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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0111 – 10301 Old San Antonio Road Rezone  
**Z.A.P. DATE:** October 5, 2010  
November 2, 2010  
May 3, 2011  
June 7, 2011

**ADDRESS:** 10301 Old San Antonio Road

**OWNER:** Sheldon Stablewood, LP  
(Rick Sheldon)

**AGENT:** Thrower Design  
(Ron Thrower)

**ZONING FROM:** MF-2-CO      **TO:** MF-2-CO      **AREA:** 18.198 acres  
to change a condition of zoning

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to deny the Applicant's request to remove the Conditional Overlay that prohibits access to Old San Antonio Road.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

October 5, 2010: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO NOVEMBER 2, 2010.*

*[S. BALDRIDGE; T. RABAGO – 2ND] (7-0)*

November 2, 2010: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT.*

*[G. BOURGEOIS; P. SEEGER - 2ND] (7-0)*

May 3, 2011: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 7, 2011.*

*[D. TIEMANN; P. SEEGER – 2ND] (6-0) 1 VACANCY ON THE COMMISSION*

June 7, 2011:

### **ISSUES:**

On April 19, 2011, the Applicant requested that the case be re-notified for Zoning and Platting Commission.

### **DEPARTMENT COMMENTS:**

The subject tract is undeveloped and was zoned multi-family residence – low density – conditional overlay (MF-2-CO) district in August 2000. The Conditional Overlay limits development to 2,000 vehicle trips per day, states that there shall be no vehicular access to Old San Antonio Road, and that access must be taken from other adjacent public streets or

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adjacent property. Please refer to Exhibit B. The tract has frontage along Old San Antonio Road, a two-lane roadway, and directly east is a low water crossing. There are two single family residences, and the South Park Meadows shopping center to the north (GR-MU-CO; GR-CO; GR-MU-H-CO; CS-CO); undeveloped property to the east and southeast that is proposed for CS-MU zoning; and Akins High School, the football field, and two single family residences to the southwest and west (I-RR). The rezoning tract surrounds one single family residence (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to change the item in the conditional overlay which prohibits access to Old San Antonio Road. As background information, this tract was part of the Stablewood at Slaughter Creek Preliminary Plan that included the adjacent land to the east and south. Please refer to Exhibit C. A collector road extending between FM 1626 and the IH 35 southbound frontage road, known as Stablewood Drive bordered the tract's southeast property line. Therefore, at the time of the original zoning, the tract would have the ability to access the loop road as shown on the Preliminary Plan. The Preliminary Plan has since expired and therefore, the Stablewood property does not currently have any vehicular access. The zoning approved on an adjacent property, Double Creek Village – C14-2008-0220, included the dedication of right-of-way for the new loop road at the time the zoning was finalized by City Council, on November 18, 2010.

The Staff has concerns about multifamily residential development taking access to Old San Antonio Road which is a narrow, two-lane roadway and the nearby low water crossing which could create public safety issues in the event of an emergency, and therefore, recommends denial of the Applicant's request to remove the conditional overlay pertaining to vehicular access placed on the tract in 2000. The right-of-way is available to the subject property, and if the subject tract develops before Double Creek Village, then the owner could build a driveway from the property to the southbound IH 35 service road.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-2-CO	Undeveloped
<i>North</i>	I-RR; GR-CO; GR-MU-H-CO; CS-CO	Two single family residences; Theater; Restaurant; Auto repair within the South Park Meadows shopping center
<i>South</i>	I-RR	Football field for Akins High School; Undeveloped (proposed for CS-MU zoning by C14-2008-0220)
<i>East</i>	I-RR	Undeveloped (proposed for CS-MU zoning by C14-2008-0220)
<i>West</i>	I-RR	Two single family residences; Akins High School

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group

**SCHOOLS:**

Menchaca Elementary School Paredes Middle School Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0220 – Double Creek Village – 10200- 10614 South IH 35 Service Road Southbound	I-RR; CS to CS- MU	Approved CS-MU-CO with the CO for list of prohibited uses, RC for conditions of the TIA, and Street Deed for r-o- w for the new loop road between FM 1826 and IH 35 is part of TIA approval and required to be dedicated at the time of zoning.	Approved CS-MU-CO with RC for conditions of the TIA and Street Deed for r-o-w for new loop road as ZAP recommended (11-18- 10).
C14-04-0160 – Harrell Tract #5 – 10184 – 10224 South IH-35 Service Road Southbound; 10101 – 10139 Old San Antonio Road	I-RR to CS-MU- CO	To Grant CS-MU-CO with CO prohibiting certain uses and limiting development to 2,000 daily trips	Approved CS-MU-CO as Commission recommended (12-2- 04).
C14-04-0126 – Harrell Tract #4 – 10100-10182 South IH-35 Service Road Southbound; 10100 – 10128 Old San Antonio Road	I-RR to CS-CO	To Grant CS-CO with CO for list of prohibited uses, RC for the TIA and establish that the minimum size for a stand-alone restaurant is 300 square feet	Approved CS-CO as Commission recommended (12-2- 04).
C14-04-0125 –	I-RR to MF-2-	To Grant MF-2-CO	Approved MF-2-CO

		adjoining SF-2 zoned property, and 2,000 trips per day	
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**RELATED CASES:**

The subject property was annexed into the City limits on December 31, 1997 and assigned I-RR district zoning. On August 17, 2000, the property was zoned MF-2-CO with the Conditional Overlay prohibiting vehicular access to Old San Antonio Road (and requiring that access shall be from adjacent public streets or through adjacent property), establishing a 15-foot wide vegetative buffer where adjacent to SF-2 zoning, and limiting trips to 2,000 vehicles per day (C14-00-2031).

As shown in Exhibit C, the subject property as well as adjacent surrounding properties were originally part of a 397.46 acre preliminary plan known as the Stablewood at Slaughter Creek Preliminary Plan Revision #1, approved on August 31, 1999 (C8-95-0211.02). The plan included a mix of retail, office/commercial, single family residences, recreation center and open space uses. The portion covering this property provided for 80 single family – standard lot residential lots. The Preliminary Plan included a loop road known as Stablewood Drive extending between the IH-35 frontage road and FM 1826 (in a similar configuration to that proposed with the subject application). This eastern portion of the Stablewood Preliminary Plan did not proceed to the final plat stage, and has expired.

There are no site plan applications on the property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Old San Antonio Road	56 feet	21.5 feet	Local	No	No	No

**CITY COUNCIL DATE:** November 4, 2010

**ACTION:** Approved a Postponement request by Staff to November 18, 2010 (7-0)

November 18, 2010

Approved an Indefinite Postponement request by the Applicant (7-0).

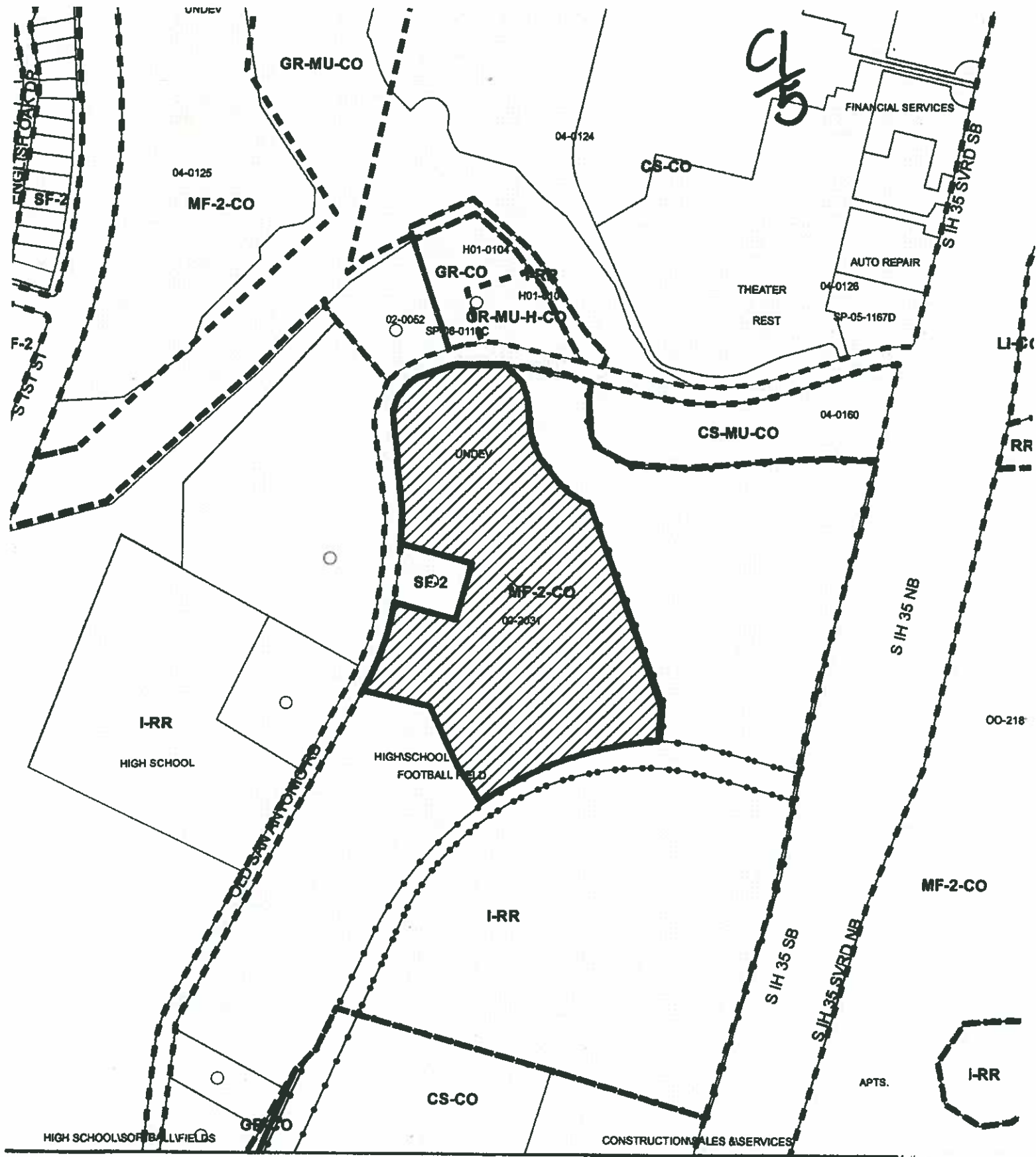
**ORDINANCE READINGS:** 1<sup>st</sup>  
**ORDINANCE NUMBER:**

2<sup>nd</sup>

3<sup>rd</sup>

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

**PHONE:** 974-7719



N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

## ZONING

ZONING CASE#: C14-2010-0111

LOCATION: 10301 OLD SAN ANTONIO RD

SUBJECT AREA: 18.198 ACRES

GRID: F 12

MANAGER: WENDY RHOADES

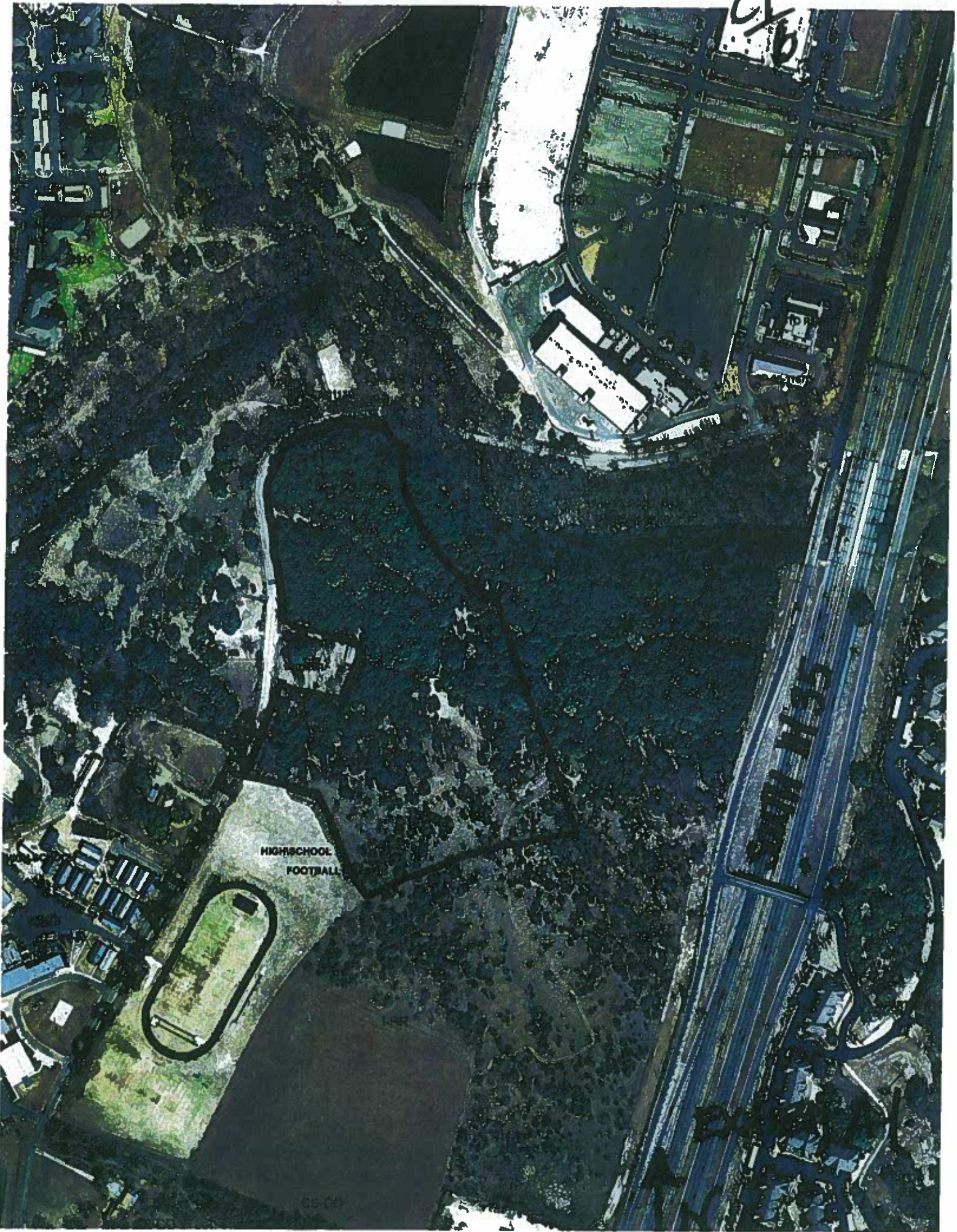
*Exhibit A*



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by



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HIGH SCHOOL  
FOOTBALL



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**ORDINANCE NO. 000817-77**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**AN 18.198 ACRE TRACT OF LAND OUT OF THE STEPHEN F. SLAUGHTER LEAGUE SURVEY NO. 1 AND SANTIAGO DEL VALLE GRANT, FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO MULTI-FAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED ALONG OLD SAN ANTONIO ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to multi-family residence low density-conditional overlay (MF-2-CO) combining district on the property described in File C14-00-2031, as follows:**

**An 18.198 acre tract of land out of the Stephen F. Slaughter League Survey No. 1 and Santiago del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")**

**locally known as the property located along Old San Antonio Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".**

**PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:**

- 1. There shall be no vehicular access from the Property to Old San Antonio Road. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.**
- 2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.**

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3. A 15-foot wide vegetative buffer shall be provided along the property lines that border the adjacent single family residence district. Improvements permitted on the vegetative buffer zone shall be limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multi-family residence low density (MF-2) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 28, 2000.

PASSED AND APPROVED

August 17, 2000

§  
§  
§

*Kirk Watson*

Kirk Watson  
Mayor

APPROVED:

*Andrew Martin*

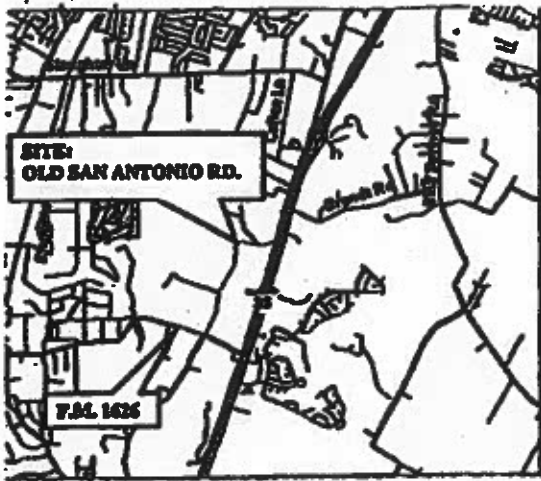
Andrew Martin  
City Attorney

ATTEST:

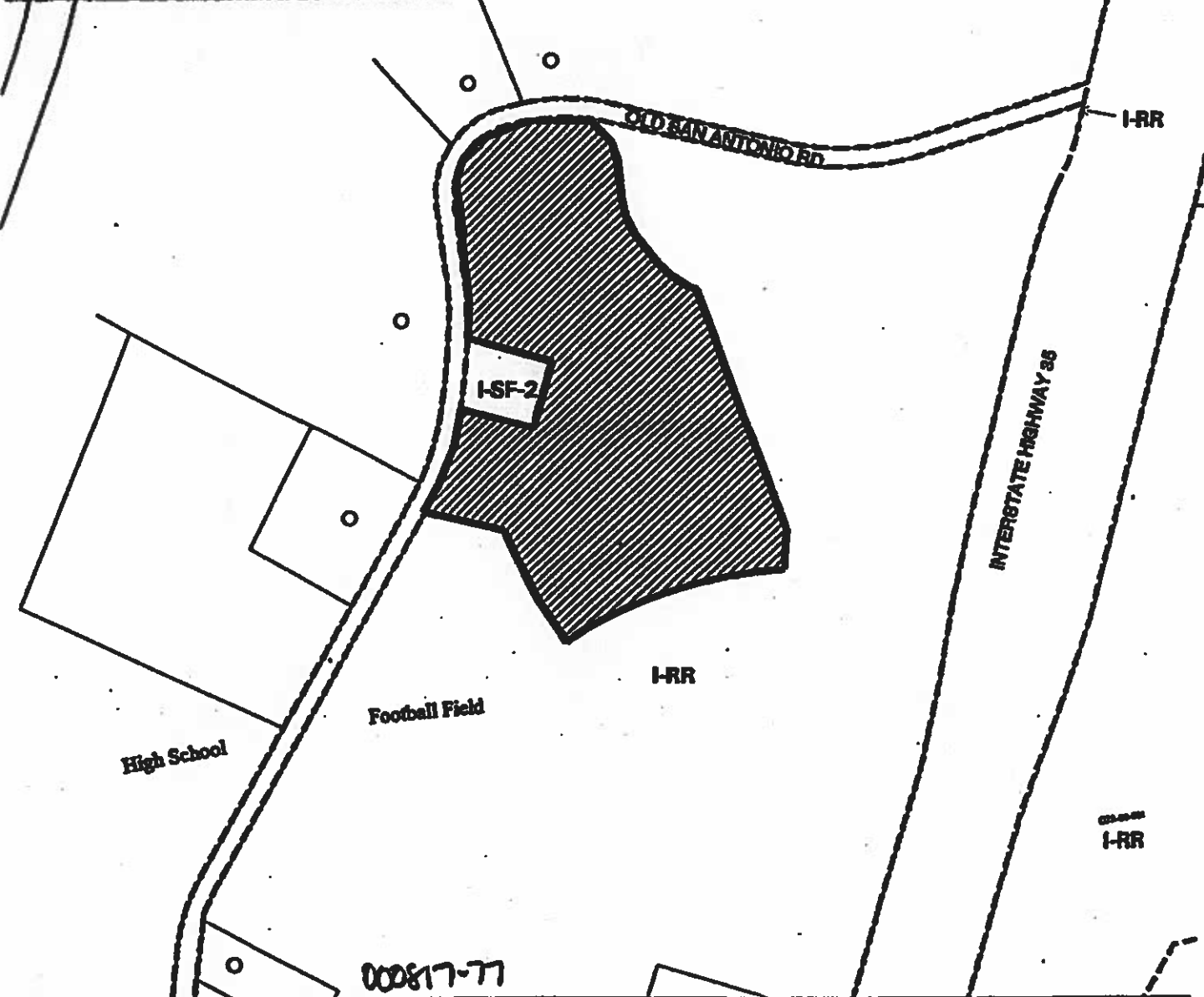
*Shirley A. Brown*

Shirley A. Brown  
City Clerk

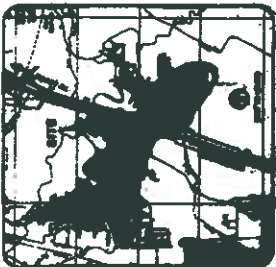




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	SUBJECT TRACT		<b>ZONING EXHIBIT B</b>	CITY GRID REFERENCE NUMBER  F12
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: JARRIAGA			
CASE #: C14-00-2031 ADDRESS: OLD SAN ANTONIO RD. <small>ADDITIONAL CASES: 000817-77</small>		DATE: 00-02 <small>01.01.2002</small>		



## TYPICAL NOTES

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### TANGENT TABLE

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INTO NUMBER 3, 8, 10, 12, 13, 14, 20, 25, 27, 30, 35, 40, 45  
 (has sheet) Contains an American War Economy No. 1, Ch. 45-521.02

**STABLEWOOD  
AT SLAUGHTER CREEK  
PRELIMINARY PLAN  
C8-95-0211.02  
REVISION No. 1**

[illegible]

## LAND USE SUMMARY

**SINGLE FAMILY**  
THREE BED ROOM  
**COMMERCIAL.**

**1042 AC.**  
(94 2 1)  
(64 2 2)

**180.36 AC.**

**OPEN SPACE**  
**BOONS**  
**BEC. CENTER**  
**GREENBELT /**  
**W.Q.P./P.U.E.**

**1.00 AC.**  
**.947 AC.**  
**2.70 AC.**  
**34.9 AC.**

**TOTAL ACREAGE - 374.46 AC.**  
**TOTAL NO. OF UNITS 144**  
**4 IN**

## LAND USE SUMMARY

SINGLE FAMILY	JEP AD. SEC. BOP (ea)	DWELL FAMILY	94 W AC (7 ea)
	94 OR AC	BOARDS	78 V AC.
<u>CONC</u>	94 M AC.		
COLUMBS/ W.D.P.-P.E.		TOTAL -	94 W AC.
TOTAL	78 W AC.		

[illegible]

Wolk  
Karpman  
Carnegie

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**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to deny the Applicant's request to remove the Conditional Overlay that prohibits access to Old San Antonio Road.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The multi-family residence low density (MF-2) district is intended to accommodate multifamily use with a maximum density of 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single family neighborhoods or in an area for which low density multifamily use is desired.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The Staff has concerns about multifamily residential development taking access to Old San Antonio Road which is a narrow, two-lane roadway and the nearby low water crossing which could create public safety issues in the event of an emergency, and therefore, recommends denial of the Applicant's request to remove the conditional overlay pertaining to vehicular access placed on the tract in 2000. The right-of-way will become available to the subject property, and if the subject tract develops before Double Creek Village, then the owner could build a driveway from the property to the southbound IH 35 service road.

**EXISTING CONDITIONS****Site Characteristics**

The site is undeveloped, significantly treed and slopes gently towards Slaughter Creek, to the north. Based on information shown on the expired Preliminary Plan, the 100-year flood plain generally forms the northwest property line along Old San Antonio Road.

**Impervious Cover**

Within the Slaughter Creek watershed, the maximum impervious cover allowed by the MF-2 zoning district would be 60%, which is based on the more restrictive watershed regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:



<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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 a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's 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 the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

This property has been previously zoned MF-2 with the zoning case #C14-00-2031. The property was subject to the following condition, "There shall be no vehicular access from the Property to Old San Antonio Road. All vehicular access to the Property shall be from adjacent public streets or through adjacent property." Staff had recommended prohibiting access to site from Old San Antonio Road due to its sub-standard condition and flooding hazard.

Staff recommends that the applicant work with the adjacent property owners to the east of this property to take access from future "Stablewood Drive".

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]

### **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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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**

The site is subject to compatibility standards. Along the west and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of 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.

Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

## 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](http://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: C14-2010-0111

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Oct. 5, 2010, Zoning & Platting Commission

Nov. 4, 2010, City Council

*Rick Sheldon Managing Partner*

Your Name (please print) *of Sheldon Stabbeard*

*We are the Applicant*

Your address(es) affected by this application *10301 Old San Antonio Rd*

*9-30-10*

Date

Signature

Daytime Telephone: *210-490-2500*

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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11/10**Rhoades, Wendy**

**From:** A. Ron Thrower [RonT@throwerdesign.com]  
**Sent:** Monday, November 01, 2010 10:45 AM  
**To:** bbaker5@austin.rr.com; Gregory Bourgeois; trabago@austin.rr.com; Sandra Baldrige; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com  
**Cc:** Rhoades, Wendy  
**Subject:** Items 2 & 3

Commissioners,

I am representing the landowners of the property covered under Item 3 – 10301 Old San Antonio Road. The current ordinance for this property entail a restriction to prohibit access to OSR and all access must be through abutting property. Essentially, the property is landlocked. We had tried to work with the adjoining property owner which had filed the case for Item # 2 – Double Creek Village. The Double Creek property owner was not willing to dedicate right-of-way at the time of their rezoning so that my client could have a legal point to construct access. This is what necessitated the filing of the rezoning on my client's property to address access. Since we filed the case, the Double Creek owners have agreed to dedicate right-of-way with the Double Creek Zoning case which provides us with the legal point of access.

As such, my request is that the dedication of right-of-way for the Double Creek Village zoning case, be specifically read into the record. Provided that this is performed, then we will request an indefinite postponement to the 10301 Old San Antonio Road zoning case and not sign in opposition to the Double Creek Village zoning case and not have it pulled for discussion.

**Ron Thrower**

*Thrower Design*

P.O. Box 41957

Austin, Texas 78704

512/476-4456



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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:

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Case Number: C14-2010-0111

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 3, 2011, Zoning and Platting Commission

Sheldon Stabewood

Your Name (please print) by Rick Sheldon

We are applicant

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 210-490-2500

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

CL  
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01/18

**Rhodes, Wendy**

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**From:** A. Ron Thrower [REDACTED]  
**Sent:** Thursday, April 28, 2011 1:14 PM  
**To:** Rhodes, Wendy  
**Subject:** Stablewood

Wendy,

Pursuant to our conversations, please accept this email as a postponement request to June 7, 2011.

**Ron Thrower**

*Thrower Design*

P.O. Box 41957  
Austin, Texas 78704

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4/28/2011