

Walsh, Wendy

Agenda Item #Z-12

**From:** Phil Brown [pgbrown@mac.com]  
**Sent:** Wednesday, July 28, 2004 3:09 PM  
**To:** Walsh, Wendy; Guernsey, Greg  
**Cc:** Phil Brown  
**Subject:** Cherry Creek on Brodie requests postponement of Brodie 31 case

July 28, 2004

Dear Mr. Guernsey and Ms. Walsh:

On behalf of Cherry Creek on Brodie Neighborhood Association, I am hereby requesting a four-week postponement of Item No. Z- 12 C814-04-0024 - Brodie 31 c/o Walters Southwest, scheduled for the Austin City Council's regular meeting of July 29, 2004.

Our reasons for requesting the postponement are as follows:

1. We are in the process of surveying the local community for land-use preferences and concerns, have contacted our desired land-use and design architect, and will need approximately four weeks to complete our work. We feel we have to take these steps now while the zoning application is before the Council, or else all the hard work of Council Member McCracken will not be realized for the roughly 150 acres currently up for zoning approval (Harris Ranch and Brodie 31). (Please reference [http://www.ci.austin.tx.us/development/commercial\\_design.htm](http://www.ci.austin.tx.us/development/commercial_design.htm) for more information.)

Our association, working with other entities in Southwest Austin, is pursuing a planning charette that would resolve longstanding concerns over the Brodie 31 tract and the future four corners of Brodie and Davis Lanes. We hope to propose solutions for this area that will:

- \* Draw on the community values indicated in the "Raising Design Standards for Commercial Development in Austin, TX" City Council initiative and survey;
  - \* Take into account property owners' and developers' rights to make a fair return on the use of their land;
  - \* Provide neighborhood services that will reduce or eliminate the need to drive long distances and allow for easy pedestrian access between businesses and homes;
  - \* Avoid those kinds of businesses or services that would become regional magnets;
  - \* Promote architecture and building standards of enduring quality and a non-branded nature;
  - \* Propose creative, "outside-the-box" solutions;
- and
- \* Promote awareness of environmental impact, including traffic, to the Brodie-Davis-Cherry Creek-Blowing Sink region.

We must complete and present our charette for the Council to make an informed decision regarding Brodie 31.

2. We oppose the proposed automotive, fast-food and storage uses for the Brodie 31 PUD. The tract abuts one of the most environmentally sensitive areas in the county, home of Blowing Sink and other geologic features.

3. We do not believe the proposed uses are suitable to a midblock section of Brodie Lane in an area that is dominated by single-family homes, a park, a private school and a child-care facility, with existing undeveloped lots zoned LO.

4. We believe we have a solid working relationship with the developers

and look forward to engaging with them during this process.

Sincerely,

Phil Brown, President  
Cherry Creek on Brodie Neighborhood Association  
CCOBNA \_ PMB 207 \_ 9901 Brodie Lane \_ Austin, TX 78748

cc Austin City Council via Web e-mail submission form

## **Guernsey, Greg**

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**From:** Erin Welch [ewelch@landstrat.com]  
**Sent:** Wednesday, July 28, 2004 5:28 PM  
**To:** Walsh, Wendy; Guernsey, Greg  
**Cc:** Bill Walters (E-mail 2)  
**Subject:** FW: Brodie 31; C814-04-0024

Wendy/Greg:

This is the e-mail that we will be sending the Council aides this afternoon.

Erin

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Dear Councilmembers:

It is twenty-four hours before our scheduled City Council hearing on the Brodie 31 (Walters Southwest) case, and Wendy Walsh has forwarded me a postponement request from the Cherry Creek on Brodie Neighborhood Association (CCOBNA). They are requesting a four-week postponement, which would put us on the August 26th agenda. We will be requesting to be heard tomorrow night as previously scheduled.

The Development Assessment for this project was submitted to City staff on August 29, 2003, from which we received total Staff support after months of discussion. The original submittal date of the PUD was February 11, 2004. As you can see, this case has been in discussion with City staff, applicant staff, and the neighborhood association for nearly one year.

We have worked with the CCOBNA throughout the course of the last several months (and at least five separate meetings). From the beginning of our dealings with them back in March of this year, we have enjoyed open communication with the representatives, until recently. We have not heard from the CCOBNA since June 24th (ZAPCO hearing). It was understood, we believed, that the Brodie 31 project would be the solution to the neighborhood's pre-existing traffic problems. We are also offering the neighborhood a good mix of uses which are not readily available in the neighborhood today. In addition, the architectural standards we are employing for the project are above and beyond normal City requirements. Finally, we are offering several options to protect the sensitive environmental features to the west of the property (including water quality ponds, fencing along the entire western boundary of the project site, and designating nearly half of the 31-acre development as Conservation Easements which will not be developed). We believe these measures are more than adequate to provide protection for the off-site recharge area. In addition, we presented the case to the Environmental Board and received unanimous approval. There are no variances, and the development meets SOS Ordinance, which limits the development to 25% impervious cover overall.

As you are aware from my meetings with you on this case, we have ZAPCO approval. The neighborhood has not responded to a recommended Restrictive Covenant submitted to them in March of this year, and therefore, we have a Restrictive Covenant agreement with the City of Austin, as well as a Conservation Easement agreement. We believe this is an attempt by the CCOBNA to initiate a comprehensive neighborhood plan for the area around the Cherry Creek subdivision, which the Council has not authorized at this time.

I hope that you will work with me tomorrow night to allow for the readings of the case, and not allow the CCOBNA to postpone what has already been determined to be a sound development.

I appreciate all the help we've received from you regarding this case.

Please contact me if you would like to discuss this further.

Best regards,

Paul W. Linehan  
President  
Land Strategies, Inc.