DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy

Tony Penny

TONY PENNY

THE STATE OF TEXAS
COUNTY OF TRAVIS

S. A. Hudson
S. A. HUDSON

Amanda Hudson
AMANDA HUDSON

MAY 14 1991

BEFORE ME, the undersigned authority on this day personally appeared
S. A. HUDSON, a single man, known to me to be the person whose name is sub-
scribed to the foregoing instrument, and acknowledged to me that he executed
the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of
February, A. D., 1955.

[Signature]
Notary Public in and for Travis County,
Texas.

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally
appeared AMANDA HUDSON, a feme sole, known to me to be the person whose
name is subscribed to the foregoing instrument, and acknowledged to me
that she executed the same for the purposes and consideration therein
expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of
February, A. D., 1955.

[Signature]
Notary Public in and for Travis County,
Texas.

Filed for Record Feb. 24, 1955, at 2:20 P.M.
Recorded Feb. 28, 1955, at 9:00 A.M.

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I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy

MAY 14 1991

TONY PENNY

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE INSTRUMENTS:

That we, S. A. HUNTER, a single man, and ANNEA HUNTER, a feme sole, both of Travis County, Texas, are the sole owners of all that certain tract or parcel of land known and described as Lot or Tract No. Eight (8) of the subdivision of the G. K. Baskett Estate as recorded in Book 6, Page 119 of the Plat Records of Travis County, Texas, and being the same property described in that certain deed to S. A. Hunter, et al, recorded in Vol. 1272 at page 484 of the Deed Records of Travis County, Texas, desire to impress said property with the following additional restrictions, covenants and conditions, being an amendment to those certain restrictions heretofore filed for record by instrument dated February 8, 1975, and recorded in Vol. 1245 at page 109 of the Deed Records of Travis County, Texas, to-wit:

1. No building plot for a single family residence shall be less than one (1) acre.
2. All detached buildings, garage(s), etc., shall be not closer than 75 feet from the front property line and 15 feet from the side property line.
3. All plumbing shall be inside, and shall satisfy all rules and regulations and specifications of the State Health Department; and no cess-pools and outside plumbing will be permitted.
4. These provisions are hereby declared to be restrictions, covenants and conditions running with the land and shall be fully binding on all parties acquiring property in this tract, whether by descent, devise, purchase or otherwise; and every person, by the acceptance of title to any of the above described property shall thereby agree to abide by and fully perform the foregoing conditions, restrictions, uses and covenants.
5. In the event any person or persons shall violate, or attempt to violate, or fail to perform or observe any of the foregoing restrictions, covenants and conditions, then any person owning any part of the above described property shall be authorized to enjoin in such violation or proposed violation, or to recover damages for such violation, and to that end,

15 4 7

AMENDMENT TO INITIAL DEED RECORD

EXHIBIT C
AMENDED DEED
RESTRICTIONS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on

MAY 14 1991



Dana DeBeauvoir, County Clerk
By Deputy: Tony Penny

457

TONY PENNY

to institute and prosecute appropriate proceedings either at law or in equity, and the undersigned, their heirs, assigns, and legal representatives may also institute and prosecute any such proceedings without being obligated to do so.

WITNESSE OUR HANDS at Austin, Travis County, Texas, this the 7th day of March, A. D., 1955.

S. A. Hudson
S. A. HUDSON
Amanda Hudson
AMANDA HUDSON

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared S. A. HUDSON, known

to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of March, A.D.

1955.

[Signature]
Notary Public in and for Travis County, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared AMANDA HUDSON, a feme

sole, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of March, A.D.,

1955.

[Signature]
Notary Public in and for Travis County, Texas

Filed for Record Mar. 8, 1955, at 2:15 P.M.
Recorded Mar. 10, 1955, at 2:20 P.M.

15 4 7

RESOLUTION

WHEREAS, in considering requests for zoning and rezoning, the City Council applies its legislative discretion to protect and advance the public interest; and

WHEREAS, where property is subject to a private restriction prohibiting non-residential uses, zoning or rezoning the property to a zoning district where non-residential uses are allowed may result in litigation brought by citizens entitled to the benefits of the restriction; and

WHEREAS, the City Council believes the public interest is better served, in such instances, by deferring any change of zoning which might be inconsistent with such private restrictions until the private restrictions are removed or declared invalid by a court of competent jurisdiction; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
That the City Council hereby expresses its general policy and intention to deny any requests to zone or rezone property to allow uses which may conflict with existing private restrictions prohibiting non-residential uses on the property; and

BE IT FURTHER RESOLVED:

That the City Council will assume a private restriction prohibiting non-residential uses on property is valid, notwithstanding any other facts, until the restriction is removed or declared invalid by a court of competent jurisdiction.

ADOPTED: December 3, 1987

ATTEST: James E. Aldridge
James E. Aldridge
City Clerk

EXHIBIT D

The intent of this document is to identify and delineate shortcomings or oversights that we feel were not fully considered during the initial evaluation of the proposed zoning change relative to C14-2008-0222. From federal air quality standards, to the City of Austin's own planning guidance documents, a number of items (listed below) appear to have been overlooked or not fully considered.

1. Corridor Planning
2. EPA Air Quality Standards
3. City Planners Participation in Numerous Studies of Pollutants
4. Know Dangers of Health and Safety of Mobile Point Source Pollution
5. Surrounding Land Changes
6. Additional Information on Zone Request

CORRIDOR PLANNING

The City of Austin published guidelines for Corridor Planning clearly allowing Neighborhood Mixed Use that will increase pedestrian traffic, reduce average trip length, and add a better quality of life by adding the additional feature of access to services along a corridor. The City of Austin includes transportation planning with establishment of buffer zones between expanded roadways with appropriate land planning to protect residential areas. The treatment of our request has not been handled as other similar zoning request. We were not allowed the 15 day public notice, posting of signs full completion of review before going to the Council without the entire review process being completed.

The City's plan for Corridor Planning clearly points to stakeholders adjoining the street where the impact is greatest a relief from this harm. The decision of land use along William Cannon should be based on facts and development standards including scientific study of the extreme health consequences of the Air Pollution to our older homes. The extreme fear of change polarizes people to oppose any change and the guise of preserving the quality of life is used over and over to polarize communities to restrict future generations to pursue their own quality of life. If true SMART GROWTH is implemented in case C14-2008-0222 the zoning would be changed for a more appropriate use to further limit traffic trips and further enhance pedestrian traffic for our area as we have requested. Our application was filed before the FLUM and East Oak Hill Neighborhood Plan was passed and the development process is required to follow the previous rules of development. Zoning regulations should be uniform for like cases with consideration for appropriate use of land and not different standards for different people.

EPA AIR QUALITY STANDARDS

The zone request for C14-2008-0222 needs to address numerous issues with Zoning RR. Starting back when the City of Austin requested studies on the extension of W. William Cannon from West Gate to Hwy. 290 Federal Funds were involved starting with the consulting on the expansion which made this project fall under the EPA Clean Air Act. At that time the stakeholders were told 800 cars an hour would be the maximum for this stretch of roadway. Upon

completion of W. William Cannon the traffic far exceeded that number which should have immediately signaled a further study of the project and the effect on surrounding homes concerning Air Pollution especially homes on the North of William Cannon due to the prevailing winds from the South. No pollution study was ever provided to the homeowners abutting William Cannon in our area. Passage of the Clean Air Act and the 1990 amendments has exhaustive studies on the danger of human health on the down side of prevailing wind and traffic modeling. Along with FHWA (Federal Highway Administration), TXDOT (Texas Department of Transportation), AMPO (Association of Metropolitan Organization), and in every traffic data scientific community in the nation, the literature is quite clear with no exceptions concerning this health issue. The standards of air quality are well established for ozone, carbon monoxide, particulate matter, nitrogen dioxide, lead, and sulfur dioxide and the damaging health effects. A part of the City's own ATCP (Austin Tomorrow Comprehensive Plan) is to protect its citizens from health and environmental hazards. The two other areas addressing the growth along 6 land major arterial roadways are CAMPO (Capitol Area Metropolitan Planning Organization) and AMATP (Austin Metropolitan Area Transportation Plan). The recommendation is for Mixed Use along these corridors especially in heavy traffic as we now have on William Cannon.

CITY OF AUSTIN PLANNING

Several models for zoning were utilized for development in and around the City area. The Smart Growth plan is clear on development on edges of neighborhoods with buffers for internal neighborhoods to protect residential areas. The process of neighborhood plans was designed to allow land owners most affected by such growth as a 6 lane major arterial divided roadway the weight of decision making for obvious reasons. In our case people thousands of feet from William Cannon and miles from our area, not affected by the Air, Noise, and Light pollution we are forced to endure, made decisions for our homes. Health and safety is not one time mentioned in the planning process for our land. Not one study was done to address the Air Pollution to our homes. I am not sure if NEPA (National Environmental Act) and Title VI apply in this case but there are some livings below the poverty level directly affected by this action yet it seems no one addressed these families in a manor to help facilitate the understanding and education of the neighborhood plans far reaching consequences.

All land abutting William Cannon from Highway 35 to Highway 290 on both the North and South Side has been zoned to better address the long-term best use and planning principles the City of Austin has in place. Our request for zoning met and exceeded all standards in place at the time of request. EPA (Environmental Protection Agency) and their Support Center SCRAM (Support Center for Regulatory Atmospheric Modeling), AMPO, FTA (Federal Transit Administration), MPO, Sierra Club, TMPO and DOT along with SMART GROWTH addressing the planning principles for land use along Major Divided Arterial Roadways, as the City has acknowledged through change of zoning in hundreds of zoning cases in the last few years. The planning department has met and participated with numerous organizations over the last few years addressing the best use for land and the health effects to families in older homes as the growth in cities change and roadways are built.

The City of Austin has received numerous studies on the danger of living on the down wind side of major traffic routes and planning principals to protect the residential families further away from the point of emission.

The list of pollutants is too extensive to include but is in all literature now in the City of Austin's Planning Department's possession and the planning department files. The Roadway Air Dispersion Model has been refined over the years but in no case has it ever said that living this close to 37,000 automobiles with projections of 60,000 is safe for anyone especially children and the elderly. Three of the 6 homes in this request are now only feet from this known danger. The quality of construction of 40 to 50 year old homes leaves even further danger from the particulate matter emissions.

KNOWN DANGERS AND THREATS TO HEALTH

The most fundamental principal is we should be absent a material threat to our health from where we live due to the annexation and then the development of William Cannon. The rights of present residents not affected by the roadway should not supersede the rights of families so devastated by the changes to our land forever making our older homes unsuitable both from Air pollutants from auto emissions and Noise Pollution from the high volume of traffic. No environmental study was ever done to address the neighborhood plan resulting in the health and safety hazard to our homes in this FLUM or East Oak Hill Neighborhood Plan.

We are aggrieved by the total lack of response to our situation by applying a different standard of review to this request. The property was purchased by 3 of the 6 land owners over 50 years ago and all surrounding land was pasture surrounded by only 100 families living in Oak Hill. The building of William Cannon further changed our land. Now we are completely surrounded by higher density and higher zoning than we request. The FLUM constitutes an unreasonable and direct physical harm to our health and enjoyment of our property. We were annexed full purpose and now the City is applying standards to limit our ability to zone for a more reasonable use. The similar nature of our situation compared to all other past land request is historic in nature by applying a spot zoning to limit our use. We feel the arbitrary, capricious and unreasonable treatment to this limited parcel of land deviates from the standard used in all other similar cases.

SURROUNDING LAND CHANGES

Using standards that the development board used in all similar cases the request we ask for is documented that the issue of surrounding area changes and roadway type was a compelling reason for change in every case. I can provide you with hundreds of cases but you already have access to these files and the explanation from your department to the zoning changes made in like situations. We can not find another Rural Residential Area in Austin meeting all the standards of development that we meet, not already changed, and that includes not just 6 lane MAD but land along 4 lane arterial roadways also. We are deprived of the safety and health in our homesteads as it is now zoned yet change of zoning was

granted to other property owners in similarly situated properties. Our request is not harmful to the environment and should even further protect the water quality.

The land to the East across Ridge Oak which is 24 ft. wide the City allowed Office with the development line right on the property line giving the families on Ridge Oak less than 50 ft counting the street from development. To the West another 24 ft. street is 84 condos in a high density design again only 50 ft. from the residential area of Beckett Estates. To the North are apartments, schools, and duplexes again only 24 ft. street. The application of adequate and proper land use regulations remains the most important single instrument of locally administered environmental protection. The fundamental premise to be incorporated into regulations is the urban development of land should be without severe environmental degradation with disregard to environmental adverse affects on its citizens. The City's own plan mentions the planning for land use on major arterial roadways and the need for a buffer from anticipated traffic noise. (Policy 351.2). plus our request offers a deeper buffer to the families on the north of Reynolds Road than required. I am attaching the additional comments

ADDITIONAL INFORMATION ON ZONE REQUEST

- PLATTED IN 1956 TWO YEARS AFTER MS. SIMMONS PURCHASED HER LAND
- OAK HILL SIGNIFICANTLY CHANGED FOLLOWING ANNEXATION
- WILLIAM CANNON COMPLETED IN 1989 NOW 37,000 CARS AND TRUCKS A DAY WITH FUTURE OF 60,000 A DAY ROAR PAST
- EXISTING SIDEWALKS
- CURB AND GUTTER
- STREET LIGHTING
- HARD CORNER WITH TRAFFIC LIGHT
- DESIGNATED CROSSWALKS WITH TRAFFIC BUTTONS
- ALL UTILITIES
- 2 OF THE 4 STREET CUTS NEEDED ONTO WILLIAM CANNON ON BICYCLE ROUTE B
- WE CAN PROVIDE MORE BUFFER THAN REQUIRED BY THE CITY
- A SMALL 1+ ACRE AREA ON REYNOLDS COULD POSSIBLY BE DONATED FOR A POCKET PARK GIVING RESIDENTS PICNIC TABLES AND SWINGS WHERE FAMILIES COULD MEET WITH CHILDREN OR NEIGHBORHOOD POT LUCK DINNERS.
- NOT IN THE OLD OR NEW FLOODPLAIN
- POTENTIALLY GIVES EYE ON STREET INCREASING SECURITY FOR THE NEIGHBORHOOD
- BUS STOP ON CORNER OF WILLIAM CANNON AND 290 plus one in next block.
- OPENS AREA FOR MORE PREDESTRIAN TRAFFIC
- FURTHER LIMITS TRAFFIC ON REYNOLDS ROAD.
- WE ARE SURROUNDED BY HIGHER DENSITY AND HIGHER ZONING THAN WE REQUEST
- ZONING REQUEST IS COMPATABLE AND CONSISTANT WITH CURRENT STANDARDS

- REQUEST IS RESONABLE AND CONSISTANT WITH INCREASED POPULATION DENSITY AND PROJECTED GROWTH
- MEETS STANDARDS FOR PROTECTION OF THE AQUIFER AND ALL WATER PROTECTION ISSUES
- INCREASED TAX BASE FOR CITY
- ELIMINATES SEPTIC SYSTEMS STILL IN USE IN SOME HOMES
- NOT REQUESTING MORE DENSITY THAT SOS ALLOWS
- INCREASES NEIGHBORHOOD SERVICES
- CURRENT LAND USE IS NOT APPROPRIATE
- INCREASE EMPLOYMENT IN THIS UNCERTAIN TIME FOR ECONOMIC DEVELOPMENT
- THE WELL DOCUMENTED HEALTH DAMAGE FROM NEAR ROADWAY VEHICLE EMISSIONS FOR RESIDENTIAL USE
- ALL PLANNING PRINCIPLES SUGGEST A MORE SUTIBLE USE FOR THE BUFFER ALONG A MAJOR ROADWAY
- UNIFORM FOR ZONING THROUGHOUT THE CITY
- RESOLVE THE DETERORATION OF QUALITY OF LIFE FOR FAMILIES ON WILLIAM CANNON AND PROVIDE AN ACCEPTABLE STANDARD OF GROWTH TO ADDRESS THE AIR QUALITY STANDARDS ACCEPTABLE TO ADJACENT ROADWAYS

Edith
James

891-9998

627-8656

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0222

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 13, 2009 Planning Commission

January 29, 2009 City Council

☒ I am in favor
☐ I object

BILLY DEE FISHER
Your Name (please print)

5508 REYNOLDS ROAD

Your address(es) affected by this application

Billy Dee Fisher 12/26/08
Signature Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0222

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 13, 2009 Planning Commission

January 29, 2009 City Council

☒ I am in favor
☐ I object

LLOYD BURT

Your Name (please print)

Sue Burt

6719 Ridge Oak Rd Austin TX 78749

Your address(es) affected by this application

Sue & Lloyd Burt

Signature

1-9-09

Date

Comments:

Would like to see the zoning
Changed.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0235

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 6, 2009 Zoning and Platting Commission

February 12, 2009 City Council

☒ I am in favor
☐ I object

William T. Johnson
Your Name (please print)

1140 Rosemont Dr. Deusto TX 75115
Your address(es) affected by this application

Ms. William T. Johnson
Signature

12/29/2008
Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

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Case Number: C14-2008-0232

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 6, 2009 Zoning and Platting Commission
February 12, 2009 City Council

☒ I am in favor
☐ I object

William T. Johnson

Your Name (please print)

1140 Rosemont Dr. Desoto Tx 75115

Your address(es) affected by this application

Mrs. William T. Johnson

Signature

12/29/2008

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0222

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 13, 2009 Planning Commission

January 29, 2009 City Council

☐ I am in favor
☒ I object

William E. Beggs
Your Name (please print)

5712 Reynolds Rd
Your address(es) affected by this application

William E. Beggs
Signature

12/27/08
Date

Comments:

I moved to this neighborhood because of the RR zoning - large lot but closer to town and no commercial development. The City Council affirmed the RR designation in November by 2008 as part of the Oak Hill TPO. If zoning is changed, my property value will be negatively affected. Good living environment will be negatively affected by more traffic on Reynolds road, more sound of cars, trash removal etc. Vote No.

If you use this form to comment, it may be returned to:

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Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0222

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 13, 2009 Planning Commission

January 29, 2009 City Council

☐ I am in favor
☒ I object

YOUR NAME (please print)
BIL & ELLEN WILLIAMS

YOUR ADDRESS (ES) AFFECTED BY THIS APPLICATION
5613 WEST VIEW RD.

SIGNATURE
B. Williams

DATE
12-28-08

COMMENTS:

THIS NEIGHBORHOOD IS A JEWEL AND SHOULD BE LEFT IN TACT. IT IS A RURAL HAVEN IN THE MIDDLE OF THE CITY!

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