



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 08/12/2004
PAGE: 1 of 1

SUBJECT: C14-04-0035 - Eppright 12-Acre Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9300-9800 Block of R.M. 620 Road (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Shoal Creek Properties, Ltd. (Fred Eppright). Agent: Land Strategies (Paul Linehan). City Staff: Sherri Gager, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0035

Z.A.P. DATE: April 6, 2004
May 18, 2004

ADDRESS: 9300-9800 Block of R.M. 620 North

OWNER/APPLICANT: Shoal Creek Properties, Ltd.
(Fred Eppright)

AGENT: Land Strategies
(Paul Linehan)

ZONING FROM: I-RR

TO: SF-6

AREA: 12.52 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning. The conditional overlay would limit the development on the site to 60 dwelling units.

The staff also recommends that if Savannah Ridge is not extended into the subject property that a cul-de-sac be provided on the site to allow for a proper turn around at the end of Savannah Ridge Drive.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

4/6/04: Postponed to 5/18/04 by Neighborhood (7-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.

5/18/04: Approved staff's recommendation for SF-6-CO zoning, with the addition of the conditions listed in the Letter of Agreement between the applicant and the neighborhood, by consent (8-0); J. Martinez-1st, J. Gohil-2nd.

ISSUES:

The staff has received a copy of a signed private restrictive covenant that the applicant and neighborhood have agreed upon (Attachment L). This covenant has been approved by the Canyon Creek Homeowners Association and by the neighborhood's independent real estate attorney.

The applicant and the neighborhood agreed to a list of conditions for this case on May 18, 2004 (Letter of Agreement-"Attachment I"). Based on this agreement, the applicant revised the boundaries of the case back to the original 12.52 acres. This information was read into the record at the Zoning & Platting Commission meeting and the Commission adopted the conditions from this letter agreement as part of their recommendation for this case.

On May 6, 2004, the agent for this case submitted an amendment request letter with new field notes to reduce the area to be rezoned to 9.857 acres. The purpose of this amendment was to invalidate the neighborhood's petition against this case (Amendment Request Letter-"Attachment F"). The GIS staff recalculated the neighborhood's petition based on the revised zoning area and the petition became invalid at 19.88% ("Attachment G"). Upon learning of the applicant's case amendment, the neighborhood submitted additional signatures to the petition and the petition was re-validated on May 16, 2004 ("Attachment H"). Recently, the staff came to the realization that there could not be a valid petition for this case because this case does not involve the rezoning of a property. The property in question currently has interim zoning (I-RR) and according to Section 25-2-284 of the Land Development Code the requirement for approval by three-fourths of Council applies to the rezoning.

not the permanent zoning, of a property within the city. The staff has conveyed this information concerning the validity of the petition to the neighborhood and the applicant.

The staff has received 20 letters/e-mails from surrounding residential property owners in opposition to the proposed zoning case. This information has been included as "Attachment A" to this report.

On March 30, 2004, the neighborhood presented the staff with a petition against this case ("Attachment B"). The city's GIS staff verified the petition at 32.32%.

The Canyon Creek Homeowners Association also submitted a letter of opposition on April 2, 2004. This letter is included as "Attachment E" to this report.

DEPARTMENT COMMENTS:

The site under consideration is currently undeveloped. The applicant is requesting to rezone the property to build approximately 59 townhouse/condominium units on the site (Conceptual Plan – "Attachment C"). The applicant plans to access the proposed residential area off of Savannah Ridge Drive, at the southern end of the property.

The staff recommends approval of SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay district, zoning for this site. The proposed zoning will provide for a transition in uses from the approved convenience storage (Secured Climate Storage – SP-03-0262D), commercial, and proposed multifamily (Estates at Canyon Creek – SP-03-0250D) uses to the west to the existing single-family uses (Canyon Creek Subdivision) to the east. The applicant's request for SF-6 zoning will allow for an increase in the mixture of housing opportunities to be available in this area. The proposed location for the SF-6 zoning meets the purpose statement in the city's Land Development Code for the use of the SF-6 zoning district.

The property in question will take access to a residential collector street, Savannah Ridge Drive. A Neighborhood Traffic Analysis has been conducted by the Transportation staff and is included with this report as "Attachment D". According to the NTA the proposed townhouse/condominium development would generate approximately 430 vehicle trips per day. The additional vehicle trips generated by the proposed development on this site will not exceed the capacity of Savannah Ridge Drive or Boulder Lane.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-RR	Undeveloped
<i>South</i>	SF-2	Single-Family Residences
<i>East</i>	SF-2	Single-Family Residences
<i>West</i>	I-RR	Undeveloped

AREA STUDY: N/A

WATERSHED: Bull Creek

TIA: Not Required

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

426 – River Place Residential Community Association, Inc.
 448 – Canyon Creek Homeowners Association
 475 – Bull Creek Foundation

SCHOOLS:

Canyon Creek Elementary School
 Grisham Middle School
 Westwood High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0003	I-RR, I-SF-2 to SF-2	2/3/04: Approved staff's recommendation of SF-2 zoning, by consent (9-0)	3/4/04: Granted SF-2 zoning (6-0, McCracken-absent); all 3 readings
C14-04-0002	I-SF-2, I-RR to SF-2	2/3/04: Approved staff's recommendation of SF-2 zoning, by consent (9-0)	3/4/04: Granted SF-2 zoning (6-0, McCracken-absent); all 3 readings
C14-99-0022	DR to SF-2	3/9/99: Approved staff rec. of SF-2 by consent (6-0)	4/8/99: Approved PC rec. of SF-2 (5-0); all 3 readings
C14-92-0058	SF-6 to NO, LR	9/1/92: Approved NO-CO	10/22/92: Approved NO-CO (6-0)

RELATED CASES: SP-03-0262D (Site Plan for convenience storage units, administratively approved on 10/8/03)

SP-02-0367D (Site Plan for multifamily development, withdrawn by applicant on 6/11/03. This case was resubmitted as case SP-03-0250D, which is currently in review)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Savannah Ridge Drive	60'	36'	Collector	N/A

CITY COUNCIL DATE: June 17, 2004

ACTION: Postponed by the Applicant to June 24, 2004 (7-0).

June 24, 2004

ACTION: Postponed by the Neighborhood to July 29, 2004 (7-0).

July 29, 2004

ACTION: Postponed by representative of the Northwest Austin MUD # 1 to August 12, 2004 (7-0)

August 12, 2004

ACTION:

ORDINANCE READINGS: 1st

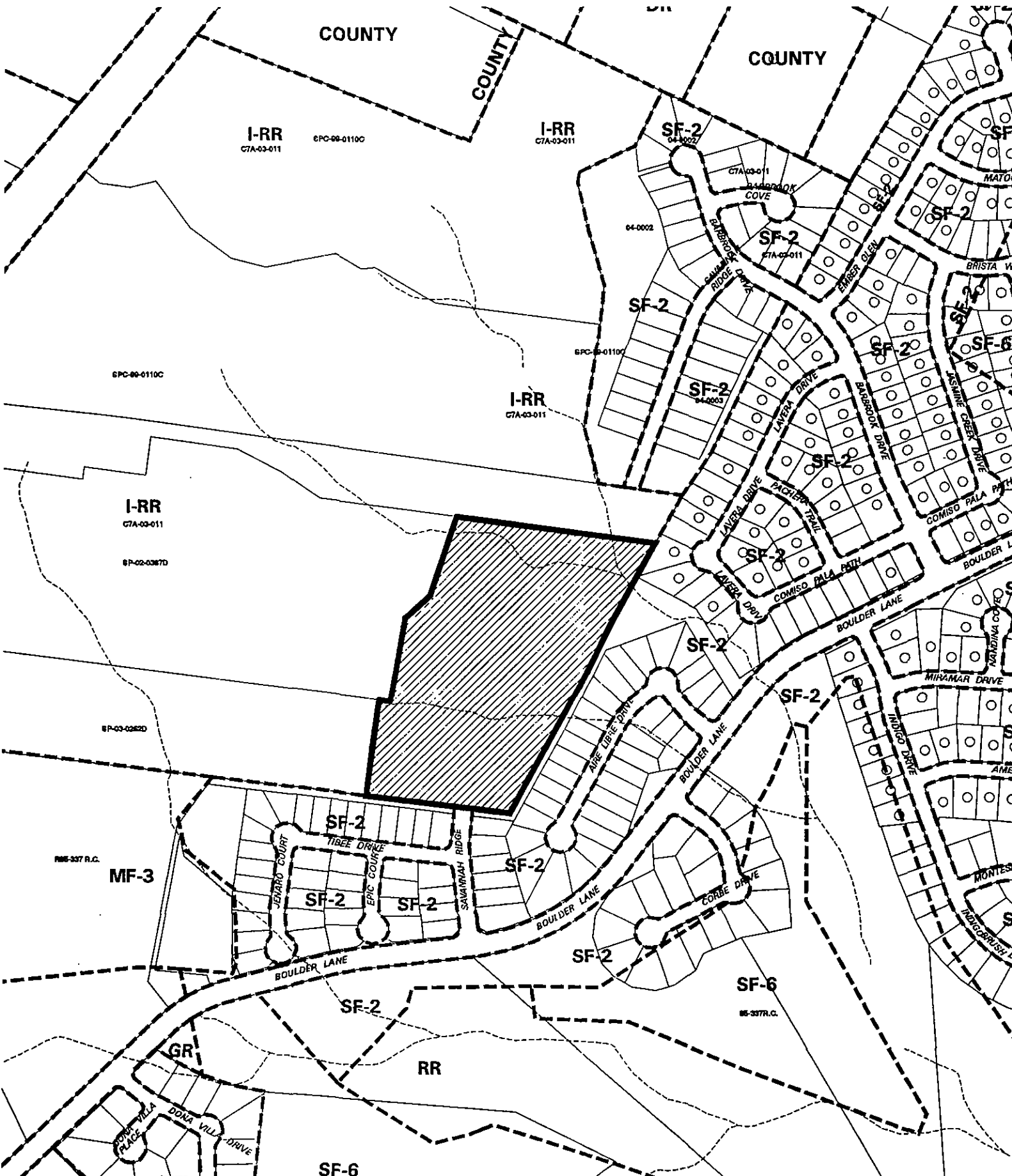
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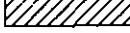


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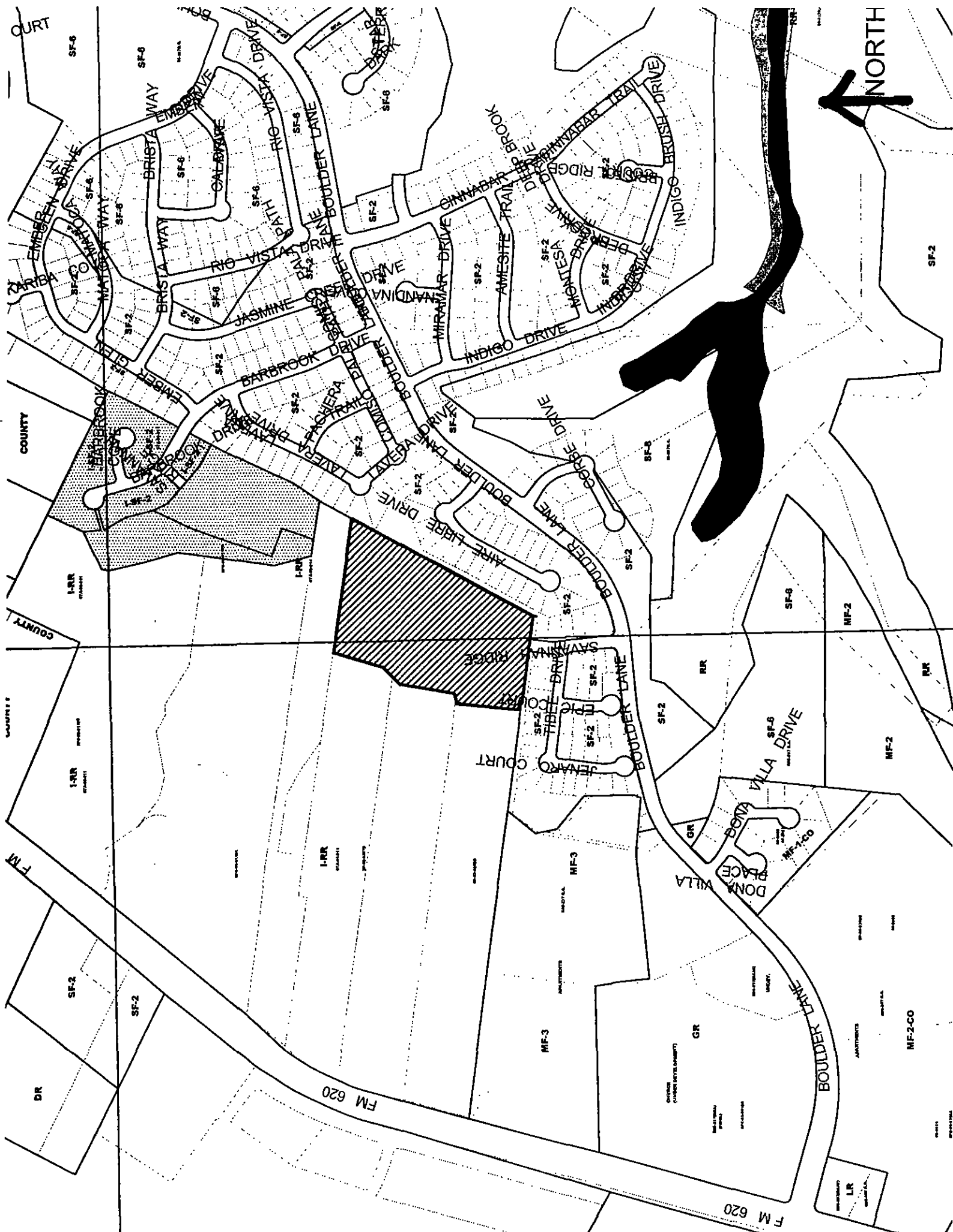
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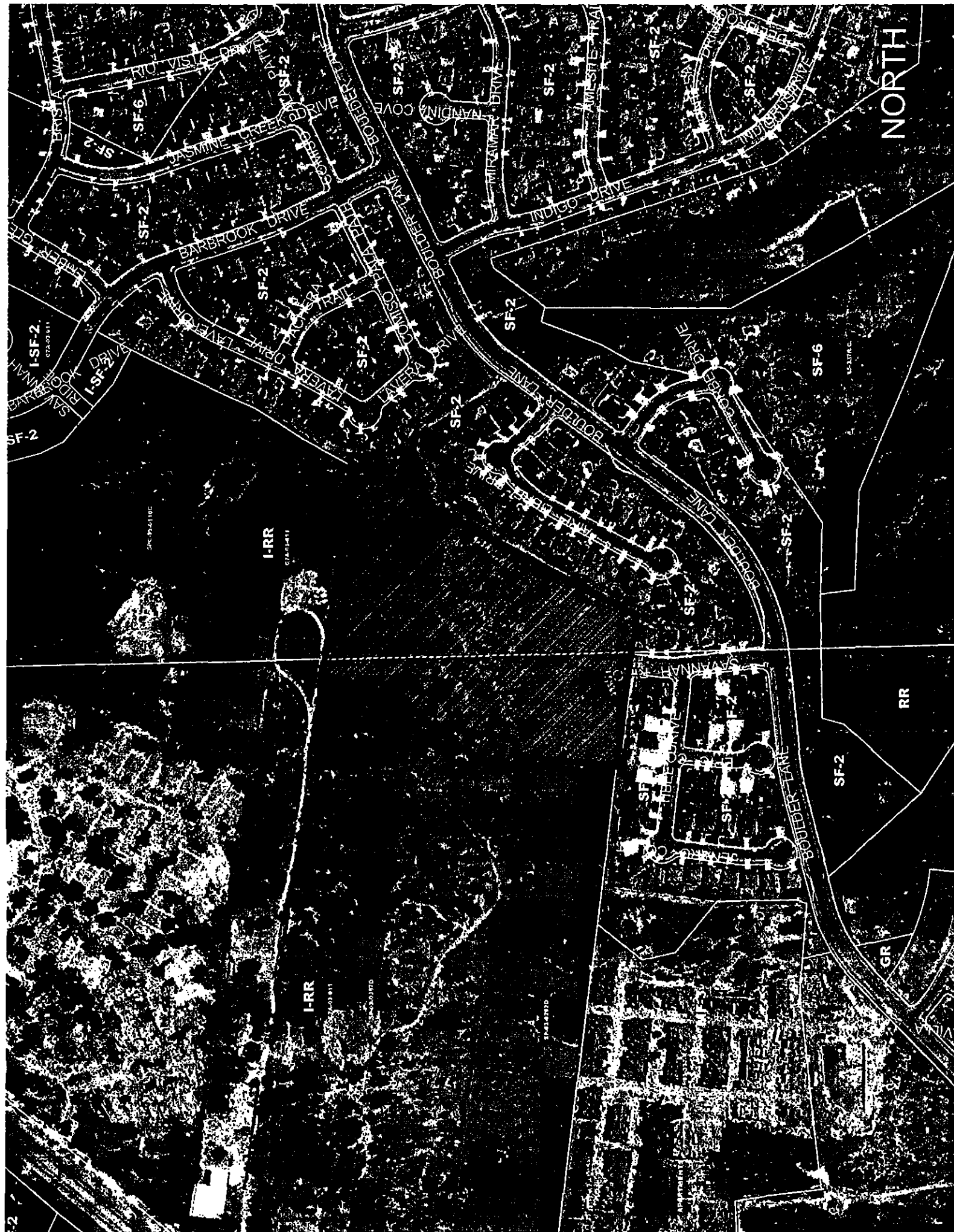
CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-04-0035 ADDRESS: 9300-9800 BLK N RM 620 RD SUBJECT AREA (acres): 12.520	DATE: 04-06 INTLS: SM	CITY GRID REFERENCE NUMBER D36 E36
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S. GAGER			





NORTH

I-RR

I-RR

RR

SF-2

SF-6

SF-2

SF-2

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STAFF RECOMMENDATION

The staff's alternate recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning. The conditional overlay would limit the development on the site to 60 dwelling units.

The staff also recommends that if Savannah Ridge is not extended into the subject property that a cul-de-sac be provided on the site to allow for a proper turn around at the end of Savannah Ridge Drive.

BACKGROUND

The site under consideration is currently undeveloped. The applicant is requesting to rezone the property to build approximately 59 townhouse/condominium units on the site (Conceptual Plan – "Attachment C"). The applicant plans to access the proposed residential area off of Savannah Ridge Drive, at the southern end of the property.

The staff recommends approval of SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay district, zoning for this site. The proposed zoning will provide for a transition in uses from the approved convenience storage (Secured Climate Storage – SP-03-0262D), commercial, and proposed multifamily (Estates at Canyon Creek – SP-03-0250D) uses to the west to the existing single-family uses (Canyon Creek Subdivision) to the east. The applicant's request for SF-6 zoning will allow for an increase in the mixture of housing opportunities to be available in this area. The proposed location for the SF-6 zoning meets the purpose statement in the city's Land Development Code for the use of the SF-6 zoning district.

The property in question will take access to a residential collector street, Savannah Ridge Drive. A Neighborhood Traffic Analysis has been conducted by the Transportation staff and is included with this report as "Attachment D". According to the NTA the proposed townhouse/condominium development would generate approximately 430 vehicle trips per day. The additional vehicle trips generated by the proposed development on this site will not exceed the capacity of Savannah Ridge Drive or Boulder Lane.

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION

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

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

2. *The proposed zoning should promote consistency, and orderly planning.*

The SF-6 zoning district would be compatible and consistent with the surrounding uses because there is SF-2 zoning to the south and east of the property and commercial uses approved to the west of the site. The proposed SF-6 zoning will provide a transition in uses from the proposed convenience storage (cases SP-03-0262D) and multifamily (case SP-03-0250D) uses to the west

to the existing single-family uses to the east. The property in question will take access to Savannah Ridge Drive, a residential collector street.

3. *The proposed zoning should allow for a reasonable use of the property.*

The SF-6 zoning district would allow for a fair and reasonable use of the site. The size of the proposed area (12.52 acres/545,371 sq. ft.) would allow for a maximum of 94 single-family residential lots to be constructed on the property. The applicant proposes to build approximately 59 townhouse/condominium residences on the site.

EXISTING CONDITIONS

Site Characteristics

The subject tract is undeveloped and heavily wooded. There is a cave geological feature located at the southeastern portion of the property.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Water Supply Suburban

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Suburban

<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%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the Edward's Aquifer Recharge Zone. The site is in both the Bull Creek and Rattan Creek Watersheds of the Colorado River Basin, and is classified as a Water Supply Suburban and Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code. A

geological survey should be conducted in order to determine the exact location of these watershed boundaries.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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

At this time, site-specific information is unavailable regarding existing trees and 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 1,089 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

There are existing sidewalks along Savannah Ridge Drive.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Savannah Ridge Drive	60'	36'	Collector	N/A

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and

reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension and system upgrades are required. In such case and in order to obtain City utilities, the landowner must obtain City approval of a Service Extension Request. For more information pertaining to the process and submittal requirements, contact Phillip Jaeger, Water and Wastewater Utility, 625 East 10th Street, 5th Floor Waller Creek Center.

The City of Austin Water and Wastewater Utility reserves the right to make additional comments and to establish other requirements with the Service Extension Request. If the City approves the Service extension Request, the landowner will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve the site and land use. Also, the landowner will be responsible for all costs.

The water and wastewater utility system serving this site must be in accordance with the City's utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards along the eastern property line that abuts the adjacent SF-2 zoned property with an existing single-family residence. Along that property line, the following regulations will 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 parking or driveways are allowed within 25 feet of the property line
- 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.

4. C14-04-0035 – SHOAL CREEK PROPERTIES, LTD. (Fred G. Eppright), By: Land Strategies, Inc. (Paul W. Linehan), approximately 9300-9800 block of R.M. 620 North. (Bull Creek). **FROM I-RR TO SF-6. ALTERNATE RECOMMENDATION: SF-6-CO.** City Staff: Sherri Gager, 974-3057. **POSTPONED FROM 4-6 (NEIGHBORHOOD).**

APPROVED STAFF'S RECOMMENDATION FOR SF-6-CO ZONING; BY CONSENT.

[J.M; J.G 2ND] (8-0)

**** STAFF READ INTO THE RECORD THE AGREEMENT MADE BETWEEN THE NEIGHBORHOOD AND APPLICANT.***

5. C14-04-0047 – BRODIE LANE ZONING CHANGE, By: Tamara Piper, James Piper and Teresa L. Hankins, 8001 Brodie Lane, 3425 Dalton Street, 3424 and 3426 Thomas Kincheon Street. (Williamson Creek – In Barton Springs Zone). **FROM SF-3 TO NO-MU, AS AMENDED. ALTERNATE RECOMMENDATION: NO-MU-CO.** City Staff: Wendy Walsh, 974-7719. **POSTPONED FROM 04-20 (STAFF), 5-4 (APPLICANT).**

APPROVED STAFF'S RECOMMENDATION FOR NO-MU-CO ZONING; BY CONSENT.

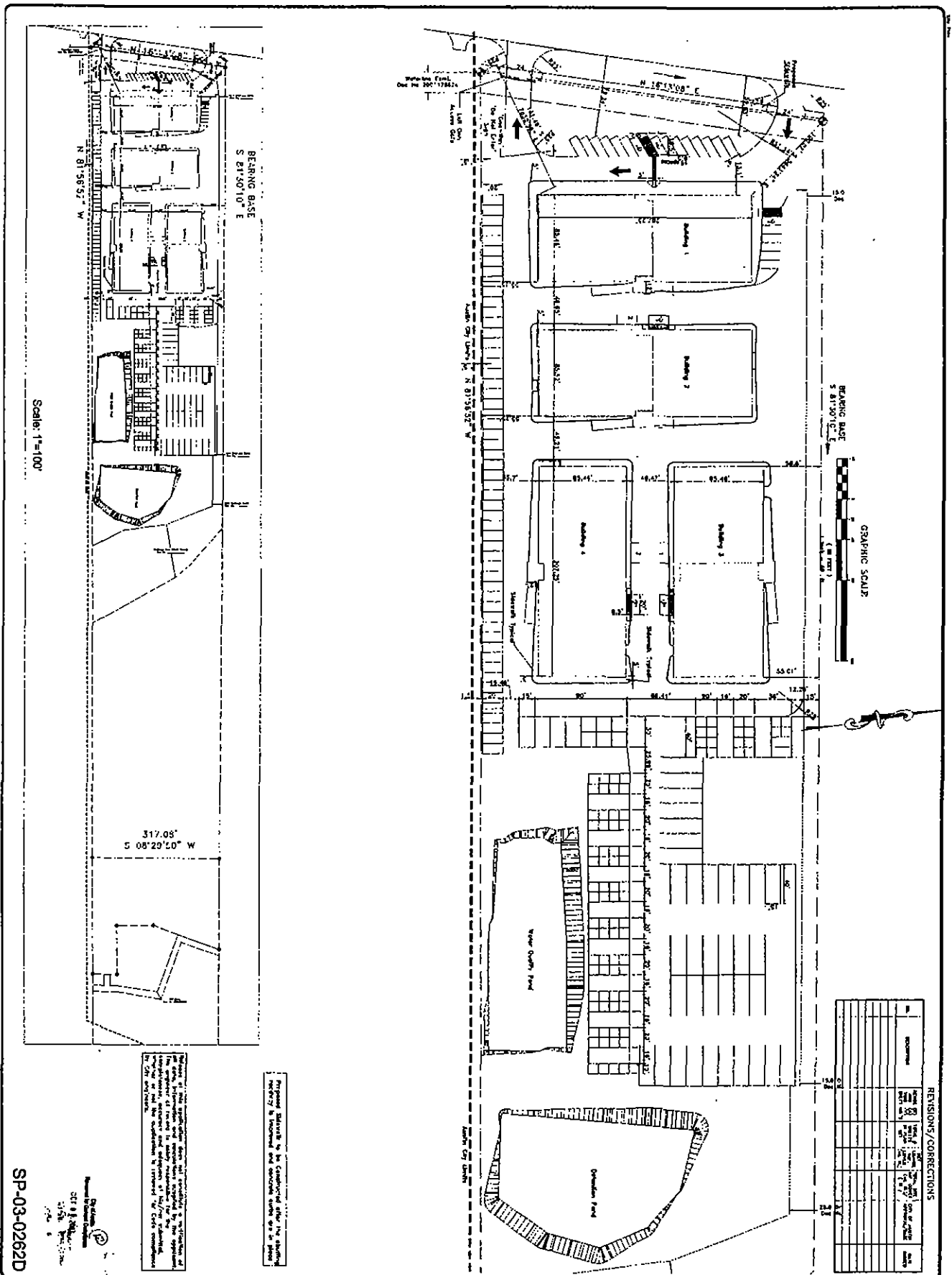
[J.M; J.G 2ND] (8-0)

6. C14-03-0157 – HARRIS RANCH, By: John Weldon Harris, Darrow Dean Harris and Robert Brent Harris; Weynand Builders, Ltd. (Mike Weynand), South side of Davis Lane between Brodie Lane and Westgate Boulevard. (Slaughter Creek – Barton Springs Zone). **FROM DR; RR TO GR; MF-2; SF-6; AS AMENDED. ALTERNATE RECOMMENDATION: GR-CO, MF-2, SF-6; WITH CONDITIONS.** City Staff: Wendy Walsh, 974-7719. **POSTPONED FROM 3-16 (STAFF), 4-6 (NEIGHBORHOOD), 5-4 (APPLICANT).**

APPROVED GR-CO FOR 8.04 ACRES; PROHIBITING ALL AUTO RELATED USES AS RECOMMENDED BY STAFF; PROHIBIT PAWNHOPS SERVICES, GUIDANCE SERVICES, RESTAURANT WITH DRIVE THROUGH SERVICES; SF-2 ZONING FOR THE REMAINDER OF PROPERTY; RESTRICTIVE COVENANT FOR THE TRAFFIC IMPACT ANALYSIS.

[B.B; J.P 2ND] (6-2) J.G; K.J – NAY

**** COMMISSION RECOMMENDED COMPREHENSIVE PLANNING PROCESS FOR THE GENERAL AREA***



GARRETT-IHNNEN
CIVIL ENGINEERS

7000 SHOAL CREEK BOULEVARD
SUITE 200-W
AUSTIN, TEXAS 78757
TELEPHONE: (512) 454-2400
FACSIMILE: (512) 454-2420



**SECURED CLIMATE
STORAGE
9311 N RM 620**

SITE PLAN

DATE: 05-18-93
DESIGNED: [Signature]
DRAWN: [Signature]
CHECKED: [Signature]
JOB NO.: SA-00000

Gager, Sherri

From: Elaine Goolsbey [GoolsbeyRN@austin.rr.com]
Sent: Thursday, March 04, 2004 9:28 AM
To: sherri.gager@ci.austin.tx.us
Cc: Friends_of_Savannah_Ridge@yahoogroups.com
Subject: Canyon Creek rezoning at Savannah Ridge

Ms. Gager,

Thank you for your assistance with the rezoning issue of Savannah Ridge. I appreciate all of the information you have provided. I live in Canyon Creek a wonderful neighborhood of over 1100 homes and I am very concerned about the safety issue should the rezoning go through. With such a large amount of traffic going through one street there is an extremely high risk of an accident involving a child or pedestrian. The homeowners were originally told that large estate homes would go in at the Savannah Ridge area. Condominiums or apartments are really not suitable for a street with only one entrance through the neighborhood. This diminishes the value of homes that people save their whole lives to build. My main concern though is the children who enjoy playing and riding their bike. We would all feel terrible if there were an accident. It is simply not worth the risk and the only person who benefits is the developer. The neighborhood will not at all benefit from this change. I am sure that the developer and builder of the apartments/condos would not want their child riding their bike on a street with so much traffic. I'm sure they would fight this change as well. We ask that you simply think of our families and our safety.

Thank you again for all of your help.

Elaine Goolsbey
996-9842

3/4/2004

Gager, Sherri

From: Greg Taylor - SAS(Mgr Acct) [Gtaylor@SAS.Samsung.com]

Sent: Thursday, March 04, 2004 9:34 AM

To: Sherri.Gager@ci.austin.tx.us

Subject: aire libre opposing rezoning re: File Number C14.;04-0035

Dear Ms Gager:

I am a resident of Aire Libre and deeply oppose the proposed rezoning and development directly behind my house. I'll make my letter brief, but please understand my passion to defeat this zoning change is strong.

I oppose the rezoning for the following:

- Safety – high traffic endangers my children's safety.
- Safety – multi-unit housing typically brings residents less vested in the long-term health, appearance, and safety of the community.
- Environmental – watershed, impervious cover; destruction of large, old oak trees.
- Property Values – another multi-unit development surrounding Canyon Creek will further deplete the attractiveness of our community.
- Multi-unit development – we already have thousands of apartments surrounding our community. I have a hard time understanding how this area could absorb more.

Please, please do **NOT** allow the zoning to be anything other than residential housing.

Thank you,

Greg Taylor
Accounting
512-672-1069
Samsung Austin Semiconductor
12100 Samsung Blvd.
Austin, TX 78754

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3/4/2004

Gager, Sherri

From: George Yost [george_yost@mindspring.com]
Sent: Thursday, March 04, 2004 10:22 AM
To: Sherri.Gager@ci.austin.tx.us
Subject: Homeowner opposed to proposed Savannah Ridge rezoning

Ms. Gager -

My wife and I reside at 11404 Tibee Dr, just off Savannah Ridge. Our lot backs directly up to the proposed rezoning area, and we are very much opposed to this development. Our neighborhood is a very quiet cul-de-sac off Savannah Ridge, with a lot of neighborly spirit. Just a week or two ago we had a neighborhood progressive dinner, and that was just one of many neighborhood get-togethers. We have never before lived in a neighborhood with this sort of spirit.

This spirit is possible because we are a self-contained area away from through traffic. If our neighborhood becomes a conduit for traffic to a high-density area of temporary residents, that will:

- increase the noise at every house backing up to the property as well as every house along or near Savannah Ridge;
- decrease the safety because of the volume of extra traffic, which will be higher speed traffic than we now have because these people will be just passing through. There are small children living right along Savannah Ridge itself, as well as elsewhere;
- decrease the safety because these new residents will not have any long-term investment in the neighborhood; such residents will have easy access to our daily schedules by simple observation and anybody who means to profit from their proximity will have little to lose if fear of discovery forces them to move on. We will have an increased number of people who we don't recognize around;
- decrease our privacy because of the volume of people passing through and the presence of people living directly behind our house;
- adversely affect our property values;
- adversely affect the whole quality of life here.

In addition, we were told by Standard Pacific at the time we purchased our home that there was a 20% impermeable cover limit behind our house, and that, therefore, it would not be possible to build more than two or three houses, most likely high-value houses, in that region. That was one of the selling points that convinced us to choose our house. A small number of houses would not cause the problems listed above.

We are very concerned about these plans and we plan to take every action that we can to block them. We hope that we can enlist the support of Staff to defeat a bad idea that only profits one person.

Thank you,

George and Fran Yost
 250.5293
yosts@mindspring.com
george_yost@mindspring.com

Gager, Sherri

From: Terri Taylor [terrimarie_taylor@yahoo.com]
Sent: Thursday, March 04, 2004 10:55 AM
To: Sherri.Gager@ci.austin.tx.us; terri taylor
Subject: File Number C14.;04-0035

Ms. Gager-

I wanted to voice my strong opposition to the rezoning and proposed development behind my street, Aire Libre in Canyon Creek.

My concerns are:

* Yet another multi-family development will negatively affect the property values of our area of Canyon Creek.

* Increased traffic will affect the safety of my 3 small children.

* The proposed entrance/exit of the community is a small residential street - too small for the high number of vehicles.

* Multi-unit housing brings residents who are not invested in the community - transient in nature.

* Destruction of wilderness, huge old trees

I am quite happy with the original zoning for single family residences, please strongly consider our input when making your recommendation.

Thank you -

Terri Taylor

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Gager, Sherri

From: Potomacdc@aol.com
Sent: Thursday, March 04, 2004 12:50 PM
To: Sherri.Gager@ci.austin.tx.us
Subject: Savannah Ridge Development, File # C14-04-0035

Dear Sherri, my husband and I live at 9416 Epic Court, one block from Savannah Ridge. We oppose the rezoning and development of multiunit housing in the area of Savannah Ridge and Tibee Lane. Our neighborhood is a very quite and safe area at the moment; which all the residents now enjoy very much. We would not object to a few single family homes, but multiunit housing would bring too much traffic and noise to the area. There are many families with very small children on Savannah Ridge and more traffic would lead to safety issues. We feel that this change in zoning would hurt our property values. We want to keep our area and the Canyon Creek neighborhood as lovely as it is now!
Thank you, Diane Cunningham

Gager, Sherri

From: Eric_Pan@Dell.com
Sent: Thursday, March 04, 2004 8:20 PM
To: Sherri.Gager@ci.austin.tx.us
Subject: Proposed Development of Savannah Ridge -- File Number C14.; 04-0035

Eric and Malorie Pan
9404 Epic Court
Austin, Texas 78726
512.250.9392

To: Sherri Gager
City of Austin, Neighborhood Planning & Zoning Department
(512) 974-3057. Office hours are 7:45 a.m. to 4:45 p.m.
Sherri.Gager@ci.austin.tx.us <mailto:Sherri.Gager@ci.austin.tx.us>

Re: Proposed Development of Savannah Ridge -- File Number C14.;04-0035

My wife and I have lived in Canyon Creek for two years. Prior to moving to Canyon Creek, we spent six months reviewing Austin homes and neighborhoods that balanced reasonable proximity to our employment, provided upscale-quality of surroundings and engendered a strong sense of community amongst its residents.

We concluded our home search by choosing Canyon Creek / Savannah Ridge as our home - and sanctuary from very intense, hyper-paced jobs that we both endeavor in daily.

We are vehemently opposed to any development that would:

- 1) increase motor traffic through our quiet and peaceful neighborhood
- 2) attract transient people that do not have vested interest in maintaining the cleanliness and manicured appearance and ambience that our neighborhood prides itself upon
- 3) increase noise
- 4) risk safety of residences of Savannah Ridge - Many children live in our neighborhood
- 5) decrease property value - Our home builder, Standard Pacific, was clear that there would not be rental property development directly adjacent to the Savannah Ridge/Tibbe street intersection
- 6) increase the number of mass-dwelling rental property in our area - today there are at least seven: Sonterra I & II, Avalon, Escalon, Mansions, The Verandah, Cantebrea Crossing and Jefferson Lakes

We join our neighbors in a vociferous opposition to any development, other than residential family homes, that invokes any one, or more, of the points listed above.

My wife and I have first hand experience in living in apartments adjacent to Savannah Ridge during construction of our home. We lived amongst people that were careless of their surroundings and neighbors. Without going into detail, we will tell you that it was a horrendous experience. Without question, any development of rental property would result in allowing access of careless people to our Savannah Ridge neighborhood - this access would be intolerable and unacceptable.

We stand strongly, shoulder-to-shoulder, with our neighbors in protest of any proposed development that is detrimental to the quality of life and surroundings of our neighborhood.

Respectfully Submitted,

Eric and Malorie Pan

Gager, Sherri

From: Y. Zhou [laoji@yahoo.com]
Sent: Saturday, March 06, 2004 12:04 PM
To: Sherri.Gager@ci.austin.tx.us
Subject: Proposed Development of Savannah Ridge -- File Number C14.; 04-0035

From: Yaping and Yurong Zhou
9409 Savannah Ridge Dr
Austin, Texas 78726
512.335.3294

To: Sherri Gager
City of Austin, Neighborhood Planning & Zoning Department
(512) 974-3057. Office hours are 7:45 a.m. to 4:45 p.m.
Sherri.Gager@ci.austin.tx.us

Ms. Gager -

My wife and I reside at 9409 Savannah Ridge. We're completely opposed to the proposed rezoning near our house.

My wife and I have two children: a two-year-old boy and a one-month-old girl. We have been enjoying the quiet life in this nice and quiet community. If our neighborhood becomes a conduit for traffic to a high-density area of temporary residents, that will:

- significantly increase the noise outside and inside our house;
- decrease the safety because of the volume of extra traffic;
- decrease our privacy because of the volume of people passing through;
- adversely affect our property values;
- adversely affect the whole quality of life here.

Safety is our deepest concern. We enjoy taking our kids out to walk around in the community. If the rezoning happens, we will have to worry about the extra traffic as well as the people we can't recognize in the neighborhood.

We are very concerned about the rezoning plans and plan to take every action that we can to block them. We hope that we can enlist the support of Staff to defeat a bad idea that only profits one person.

Sincerely,

Yaping and Yurong Zhou

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Gager, Sherri

From: Anuradha Dubey [dubeyanuradha@yahoo.com]
Sent: Sunday, March 07, 2004 12:06 AM
To: sherri.gager@ci.austin.tx.us
Cc: board@Canyoncreek.Net
Subject: Rezoning and proposed development at Savannah Ridge (File # c-14;04-0035)

Ms. Gager,

This email is in reference to proposed rezoning at Savannah Ridge Drive. My wife and I live at 9501 Savannah Ridge Drive. We have 2 boys 4 and 8 years old who love to play outside in the quite surroundings along with other small kids in the neighborhood. We strongly oppose the rezoning of Savannah Ridge and will take every necessary action to STOP the rezoning to anything but single family residential homes.

Before buying this house we had couple of other options in other areas of Canyon Creek but we finally chose Savannah Ridge due to the quite surroundings, quality of life and very less traffic. We oppose the rezoning due to-

- 1) Significant increase in the traffic. Savannah Ridge is a small residential street and is NOT suitable to handle the traffic generated by mass scale rental accommodation.
- 2) This rezoning will make our neighborhood very unsafe for our children due to high speed traffic and unknown neighbors.
- 3) Increased noise and environmental pollution.
- 4) This rezoning will bring renters with careless attitude towards the upkeep of their property into our well maintained neighborhood.
- 5) Decrease in our property value.
- 6) Adversely affect the quality of life in this small enclosed and family friendly neighborhood.

We unanimously join our neighbors in a vociferous opposition to any development, other than residential family homes, that invokes any one, or more, of the points listed above.

Thank You.

-Manoj and Anuradha Dubey

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Gager, Sherri

From: Amy Tabash [atabash@prodigy.net]
Sent: Monday, March 08, 2004 9:35 PM
To: Sherri.Gager@ci.austin.tx.us
Subject: Re: Proposed Development of Savannah Ridge -- File Number C14.;04-0035

Dear Ms. Gager:

I am writing to express my strong opposition to the proposed rezoning at the end of Savannah Ridge Drive. My husband and I moved here in September 2002 with our two young daughters and our decision to buy our home on Savannah Ridge was due, in large part, to the small, quiet, family-friendly feel of the neighborhood. The proposed rezoning of our street would drastically and negatively affect our neighborhood.

If the proposed rezoning is approved it will:

- * increase traffic in our quiet and peaceful neighborhood
- * decrease our property values
- * lessen our sense of personal safety and security as there will be many transient people who lack the vested interest we have as homeowners in maintaining a clean, safe, quiet neighborhood
- * increase noise
- * increase the already-high number of mass-dwelling rental properties in our area
- * adversely affect the quality of life for our entire neighborhood

I am saddened to think that life as we know it in our quiet neighborhood is going to end due to the thoughtless development of a single landowner. I hope the City will seriously consider the concerns of the homeowners who have invested so much into the appearance and atmosphere of Savannah Ridge.

Sincerely,

Amy and Larry Tabash
9408 Savannah Ridge Drive
Austin, TX 78726

3/9/2004

Gager, Sherri

From: acbrush [acbrush@swbell.net]
Sent: Monday, March 08, 2004 9:55 PM
To: Sherri.Gager@ci.austin.tx.us
Cc: crump@mdjwlaw.com; ab2547@txmail.sbc.com
Subject: File Number C14-04-0035 - Savannah Ridge

Sherri Gager
 Neighborhood Planning and Zoning Department
 City of Austin

File Number: C14-04-0035

Dear Ms. Gager:

We are writing to express our strong opposition to the C14-04-0035 request to rezone from I-RR to SF-6 for the following reasons:

1. Canyon Creek was developed as a community of single-family homes. The proposed development would change the very nature of our community that makes it especially attractive to homeowners. All the multi-unit developments in the vicinity of Canyon Creek have direct access to RM 620. The access for this property will go through one of the quietest areas of single-family homes in Canyon Creek. Additionally, there are two cases before the zoning commission, C14-04-0002 and C14-04-0003, each dealing with the extension of Savannah Ridge beyond the subject property in question and Barbrook Drive. Both of these have been zoned at SF-2, which represents the majority of Canyon Creek properties. I don't understand the need to rezone this property to a different standard than the surrounding areas.
2. This property acts as a major watershed for this section of the community. Undeveloped, the amount of water which reaches the drainage ditches located along the west and north sides of Aire Libre Drive is significant when it rains. More development will further increase the amount of runoff flowing through this area because we are downhill from this site. We could experience more damaging effects from flooding. I have had numerous opportunities to witness the amount of water carried through the culverts behind my house and it has run upwards of two feet deep.
3. The value of my home based on TCAD has decreased 12% in the last year. Multi-unit development in this neighborhood will further erode the value of my home and the attractiveness of Canyon Creek as a whole. While the tax basis the city uses for valuation may rise over time, the market presence of my street will be considerably damaged by this potential development.
4. The intersection of Savannah Ridge and Boulder would become more dangerous due to an increase in traffic associated with this development. Cars traveling west bound at moderate rates of speed on Boulder approach a blind curve and the increased traffic entering the intersection at Savannah Ridge will put more people at risk. Additional traffic along Boulder Lane toward RM 620 will encourage more automobile accidents and more noise in this section of the neighborhood.
5. The safety of our neighborhood will be compromised with the addition of any additional multi-unit development. Renters or owners will have little interest maintaining the quality of life characteristic of our neighborhood. Savannah Ridge should be a minor residential street. It serves only the members of that

section of Canyon Creek. The developer designed this area with one entrance to make this section more private and secluded for the homeowners. This development threatens to change the very nature of the way this neighborhood functions.

6. Our quality of life should not be threatened by every whim of this developer. This is the second rezoning request of this property in six months. I also believe any development on this property that connects to the infrastructure of Northwest Austin MUD #1 should be subject to the same rate of taxation that all homeowners in Canyon Creek face.

Thank you for your attention to this matter. We look forward to a zoning designation that best considers all affected parties, not merely the developer.

Tony And Colleen Brush
9516 Aire Libre Dr
249-7663
acbrush@svbell.net

Gager, Sherri

From: Judy E. Scherer [JScherer@austin.rr.com]
Sent: Wednesday, March 10, 2004 9:19 AM
To: Sherri.Gager@ci.austin.tx.us; Emily.barron@ci.austin.tx.us
Cc: krcrump@swbell.net
Subject: Proposed Zoning Change C14.: 04-0035

To Whom It May Concern;

My husband and I are strongly opposed to the proposed zoning change for the adjacent property on the other side of the barricade at the end of Savannah Ridge. We bought our home off Savannah Ridge thinking it would be a peaceful, safe pocket of Canyon Creek. We were never made aware of any possible extension of Savannah Ridge except for possible estate homes.

1. We were told by Standard Pacific representatives that it would have large homes on 1-2 acre tracts, because of the zoning.

2. Our street is not considered (by Standard Pacific) wide enough to even accommodate a center sign, as do all the other entrances to pockets of Canyon Creek.

3. Several homes and vehicles have been broken into, and it appears the perpetrator is an apartment dweller at the end of Boulder Lane. (within walking distance) We do not want more apartments, condos, or any other mass residential dwelling (where the owners are not occupants with a vested interest) in our area, as we already have more than enough.

4. We have many children in our area, additional traffic will cause the children to be endangered. The tenants in the complex behind Jenaro, tailgate all the way to their complex, and speed when not inhibited by a speed zone abiding citizen.

5. Inevitable value decrease of our property is also of deep concern. As a working residential appraiser, I am very aware of the loss of value on properties, based on external noncurable depreciation.

Please do not allow more mass residential complexes to be built off Savannah Ridge.

Respectfully,
Richard & Judy Scherer
9417 Jenaro Court
Austin, TX 78726
512-401-0362

From: Asit Ambekar [asit_ambekar@yahoo.com]
Sent: Wednesday, March 10, 2004 11:49 AM
To: Sherri.Gager@ci.austin.tx.us
Cc: asit_ambekar@yahoo.com
Subject: Proposed Rezoning off Savannah Ridge -- File Number C14-04-0035

1. Adversely affect the property values - with concrete of such large scale being added to the neighborhood by cutting down the trees, will destroy the pristine beauty we enjoy affecting our property values.
2. Added Noise Pollution as a large volume of unnecessary traffic will be added to this quiet and peaceful neighborhood.
3. Savannah Ridge is a small residential street not designed to handle such a high volume of traffic without endangering the lives of the residents.
4. Compromise the safety of the neighborhood, with people who will be temporary residents, may not have the same best interests or exhibit the same civic sense to maintain the neighborhood as people who have a permanent vested interest here.
5. With many young kids (plus some more on way) living on and off of Savannah Ridge, the high volume of traffic will endanger the safety of one and all.
6. Can attribute to vandalism, theft and other problems with the population of temporary residents ever-residing in the neighborhood.

Thus, we urge you, along with the concerned city officials, to vote against the Proposal to Rezone the block 9300 - 9800 of RM 620 North in question taking into consideration the concerns of the affected residents of the neighborhood.

We join our concerned neighbors of Savannah Ridge and other affected areas in opposing the proposed rezoning.

Sincerely,

Asit Ambekar & Julie Sengupta

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Sherri Gager
City of Austin, Neighborhood Planning & Zoning Department
974-3057
Sherri.Gager@ci.austin.tx.us

Re: File Number C14.;04-0035

Dear Ms Gager:

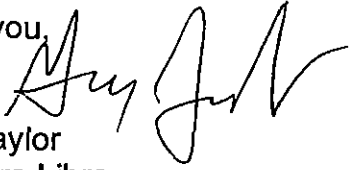
I am a resident of Aire Libre and deeply oppose the proposed rezoning and development directly behind my house. I'll make my letter brief, but please understand my passion to defeat this zoning change is strong.

I opposed the rezoning for the following:

- Safety – high traffic endangers my children's safety.
- Safety – multi-unit housing typically brings residents less vested in the long-term health, appearance and safety of the community.
- Environmental – watershed, impervious cover; destruction of large, old oak trees.
- Property Values – another multi-unit development surrounding Canyon Creek will further deplete the attractiveness of our community.
- Multi-unit development – we already have thousands of apartments surrounding our community. I have a hard time understanding how this area could absorb more.
- Bait and switch – during my home purchase, Standard Pacific builders represented zoning would be residential and no development would occur for at least 300 feet behind my property line.

Please, please do **NOT** allow the zoning to be anything other than residential housing.

Thank you,


Greg Taylor
9536 Aire Libre
219-9350

Gager, Sherri

From: Amy [acovill@austin.rr.com]
Sent: Wednesday, March 17, 2004 11:57 AM
To: Sherri.Gager@ci.austin.tx.us
Cc: Karin and Omar Saman
Subject: Zoning plan File #C14.;04-0035

Sherri Gager,

I'm writing to express my concern and objection to the proposed zoning plan (file# C14.;04-0035) of utilizing a residential street, Savannah Ridge Dr., as the main access into a multi-unit housing project. My family and I live on Savannah Ridge Dr. in the Canyon Creek subdivision and although we are greater than 200 feet from the proposed site we will still be directly affected by this development. We moved and built in Canyon Creek for several reasons but mostly so we could live in a well kept, safe, community oriented neighborhood that seemed peaceful and quiet and tucked away in the hills of Austin.

Most of our neighbors on Savannah Ridge are young families with the majority of the children 5 or younger, including our 2 year old daughter. Our main concern is the increased traffic flow our street will receive and how this will directly affect these children in the coming years. Not to mention the construction traffic we will have to endure. Another concern is a decreased property value to our home. We also pay a HOA fee to maintain the landscaping within our community and feel a bit resentful that this new development will utilize part of our neighborhood but will not have to contribute to help maintain it. We are held to a certain standard within our HOA rules and are worried that this proposed development will not be of equal property value or community integrity.

Thankyou for your time and allowing us to express our concerns.

Paul and Amy Covill
9401 Savannah Ridge Dr.
Austin, Tx. 78726

3/17/2004

Gager, Sherri

From: Irene Martin [irene@trinitylandandhomes.com]
Sent: Wednesday, March 24, 2004 12:12 PM
To: Sherri.Gager@ci.austin.tx.us
Cc: Friends_of_Savannah_Ridge@yahoogroups.com
Subject: Rezoning of Savannah Ridge area to SF-6

Sherri,

We are located on the corner lot of Savannah Ridge and Tibee Dr. (11400 Tibee Drive) . Our concerns are twofold, as we will be able to experience the increased traffic firsthand as well as having the high density housing in our back yard. We as well as the rest of the neighborhood have invested considerable money in our homes and purchased in this area for the somewhat seclusion and privacy of a small community, so to speak.

Adding SF-6 would increase traffic, lower property values and completely change the scope of the area which is all SF-2.

Shoal Creek Properties Ltd. has had a very successful and profitable relationship with the entire Canyon Creek Subdivision, it certainly would be a shame to forego all the goodwill by forcing an SF-6 issue when it is obviously receiving such negative feedback.

Thanks for allowing our comments.

Tom and Irene Martin

3/24/2004

Scotty & Kathryn M. Strahan
9404 Savannah Ridge Dr.
Austin, TX 78726
phone: 512 249-8344

March 30, 2004

File # C14-04-0035-SG
Sherri Gager
City of Austin
Neighborhood Planning & Zoning Department
PO Box 1088
Austin TX 78767-8835

Dear Sherri Gager,

We are writing to oppose the change of rezoning on File # C14-04-0035-SG. We live on Savannah Ridge Drive which is currently used as a minor residential road. Under the proposed change, this road would provide the only access to this high density housing. This change would transform Savannah Ridge drive from a minor residential road into a major road. According to the rezoning request itself, the rezoning would be a violation because high density housing requires access using "...other than a minor residential road..." in direct conflict with the current use and zoning of Savannah Ridge Road.

We have three small children (ages 8, 6, and 2) for whom the increased traffic would provide a significant danger. We purchased the house two and a half years ago in part because of its quiet location with extremely low traffic with the expectation that any expansion of the road would be for houses on one acre lots. Savannah Ridge Drive currently provides access to the 11 houses on it, and 32 more houses. All but two of the families on our street have small children as well. To rezone the area and use Savannah Ridge Drive for access to high density housing would ruin the current character and usage of our street and neighborhood.

Please do not change the current zoning.

Sincerely,



Scotty & Kathryn M. Strahan

Gager, Sherri

From: David S. Reiter [dreiter@outsourcgc.com]
Sent: Wednesday, March 31, 2004 9:19 AM
To: SUSANNA REITER; sherri.gager@ci.austin.tx.us
Subject: Savannah Ridge

Dear Sherri,

We are the Reiter family, David, Susie, Garrett (5), and Audrey (3). We reside at 9413 Savannah Ridge Dr. Our home is three houses to the left of the rezoning proposal, which is less than 200 ft from the site. When we moved to Austin three years ago, my husband and I dreamed of raising a family in a residential community where our children would go to school, ride their bikes/scooters with their friends in front of our home and have a general feeling of being safe to leave our home. However, because this rezoning proposal, we are in jeopardy of that not happening.

My primary concern lies with the increased safety risk our family would endure if this proposal is accepted. The proposal of 59-60 condominiums would add an additional 60-120 cars in a radius that is less than .8 of a mile. This is in stark contrast to the one acre estates for which the land was originally zoned, which would have created only limited additional traffic. If this rezoning proposal is accepted, I am concerned with fulfilling a basic routine of taking my children to school. I will have to battle 60-120 cars just to leave my driveway before 8:00 AM.

In addition to the increase traffic volume and safety risk this presents, protecting the value of our home is vital. We are hard working people. We budget like everyone else to live in a decent quality lifestyle. However, when it comes to the value of our home, it is the most valuable asset that we own and we cannot allow another developer to develop more townhouse/condominium residences, especially in such close vicinity. When it is less than 200 ft away. There is already a precedence on 620 with the apartment homes/townhouse. Let it continue there, not in a residential community of homes.

Very truly yours,

Susie, David, Garrett and Audrey Reiter
9413 Savannah Ridge Dr.

Sherri Gager
City of Austin, Neighborhood Planning & Zoning Department
(512) 974-3057
Sherri.Gager@ci.austin.tx.us

RE: File Number C14.;04-0035

Dear Ms. Gager

We live at 9412 Savannah Ridge Drive and are opposed to the rezoning effort regarding the land at the end of our street.

After a year a searching, we chose Canyon Creek and specifically Savannah Ridge for the perfect neighborhood to raise our children. The Savannah Ridge neighborhood is in a quiet part of the development where the neighbors have a strong sense of community and where we are able to know who drives in and out of our streets to protect our children and our property.

We were told before we signed the contract for our house to be built that the area at the end of Savannah Ridge would be developed into more large residential homes like the ones we live in if it was to ever be developed. We were also told that the area would have a large green belt buffer as well. Because of this information, we chose to buy a lot on Savannah Ridge. Had we known that the plans were to make the street directly in front of our house an entrance to higher density family dwellings, we would never have purchased our house at this location.

Our concerns with Savannah Ridge being an entrance to the proposed condos as well as our concerns regarding the condos themselves are (and these are all of equal importance):

1) Those people that currently reside in our neighborhood have a long term, vested interest in our community because they have bought permanent homes and plan to live for many years in the same location. People who do not buy homes do not have the same permanency. This will dramatically affect the privacy and safety of our neighborhood and will allow many more people to have access to our schedules and property simply because they drive down our street every day.

2) The increased traffic will endanger our children. There are 16 children on Savannah Ridge alone and 44 within the three street area that make up our community. Out of the ten houses on Savannah Ridge, 9 of them have children or babies on the way and of the 16 children on Savannah Ridge, 12 of them are less than three years of age. Increasing the amount of cars and unknown people that drive through this area has great potential to jeopardize the safety of our children.

3) The increase in the noise level due to increased traffic will disturb our quiet neighborhood.

4) Our property values will be compromised because other potential home owners will not want to have their homes close to higher density family dwellings for the very same reasons that I have listed above.

5.) All of the construction traffic, noise and general mess will be a real hardship on us and our kids over lifetime of the construction.

As a general concern, we find it very disturbing that Travis County and the City of Austin are apparently not looking out for the interests of their heavily-burdened tax paying residents. There does not appear to be any master plan for the 620 area that would help sustain or increase property values and create an improvement in living standards for the greater community. The development plans

appear to be completely chaotic with no long term vision. It is as if this is the "Old West" all over again. We've been inundated with large apartment complexes, fast food restaurants, convenience stores, quick car maintenance businesses, storage buildings, super targets, etc. Our current situation is a prime example of how the lack of coordinated planning has led to our current dilemma with the developer. They are landlocked between apartments and storage buildings with no egress to 620 due to a simple lack of planning. (We heard recently that there are plans to build even more apartments behind us!) This used to be a beautiful area to live, but now it is becoming uglier with every passing day.

We are very disappointed and discouraged by the many of the deceptions, misrepresentations and threats made by many of the parties involved over the last few years. It is unfortunate that a citizen cannot invest their hard-earned savings in their dream home in a nice quiet community with the confidence that the value and quality of their community will be protected by the leaders of their community.

My husband and I are quite concerned that the rezoning plans have not taken into account the issues I have stated above. We hope that you, as a representative of the city, will consider what the issues of our neighborhood are and assist us in any way possible.

Sincerely,

Christa and Rob Ratcliff
9412 Savannah Ridge Drive
512-219-1471

Gager, Sherri

From: Dwayne Sparks [dsparks@pdq.net]

Sent: Thursday, April 01, 2004 3:06 PM

To: Sherri Gager

Subject: File Number: C14-04-0035

In reference to the above case number, my husband I own a house just behind the proposed land rezoning. When we bought the house, it was with the understanding that the land behind was to be used for single family dwellings, we were comfortable with that and proceeded to purchase the house.

I can not tell you how concerned we are that this portion of land may be re-zoned to multiple dwellings, this will only bring the value of our homes down, not to mention the noise, traffic and population density increase in the area. Canyon Creek is already surrounded by apartment complexes and to add more density to the area will only hurt this lovely sub division and in particular the houses that are located on the property line.

The Planning and Zoning department needs to take these concerns in consideration before granting the rezoning request to developers who promise the world and deliver far less. I sincerely hope that the deep pockets and influence of the developer will not influence your decision.

Thank you for your consideration to this request.

Sincerely,

Dwayne & Edie Sparks
11504 Tibee Dr.
Austin, TX 78726

4/1/2004

NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1

401 WEST 15TH STREET, SUITE 850
AUSTIN, TEXAS 78701-1665

TELEPHONE: (512) 469-7474
FAX: (512) 469-7480

April 12, 2004

Ms. Sherri Gager
City of Austin
Neighborhood Planning and
Zoning Department
P.O. Box 1088
Austin, Texas 78767-8835

Re: February 26, 2004 Notice of Filing of Application for Rezoning; File Number C14-04-0035

Dear Ms. Gager:

This letter is filed on behalf of the Northwest Austin Municipal Utility District No. 1 (the District) in protest of the proposed application to rezone a tract of land north of and adjacent to the District's territory. The District requests that this application for rezoning be denied. Granting the application would only result in high intensity uses within or adjacent to the residential areas found in Canyon Creek.

The District's territory is currently comprised of the Canyon Creek subdivision and the District's revenues are derived from taxes on property located within its territory. Canyon Creek is primarily a residential area with little commercial or high density uses. However, the proposed rezoning would apply to a tract of land located outside of the District yet accessed by streets within the Canyon Creek subdivision. If granted, the proposed rezoning would allow traffic for a high density development to use neighborhood/local streets for access.

The tract of land is currently zoned I-RR, or Interim Rural Residence. The developer who has requested the rezoning proposes to access his high density development by use of Savannah Ridge, a neighborhood/local street lined with single family homes. Boulder Lane is a street within Canyon Creek and connects the neighborhood/local streets with RR 620.

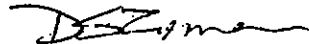
The Canyon Creek subdivision was originally platted so that Savannah Ridge would access a low density use. To now change that zoning would create a traffic burden on Savannah Ridge that the street was not designed to bear. In addition, Boulder Lane would also be burdened with a heavier traffic flow. Boulder Lane is the main street into Canyon Creek and connects Savannah Ridge and other neighborhood/local streets with RR 620. Savannah Ridge and Boulder Lane were never intended to provide access to a high density development of townhouses and condominiums as is now being sought by the developer. To allow this rezoning to a higher density would burden these two streets with increased traffic beyond that which they were designed to accommodate. Let alone these public safety dangers such rezoning would create, this increased traffic burden would drive

Ms. Sherri Gager
April 12, 2004
Page 2

down the property values within Canyon Creek, and therefore the District. This would decrease the tax revenues to the District and increase the tax burden on the District's current residences.

The current zoning I-RR zoning is appropriate for the area.

Very truly yours,



Don Zimmerman
President

DZ/ma

cc: Fred C. Eppright, Shoal Creek Properties, Ltd.

I:\Clients\NWAMudNo.1\Letters\SavannahRidge-zoningchange\protest.wpd

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) DWAYNE & EDIE SPARKS

Address 11504 TIBEE DR.

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

STRONGLY OBJECT!

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Lisa Speed

Address 9816 Lavaca Dr
78726

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

ngs

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) SAI & RITA MACHAVALA

Address 9607 Ave Libre Dr Austin TX 78726

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Diane D. Cunningham

Address 9416 Epic Ct. Austin
78726

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

*This district only has access to
a minor residential street - Lavannah
Ridge*

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) R. CRAIG COOK

Address 9412 EPIC COURT, AUSTIN TX 78724

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

Name (please print) GREG TAYLOR

Address 9536 AIRE LIBRE

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) MARTIN JOHNSON

Address 9808 LAVERA DRIVE

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Amy Xiaoling Zou

Address 9405 Savannah Ridge Dr.
Austin TX 78726

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Susan Schneider

Address 9517 Aire Libre Dr.

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

*I am opposed to any use other than
single family residential! NO Multifamily at this
location!!!*

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0035-SG

Zoning & Platting Commission Hearing Date: April 6, 2004

Name (please print) Jeffrey Wey

Address 9529 Aire Libre Dr

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

June 24th, 2004

TO: Austin City Council

FROM: Don Zimmerman, President, NW Austin MUD #1

RE: Opposition to C14-04-0035, "Eppright 12-Acre Tract" rezoning

Please P
so we can be
disc ss this

Don Zimmerman
5778842

As President of the MUD, I have been authorized by the Board to testify in opposition to the rezoning of the Savannah Ridge property, reference C14-04-0035 - "Eppright 12-Acre Tract". The District opposes the rezoning because the higher density housing on the end of Savannah Ridge will increase traffic and reduce property values in the immediate Savannah Ridge area; this reduces MUD tax receipts in that area, causing all MUD taxpayers to suffer a higher tax rate. We also note that the new higher density housing plan calls for connecting its water/waster system to the existing MUD-subsidized water/wastewater infrastructure in Canyon Creek. Furthermore, the MUD taxpayers firmly believe that the original MUD-Austin agreement, providing for Canyon Creek residents to reimburse a developer for water/wastewater infrastructure assets and for those assets to be given to Austin's utility without compensation to taxpayers, is unethical if not illegal. Former mayor Kirk Watson and other City Council members wrote to Canyon Creek taxpayers many years ago admitting that Canyon Creek's double-tax situation created an "unreasonable burden" on CC taxpayers (see attachment). Allowing a new higher density housing area to connect to the existing MUD subsidized infrastructure without paying MUD taxes is, we believe, unconscionable, and should not be permitted. In January, 2004, an entity owned at least in part by Fred Eppright, the applicant in this proceeding, threatened to take legal action against the MUD unless it began steps to issue approximately \$3 million of new bonds. Some of this bond money is targeted to subsidize infrastructure which the newly zoned area would connect to and use without paying MUD taxes, while existing Savannah Ridge taxpayers continue to pay MUD taxes. The overhead of maintaining the MUD entity (whose primary purpose is paying off bonds) is \$150,000 per year. We maintain that some of this cost, as well as the MUD bond repayment, should be offset by expanding the MUD tax base to the newly zoned area, which will benefit from existing MUD subsidized infrastructure, or alternatively, the application should be denied due to its detrimental effect upon the District's tax base.

Attachments: "Demand Letter" from Fred Eppright

Letters to Canyon Creek taxpayers from Kirk Watson, et. al.

Subject: Canyon Creek Subdivision

Date: Mon, 28 Aug 2000 11:54:58 -0500

From: Jack Stueber <jas31@flash.net>

**To: danny.thomas@ci.austin.tx.us, kirk.watson@ci.austin.tx.us, daryl.slusher@ci.austin.tx.us,
raul.alvarez@ci.austin.tx.us, jackie.goodman@ci.austin.tx.us, beverly.griffith@ci.austin.tx.us,
will.wynn@ci.austin.tx.us, kirk.watson@ci.austin.tx**

We are writing to you as residents of the Canyon Creek subdivision, located on RR620 between RR2222 and Anderson Mill Road.

We purchased our home in late 1992, noting at that time that the property was located within the City of Austin but also having a MUD District (NW Austin MUD#1). While attending periodic Homeowners Meetings, we were advised that negotiations had been made with the City of Austin, and the thought of even "de-sunxing" from the City was a possibility, but we were encouraged that the City felt it could be resolved. Even prior to his first election as Mayor, Kirk Watson responded to the former president of our Homeowners Association as follows:

"I do not know why the city council has not directed city management to either assume your MUD debt or forego your city taxes. . . The first I heard about the issue was in your letter. Certainly having to pay both MUD taxes and City taxes, on top of your Round Rock school taxes, is a very difficult burden. Based on the information you provided it is clear that some kind of remedy to this problem is needed and as mayor I can promise that my office will be responsive to your concerns."

Well, many years have passed and we still are paying the City of Austin taxes and the NW Austin MUD#1, and as far as we can tell, nothing concrete has been accomplished. Do any of you see any relief in sight? Believe we still are the only subdivision in the City of Austin with a MUD.

John and Beverly Stueber
10741 Chestnut Ridge Rd.
Austin, TX 78726-1359

cc: Representative Terry Keel, District 47

IMPORTANT INFORMATION

PLEASE TAKE A MINUTE TO VOTE IN THE CITY ELECTIONS ON MAY 3RD. IT COULD DIRECTLY HELP US IN AMELIORATING THE CANYON CREEK TAX SITUATION. I HAVE ADVISED ALL VIABLE CITY COUNCIL AND MAYORAL CANDIDATES OF THAT SITUATION AND RECEIVED THE FOLLOWING WRITTEN RESPONSES WHICH I AM PROVIDING FOR YOUR INFORMATION

RON SIEVERT
President, Canyon Creek
Homeowners Association

"Thank you for letting me know about your neighborhood's unique situation....The most obvious option would be to have the city assume the MUDs debt and dissolve the MUD (considerably reducing Canyon Creek tax) which I believe is the usual procedure when areas like yours are annexed. Your neighborhood certainly should not be required to shoulder its present heavy tax burden. (If this can not be done) I would look at Limited Purpose Annexation....Please rest assured I believe your situation is untenable and must be resolved.

MANUAL ZUNIGA, CAND. PLACE 5

"When elected I would certainly act to dissolve the MUD, thereby lightening the tax load of Canyon Creek home owners. I am sorry that you and your members have been under such an unfair taxation for so long.

ERIC SAMSON, CAND. PLACE 6

(I do not know) why the city council has not directed city management to either assume your MUD debt or forego your city taxes....The first I heard about the issue was in your letter. Certainly having to pay both MUD taxes and City taxes, on top of your Round Rock school taxes, is a very difficult burden. Based on the information you provided it is clear that some kind of remedy to this problem is needed and as mayor I can promise that my office will be responsive to your concerns.

KIRK WATSON, CAND. MAYOR



January 5, 2004

direct dial: 512.370.2862
nliaae@winstead.com

Members, Board of Directors
Northwest Austin County Municipal Utility District No. 1
c/o Mr. Frank M. Reilly
Potts & Reilly, LLP
401 W. 15th Street
Austin, TX 78701

Re: Reimbursement to Canyon Creek Option, Ltd.

Dear Board Members:

On behalf of Canyon Creek Option, Ltd. ("Developer"), a developer within Northwest Austin Municipal Utility District No. 1 ("District"), we hereby demand that the District immediately authorize its staff and consultants to prepare and file an application to the Texas Commission on Environmental Quality ("TCEQ") for authorization for the District to sell that amount of bonds necessary to fully reimburse the Developer for all its outstanding reimbursable expenses for development within the District. We understand this matter will be discussed at the District's January 7, 2004 meeting, which we plan to attend.

By way of background, we previously requested that the District take this action in our August 15, 2003 letter and have also attended numerous Board meetings since then at which we have reiterated this request. We have also provided the District all the information that we have that may be useful to the District in proceeding with this application including a December 1, 2003 letter with an attached summary of the Developer's estimated reimbursable costs.

As described in our August 15, 2003 letter, the June 28, 1990 "Utility Construction Agreement Between Northwest Austin Municipal Utility District No. 1 and Team Bank", as amended (the "Agreement"), requires the District to seek authorization for the sale of bonds to reimburse the Developer for those development costs authorized by the TCEQ. Specifically, Article II, Section 3 of the Agreement requires that the District "request and diligently pursue approval of the Project and Bonds . . .". In addition, Article IV, Section 2 of the Agreement states that District representatives are to use their best efforts to obtain TCEQ approval of the maximum amount of bonds authorized by the rules of the TCEQ and the consent agreement between the District and the City of Austin.

SUITE 800
100 CONGRESS AVENUE
AUSTIN, TEXAS 78701

PH 512.474.4330
FAX 512.370.2850
WINSTEAD.COM

WINSTEAD SECHREST & MINICK
Attorneys and Counselors
A Professional Corporation

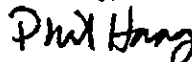
Austin, Dallas, Fort Worth,
Houston, Mexico City,
The Woodlands, Washington, DC

Northwest Austin Municipal Utility District No. 1
January 5, 2004
Page 2

We know that the District has various issues with the City of Austin concerning the legal framework of the District and that some of these issues are the subject of pending litigation between the District and the City. Despite any position the Board may take in this litigation, the fact remains that the Agreement is a binding contractual obligation of the District.

It is our preference to work cooperatively with the District on all matters including the sale of the bonds. However, we can no longer allow the Board of Directors to consciously choose to ignore its legal obligations under the Agreement. Accordingly, if the District does not authorize the preparation and submittal of a bond application for the sale of bonds in an amount sufficient to reimburse the Developer for all its outstanding reimbursable expenses at the District's January 7, 2004 Board meeting, we will immediately file suit against all appropriate parties and seek all available legal remedies including attorneys' fees for the District's conscious and deliberate breach of the Agreement.

Sincerely,


Philip S. Haag

cc: Mr. Fred Eppright

less than 200
Attachment B

P E T I T I O N

Date: 3/9/04

File Number: C14-04-0035

Address of
Rezoning Request: 9300-9800 block of
RM 620 N

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1/SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<u>[Signature]</u>	SUMA AITHAL	9540 AIRE LIBRE DR, TX-78726
<u>[Signature]</u>	Linda Victor	9548 Aire Libre Dr. TX 78726
<u>[Signature]</u>	Dave Victor	9548 Aire Libre Dr TX 78726
<u>[Signature]</u>	Anthony Brush	9516 Aire Libre Dr TX 78726
<u>[Signature]</u>	Colleen Brush	9516 Aire Libre Dr TX 78726
<u>[Signature]</u>	Ashwin Patel	9528 Aire Libre Dr. TX 78726
<u>[Signature]</u>	Cheryl Buzenbark	9556 Aire Libre Dr Austin TX
<u>[Signature]</u>	KETAN PANDYA	9600 AIRE LIBRE AUSTIN 78726
<u>[Signature]</u>	Priti Pandya	9600 Aire Libre Austin 78726
<u>[Signature]</u>	Vibha Patel	9528 Aire Libre Austin 78726
<u>[Signature]</u>	JZAAI QU	9524 Aire Libre TX 78726
<u>[Signature]</u>	Luming Qu	9524 Aire Libre Dr. 78726
<u>[Signature]</u>	JANANI JANAKIRAN	9520 AIRE LIBRE DR 78726
<u>[Signature]</u>	VANDANA NAYAK	9512 AIRE LIBRE DR. 78726
<u>[Signature]</u>	Nancy Castonguay	9508 Aire Libre Dr 78726
<u>[Signature]</u>	SUZIE PENIA	9504 Aire Libre Dr 78726
<u>[Signature]</u>	Art Penia	9501 Aire Libre DR 78726
<u>[Signature]</u>	Ludy Loofs	9501 Aire Libre Dr 78726
<u>[Signature]</u>	Rick Loofs	9501 Aire Libre Dr 78726
<u>[Signature]</u>	Ben Bailey	9544 Aire Libre 78726

Date: 3-17-04

Contact Name: KARIN CRUMP SAMMAN
Phone Number: 322-5780

Within 200 ft

P E T I T I O N

Date: 3/9/04

File Number: C14-04-0035

Address of

Rezoning Request: 9300-9800 block
of R.M 620 N

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1/SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>E. E. Sparks</u>	EDIE SPARKS	11504 TIBEE DR
<u>C. D. Sparks</u>	DWAYNE SPARKS	" "
<u>George P. Yost</u>	George P. Yost	11404 Tibee Dr.
<u>Frances E. Yost</u>	Frances E. Yost	" "
<u>Sherri J. Bailey</u>	Sherri J. Bailey	9544 Aire Libre Dr
<u>Robert Ratuliff</u>	Robert Ratuliff	9412 Savannah Ridge Dr
<u>Kevin Castonguay</u>	Kevin Castonguay	9508 Aire Libre Dr.
<u>Kathryn Strahan</u>	Kathryn Strahan	9404 Savannah Ridge Dr
<u>Scotty Strahan</u>	Scotty Strahan	" "
<u>ANURADHA DUBEY</u>	ANURADHA DUBEY	9501 " "
<u>Amy Xiaoling Zou</u>	Amy Xiaoling Zou	9405 Savannah Ridge Dr.
<u>SAMUEL H. WONG</u>	SAMUEL H. WONG	11516 Tibee Dr
<u>Dora Zhang</u>	DORA ZHANG	11516 Tibee Dr.
<u>CRAIG + SANDRA COOK</u>	CRAIG + SANDRA COOK	9412 EPIC CT.
<u>David + Susie Keiser</u>	David + Susie Keiser	9413 Savannah Ridge Dr
<u>Marshall + Margaret Reeves</u>	Marshall + Margaret Reeves	11500 Tibee

Date: 3/17/04

Contact Name: KARIN CRUMP SAMMAN
Phone Number: 322-5780

Within 200 ft

P E T I T I O N

Date: 03/07/04

File Number: C14-04-0035

Address of

Rezoning Request: Savannah Ridge

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1 / SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>John K. Busenbark</u>	JOHN K. BUSENBARK	9556 AIRE LIBRE DR
<u>Susan Pena</u>	Susan Pena	9504 Aire Libre Dr
<u>Amy Pena</u>	Amy Pena	9504 Aire Libre Dr
<u>TRENE MARTIN</u>	Trene Martin	11400 TIBEE DR
<u>TOM MARTIN</u>	TOM MARTIN	11400 Tibee Dr.
<u>David B. Anderson</u>	DAVID B. ANDERSON	9532 AIRE LIBRE DR.
<u>Peggy Y. Anderson</u>	Peggy Y. Anderson	9532 Aire Libre Dr.
<u>Terri M. Taylor</u>	Terri M. Taylor	9536 Aire Libre Dr.
<u>Prabha Athan</u>	Prabha Athan	9540 Aire Libre Dr.
<u>YAPING ZHOU</u>	YAPING ZHOU	9409 Savannah Ridge Dr.
<u>Judy Scherer</u>	Judy Scherer	9417 JENARO CT.
<u>Clayton Lindsey</u>	Clayton Lindsey	9500 Aire Libre Dr.
<u>KATHLEEN REYNOLDS</u>	KATHLEEN REYNOLDS	9552 Aire Libre Dr.
<u>RICHARD SCHERER</u>	RICHARD SCHERER	9417 JENARO CT.
<u>KARTHIKEYAN RAMAMORTHY</u>	KARTHIKEYAN RAMAMORTHY	9520 AIRE LIBRE DR
<u>RANJIT K. NAYAK</u>	RANJIT K. NAYAK	9512 AIRE LIBRE DR
<u>Jeffrey Wey</u>	Jeffrey Wey	9529 Aire Libre Dr.
<u>Manoj Dubey</u>	Manoj Dubey	9501 Savannah Ridge Dr.
<u>ASIT AMBEKAR</u>	ASIT AMBEKAR	9505 SAVANNAH RIDGE DR.
<u>GREG TAYLOR</u>	GREG TAYLOR	9536 AIRE LIBRE
<u>David & Susie Keiler</u>	David & Susie Keiler	9413 Savannah Ridge Dr.

Date: 3/17/04

Contact Name: KARIN CRUMPT SAMMI

Phone Number: 322-5780

P E T I T I O N

Non 200 ft

P E T I T I O N

Date: 3/07/04

File Number: C14-04-0035

Address of

Rezoning Request: Savannah Ridge

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1 / SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<u>Ta U</u>	<u>Teemu Kolhmainen</u>	<u>9533 Aire Libre Dr.</u>
<u>Susan Schneider</u>	<u>Susan Schneider</u>	<u>9517 Aire Libre Dr.</u>
<u>Edie Sparks</u>	<u>EDIE SPARKS</u>	<u>11504 FIREBEE DR.</u>
<u>Wayne Sparks</u>	<u>WAYNE SPARKS</u>	<u>11504 FIREBEE DR.</u>
<u>Michael Moser</u>	<u>MICHAEL MOSER</u>	<u>9416 JENARO COURT</u>
<u>Eric Moore</u>	<u>ERIC MOORE</u>	<u>9404 EPIC CT</u>
<u>Mary Jo Barrett Garrison</u>	<u>Mary Jo Barrett Garrison</u>	<u>9413 Epic Ct.</u>
<u>Regina Moser</u>	<u>Regina Moser</u>	<u>9416 Jenaro Ct.</u>
<u>Laura McFerryan</u>	<u>Laura McFerryan</u>	<u>9413 Jenaro Ct.</u>
<u>Traci Holland</u>	<u>Traci Holland</u>	<u>9405 Epic Ct.</u>
<u>Karin + Omar Samman</u>	<u>Karin + Omar Samman</u>	<u>9408 Epic Ct.</u>
<u>Amy + Larry Tabash</u>	<u>Amy + Larry Tabash</u>	<u>9408 Savannah Ridge Dr.</u>
<u>Cheryl + Sandra Cook</u>	<u>CHERYL + SANDRA COOK</u>	<u>9412 EPIC CT.</u>
<u>Manoj + Anuradha Dubey</u>	<u>MANOJ + ANURADHA DUBEY</u>	<u>9501 Savannah Ridge Dr.</u>
<u>Susana Diaz</u>	<u>Susana Diaz</u>	<u>9400 Jenaro Ct.</u>
<u>Paul Guill</u>	<u>Paul Guill</u>	<u>9401 Savannah Ridge Dr.</u>
<u>Jerry L. Noble</u>	<u>Jerry L. Noble</u>	<u>9405 Jenaro Ct.</u>
<u>Regina Hall</u>	<u>Regina Hall</u>	<u>9405 Jenaro Ct.</u>
<u>Maria Ansaldo</u>	<u>MARIA ANSALDO</u>	<u>9409 EPIC CT</u>
<u>Sujan + Meera Kamran</u>	<u>Sujan + Meera Kamran</u>	<u>9400 Savannah Ridge</u>
<u>Jean + Cindy Morrow</u>	<u>Jean + Cindy Morrow</u>	<u>9417 Epic Ct.</u>
<u>Gabriel Diaz</u>	<u>Gabriel Diaz</u>	<u>9400 Jenaro Ct.</u>

Date: 3/17/04

Contact Name: KARIN CRUMP SAMMAN

Phone Number: 322-5780

More than 200

P E T I T I O N

Date: 3-15-04

File Number: C14-04-0035

Address of
Rezoning Request: 9300-9800 block of
R.M. 620 N

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1 / SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Orietta Alcina</u>	<u>Orietta Alcina</u>	<u>9571 Indigo Brush Rd.</u>
<u>Beth Vynnycky</u>	<u>Beth Vynnycky</u>	<u>9556 Indigo Brush Dr.</u>
<u>Dana Jussel</u>	<u>Dana Jussel</u>	<u>9564 Indigo Brush Dr.</u>
<u>Nancy Lyburt</u>	<u>Nancy Lyburt</u>	<u>10632 Bramblecrest Dr.</u>
<u>Kathleen Vallefuoco</u>	<u>Kathleen Vallefuoco</u>	<u>10222 Open Gate Dr.</u>
<u>David Diaz</u>	<u>David Diaz</u>	<u>10414 Enclave Dr.</u>
<u>Julie Berkeley</u>	<u>Julie Berkeley</u>	<u>9908 Barkwood Dr. Laverne</u>

Date: 3-17-04

Contact Name: KARIN CRUMP Sammons
Phone Number: (512) 773-9361 cell
322-5780 wk

More than 200

P E T I T I O N

Date: 3-15-04

File Number: C14-04-0035

Address of

Rezoning Request: 9300-9800 block of
R.M 620 N

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1 / SF-2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<u>Barb Cooper</u>	Barb Cooper	9533 Aire Libre Dr.
<u>Cindy A. Lassandro</u>	Cindy A. Lassandro	9825 Lavana Drive
<u>Camy Melnick</u>	Camy Melnick	10457 Encher Glen Dr.
<u>Denise Isenhour</u>	Denise Isenhour	10625 Icarus Ct.
<u>Paula Klein</u>	Paula Klein	10731 Bramblecrest Dr.
<u>Elaine Goolsbey</u>	Elaine Goolsbey	10509 Bramfield Court
<u>Dana Frers</u>	Dana Frers	10600 Bradel Cove
<u>CARIE L. STEWART</u>	CARIE L. STEWART	11202 TAVITA DR
<u>MARISA SLADEK</u>	MARISA SLADEK	9568 Indigo Brush Dr.
<u>Kelley K Clark</u>	Kelley K Clark	10631 Chestnut Ridge Rd
<u>DAVID L. ISENHOUR</u>	DAVID L. ISENHOUR	10625 Icarus Ct
<u>Kelley Worden</u>	Kelley Worden	10701 Beckwood Dr. Austin
<u>Karen Hood</u>	Karen Hood	10816 Broken Brook Cr.
<u>KIMBERLY S. TERRY</u>	KIMBERLY S. TERRY	11121 Calavar Drive
<u>Rebecca Gagnon</u>	Rebecca Gagnon	9513 Indigo Brush Dr.
<u>Ellen Lammerts</u>	Ellen Lammerts	10409 Lariva Trail
<u>Monica vonWaa den</u>	Monica vonWaa den	10905 Brigol Ridge Cr.
<u>Paul Till</u>	Paul Till	27 St Simons Sugarland, Tx
<u>Shelia Keefe</u>	Shelia Keefe	11216 Brista Way Austin
<u>Tere Hager</u>	Tere Hager	11100 Calavar Dr Austin
<u>Jenny Jensen</u>	Jenny Jensen	11004 Montesa Dr Austin

Date: 3-17-04

Contact Name: KARIN CRUMP SAM

Phone Number: 322-5780

PETITION

Case Number:

C14-04-0035

Date:

April 6, 2004

Total Area within 200' of subject tract: (sq. ft.)

743,992.21

		VICTOR DAVID W & LINDA D		
1	01-6625-0401		9,847.57	1.32%
2	01-6625-0402	BAILEY BEN L & SHERRI J	11,190.96	1.50%
		AITHAL PRABHAKARA & SUMA AITHA		
3	01-6625-0403		9,567.07	1.29%
		TAYLOR GREG & TERRI TAYLOR		
4	01-6625-0404		8,715.04	1.17%
		ANDERSON DAVID B & PEGGY Y		
5	01-6625-0405		8,069.09	1.08%
		PATEL ASHVIN & VIBHA PATEL		
6	01-6625-0406		8,190.26	1.10%
	01-6625-0407	QU JIAN	7,899.23	1.06%
		JANAKIRAMAN JANANI & KARTHIKEY		
8	01-6625-0408		7,992.20	1.07%
		BRUSH ANTHONY L & COLLEEN E		
9	01-6625-0409		8,002.26	1.09%
		NAYAK RANJIT K & VANDANA		
10	01-6625-0410		7,944.05	1.07%
		CASTONGUAY KEVIN J & NANCY L		
11	01-6625-0411		8,624.33	1.16%
		PENA ARTHUR J & SUSAN D		
12	01-6625-0412	PENA	10,507.65	1.41%
		ALONSO INES & WILLIAM CLAYTON		
13	01-6625-0413		7,999.06	1.08%
		LOOFS RICKY V & TRUDY K LOOFS		
14	01-6625-0414		852.70	0.11%
		SCHNEIDER MICHAEL E & SUSAN		
15	01-6625-0418		1,735.08	0.23%
16	01-6625-0421	WEY JEFFREY	1,627.97	0.22%
17	01-6625-0422	KOLEHMAINEN TEEMU	1,638.12	0.22%
		ZHOU YAPING & YURONG SHI		
18	01-6625-0431		751.69	0.10%
		REITER DAVID & SUSANNA M		
19	01-6625-0432		8,064.43	1.08%
		DOBEY MANOJ & ANURADHA		
20	01-6625-0433		10,212.13	1.37%
		AMBEKAR ASIT S & JULIE SENGUPT		
21	01-6625-0434		9,043.26	1.22%
		MARTIN THOMAS E & IRENE MARTIN		
22	01-6625-0502		14,670.32	1.97%
		YOST GEORGE P & FRANCES E		
23	01-6625-0503		7,935.08	1.07%
		REEVES MARSHALL & MARGARET R		
24	01-6625-0506		7,993.00	1.07%
		SPARKS CLIFTON DWAYNE & EDITH		
25	01-6625-0507		8,067.89	1.08%
26	01-6625-0510	WONG SAMUEL H	1,856.04	0.25%
		MORROW JAMES M JR & CYNTHIA R		
27	01-6625-0535		4,077.76	0.55%
		RATCLIFF ROBERT R & CHRISTA N		
28	01-6625-0536		4,352.86	0.58%
		SPEED MICHAEL W & LISA M		
29	01-6625-0315		13,226.56	1.78%
		STANLEY JAMES F & MARY C		
30	01-6625-0316		14,153.90	1.90%
		BUSENBARK JOHN K & CHERYL L		
31	01-6625-0331		6,867.11	0.92%
		REYNOLDS ROBERT D & KATHLEEN		
32	01-6625-0332		8,803.45	1.18%
33				0.00%

Validated By:

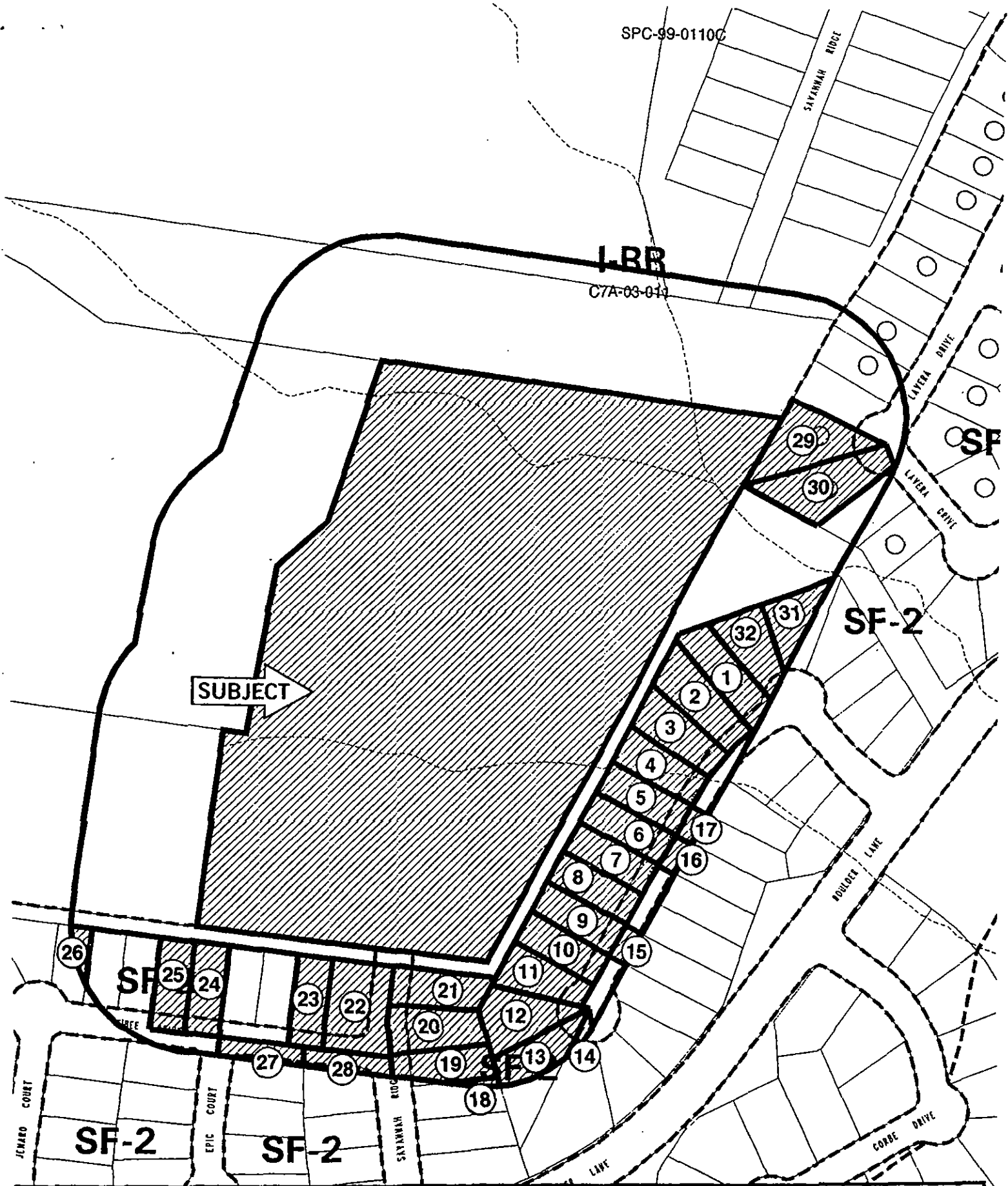
Stacy Meeks

Total Area of Petitioner:

240,478.19

Total %

32.32%



SUBJECT

LBB

C7A-03-011

SF-2

SF

SF

SF-2

PETITIONS

CASE #: C14-04-0035

ADDRESS: 9300-9800 BLK N FM 620

RD
SUBJECT AREA (acres): 12.520

DATE: 04-04

INTLS: SM

CITY GRID
REFERENCE
NUMBER

D36 E36

SUBJECT TRACT

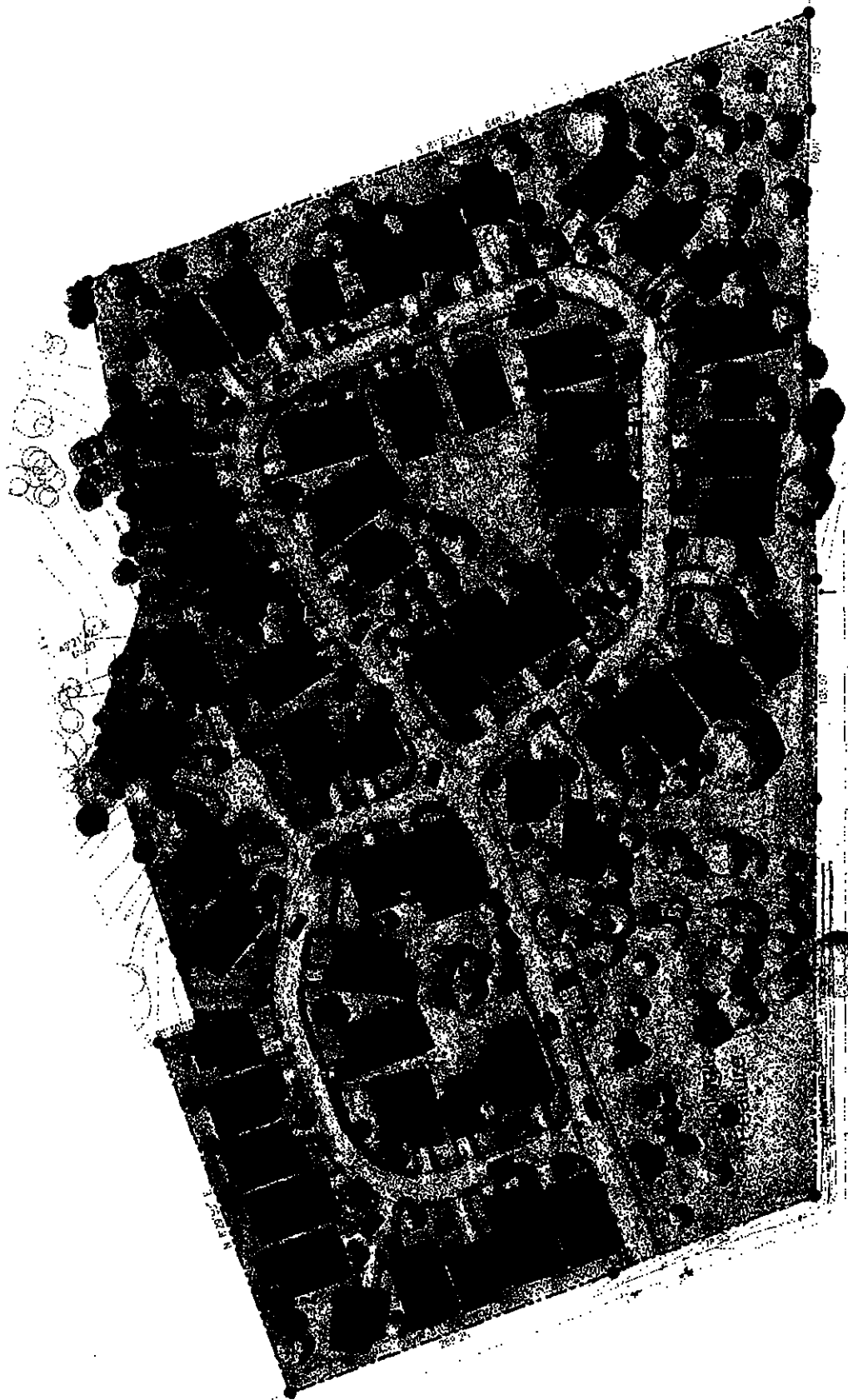
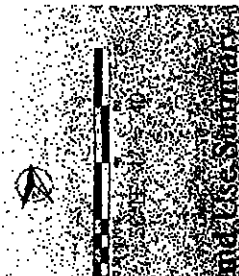
PENDING CASE

ZONING BOUNDARY

CASE MGR: S. GAGER



200'



Shoal Creek Properties

Conceptual Plan Only
Subject to Change

LAND STRATEGIES INC.



PAUL LINEHAN & ASSOCIATES

Designing the Future...
1840 LAND CREEK DRIVE, SUITE 100, AUSTIN, TEXAS 78746
TEL: (512) 558-8550 FAX: (512) 281-6172
DEVELOPMENT, DESIGN, AND PLANNING CONSULTANTS

Attachment C



MEMORANDUM

TO: Sherri Gager, Case Manager
FROM: Emily M. Barron
DATE: March 29, 2004
SUBJECT: Neighborhood Traffic Analysis for Eppright 12-Acre Tract
 9300-9800 Block of N FM 620
 Zoning Case Number: C14-04-0035

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 12.52-acre tract proposes a condominium development. This site is located in northwest Austin just north of the intersection of Savannah Ridge and Boulder Lane. The project, which is currently zoned Interim Rural Residence (I-RR), is requesting a change to Townhouse Condominium Residence (SF-6). The tract will have vehicular access to Savannah Ridge. Surrounding the tract to the south and east is a single-family neighborhood and undeveloped property is located to the north and west.

Roadways

Savannah Ridge is classified as a residential collector with 60' of right-of-way and 40' of pavement and carries approximately 423 vehicles per day (vpd).

Boulder Lane, within the vicinity of the project is classified as a neighborhood collector with 70' of right-of-way and 40' of pavement and carries approximately 2,146 vpd at its intersection with Savannah Ridge.

Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, the proposed development at the time of site plan will generate approximately 430 vehicles per day (vpd).

Trip Generation		
LAND USE	Size	VPD
Condominiums	60du	430

Distribution of trips was estimated as follows:

Street	Condominium Trip Distribution
Savannah Ridge	100%
Boulder Lane	100%

Below is a table containing the estimated number of trips that will affect each street.

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)
Savannah Ridge	423	430	853
Boulder Lane	2,146	430	2,576

vpd = vehicles per day

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential street with a pavement width of 40 feet or more should have 4,000 vpd or less.

Conclusions

1. The traffic along Savannah Ridge and Boulder Lane does not exceed the requirements established in Section 25-6-116.
2. In order to minimize traffic on surrounding streets the intensity and uses for this development should be limited through a conditional overlay to 60 dwelling units, or 430 vehicle trips per day. The proposed development plan for these tracts does not exceed 430 vehicle trips.
3. It is recommended that if Savannah Ridge is not extended into the subject property that a cul-de-sac be provided on site to allow for a proper turn around at the end of Savannah Ridge.

If you have any questions or require additional information, please contact me 974-2788.



Emily M. Barron
Planner ~ Transportation Review
Watershed Protection and Development Review Department

Cc: Erin Welch, Land Strategies (via fax and e-mail)
Asit Ambekar (via e-mail)
Mary Jo Garrison (via e-mail)
Traci Holland (via e-mail)
Rob Ratcliff (via e-mail)
Judy E. Scherer (via e-mail)
Terri Taylor (via e-mail)
George Yost (via e-mail)
Don Zimmerman (via e-mail)

To: Sherri Gager
Fax #: 974-6054

April 2, 2004

Sherri Gager
Neighborhood Planning and Zoning Department
P.O. Box 1088, Austin, TX. 78701

Re: Savannah Ridge Rezoning Request
File No. C14-04-0035-SG

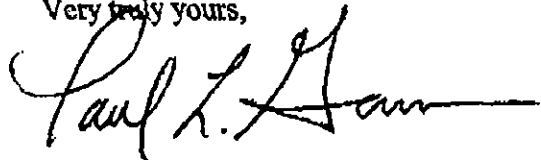
Dear Ms. Gager,

We, the Canyon Creek Home Owners Association Board Members, represent more than 1,100 homeowners in the Northwest Austin community of Canyon Creek. We understand that the above-referenced property is the subject of a rezoning request, and strongly oppose the requested rezoning of the property from its current designation of I-RR to SF-6 for the following reasons:

1. The requested rezoning would permit the development of higher-density residences than the adjacent properties, which are zoned as SF-2;
2. The residents in this area of Canyon Creek bought their homes with the presumption that this adjacent area would be developed only with single family residences with large lot sizes. A change to the proposed zoning would be a significant departure from this established expectation;
3. Development of high-density housing as a continuation of their section of the neighborhood would most certainly reduce their property values;
4. Nowhere else in the Canyon Creek neighborhood is there high-density housing that is accessible by our streets. The proposal would create an aberration within our neighborhood;
5. There is already an extremely large number of high density housing areas in the vicinity of this section of Canyon Creek and no real "need" for additional high-density zoning;
6. We believe that the increased traffic through the area brings an increased risk of danger to our neighborhood's children, particularly the children who live on Savannah Ridge;
7. There is no alternative method for diverting traffic to 620; therefore, all traffic for from the construction of the development and, eventually from the development itself, must pass through Savannah Ridge, which is currently a residential drive;
8. The increase in traffic and noise, as well as the decrease in privacy is a huge concern to all involved, not just to those within 200 feet of the property in question.

As a community, we are committed to keeping our neighborhood safe and secure, and we believe that the zoning of the property to SF-6 would negatively affect all of us. **We ask that you reject this request and leave the zoning in its current state.** This will allow for complimentary development to the Canyon Creek neighborhood rather than detrimental development. Thank you for your consideration of this matter. Should you have any questions or comments, please do not hesitate to call the CCHOA president, Paul Gunn at 838-2467.

Very truly yours,



Canyon Creek HOA

LAND STRATEGIES INC.

Attachment F

PAUL LINEHAN & ASSOCIATES

May 5, 2004

Attn: Sherri Gager
City of Austin
Neighborhood Zoning & Planning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Eppright 12-acre Tract
Zoning Boundary Amendment
Case No. C14-04-0035

Dear Sherri:

Land Strategies, Inc. (LSI) has been working with the Canyon Creek neighborhood association to obtain their consent for the rezoning of a proposed condominium development to SF-6-CO.

In response to the neighborhood's valid petition, LSI will reduce the zoning boundary to invalidate the petition. The zoning boundary will be reduced as shown below. Attached are an exhibit showing the boundary reduction and a letter describing the amended metes-and-bounds.

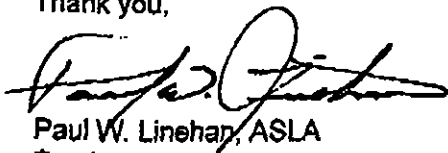
(The amounts shown below are approximations.)

Eastern edge: ±175 feet from Block I, Lots 15 and 16
 ±75.5 feet from Block E, Lots 23-28 and Lot 4
 ±144 feet from Block E, Lot 22 and Lot 5
 ±146.5 feet from Block E, Lot 21
 ±213.5 feet from Block E, Lots 21 and 22
 ±176 feet from Block E, Lots 18-20
 ±125 feet from Block E, Lots 16 and 17

Southern edge: ±58 feet from Block A, Lots 14 and 15

After your review of the metes-and-bounds and exhibits, please contact me should you have any questions or need further information.

Thank you,



Paul W. Linehan, ASLA
President
Land Strategies, Inc.

PWL:enw
Attachments

PETITION

Case Number:

C14-04-0035

Date:

May 6, 2004

Total Area within 200' of subject tract: (sq. ft.)

693,251.37

1	01-6625-0401	VICTOR DAVID W & LINDA D	5,317.01	0.77%
2	01-6625-0402	BAILEY BEN L & SHERRI J	7,481.42	1.08%
3	01-6625-0403	AITHAL PRABHAKARA & SUMA AITHA	6,802.86	0.98%
4	01-6625-0404	TAYLOR GREG & TERRI TAYLOR	6,165.59	0.89%
5	01-6625-0405	ANDERSON DAVID B & PEGGY Y	5,396.99	0.78%
6	01-6625-0406	PATEL ASHVIN & VIBHA PATEL	4,656.74	0.67%
7	01-6625-0407	QU JIAN	2,573.11	0.37%
8	01-6625-0408	JANAKIRAMAN JANANI & KARTHIKEY	359.57	0.05%
9	01-6625-0409	BRUSH ANTHONY L & COLLEEN E	259.35	0.04%
10	01-6625-0410	NAYAK RANJIT K & VANDANA	1,396.53	0.20%
11	01-6625-0411	CASTONGUAY KEVIN J & NANCY L	3,448.22	0.50%
12	01-6625-0412	PENA ARTHUR J & SUSAN D PENA	4,269.98	0.62%
13	01-6625-0432	REITER DAVID & SUSANNA M	5,115.90	0.74%
14	01-6625-0433	DOBEY MANOJ & ANURADHA	10,212.13	1.47%
15	01-6625-0434	AMBEKAR ASIT S & JULIE SENGUPT	9,043.26	1.30%
16	01-6625-0502	MARTIN	14,670.32	2.12%
17	01-6625-0503	YOST GEORGE P & FRANCES E	7,935.08	1.14%
18	01-6625-0506	REEVES MARSHALL & MARGARET R	7,993.00	1.15%
19	01-6625-0507	SPARKS CLIFTON DWAYNE & EDITH	8,046.14	1.16%
20	01-6625-0510	WONG SAMUEL H	300.27	0.04%
21	01-6625-0535	MORROW JAMES M JR & CYNTHIA R	4,077.76	0.59%
22	01-6625-0536	RATCLIFF ROBERT R & CHRISTA N	4,352.86	0.63%
23	01-6825-0315	SPEED MICHAEL W & LISA M STANLEY JAMES F & MARY C	8,404.46	1.21%
24	01-6825-0316	BUSENBARK JOHN K & CHERYL L	6,053.45	0.87%
25	01-6825-0331	REYNOLDS ROBERT D & KATHLEEN	34.48	0.00%
26	01-6825-0332		3,499.22	0.50%
27				0.00%
28				0.00%
29				0.00%
30				0.00%
31				0.00%
32				0.00%
33				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

137,845.70

Total %

19.88%

SPC-99-01106

I-RR
C7A-03-011

SF-2
04-0003

SF-2

SF-2

SF-2

SF-2

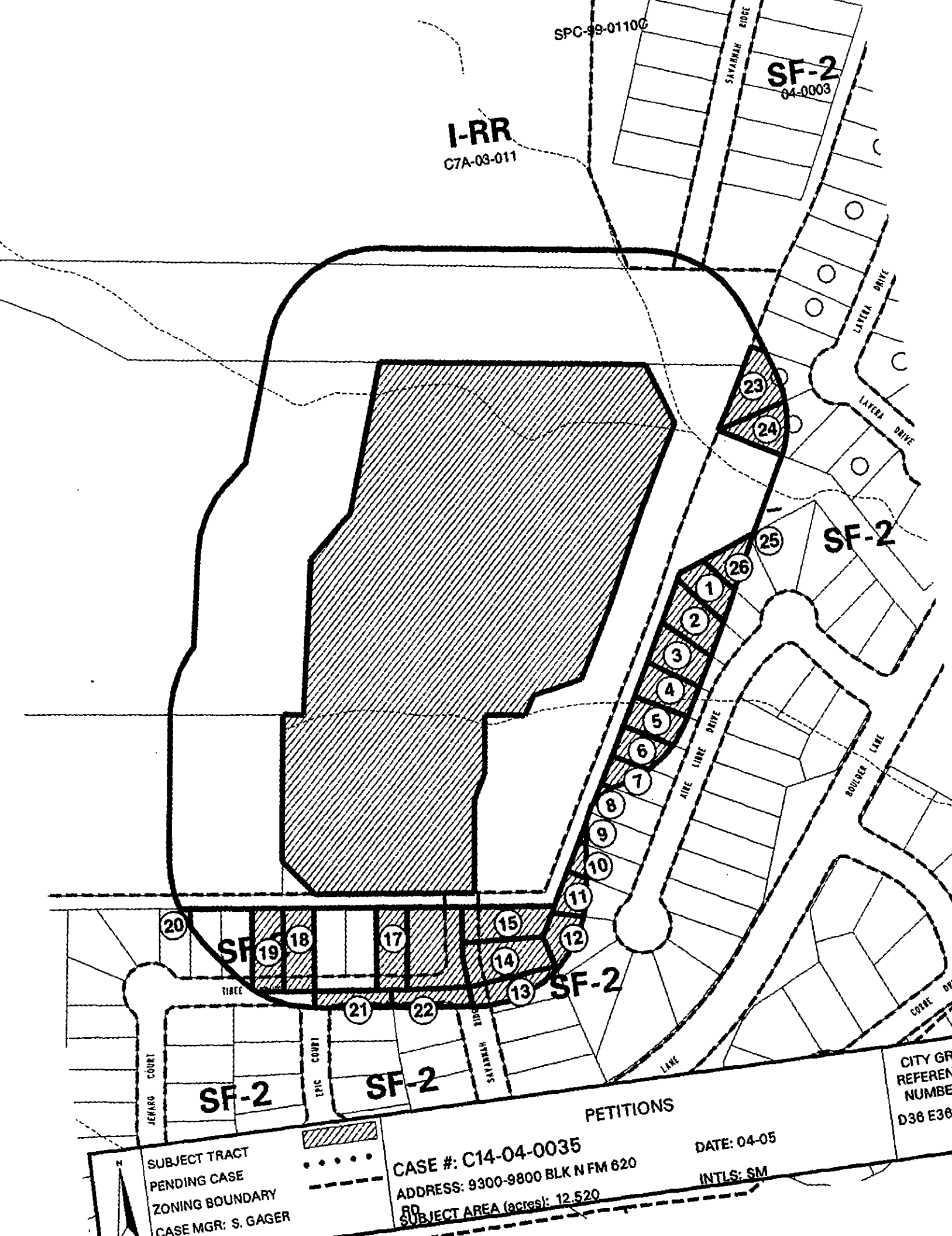
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: S. GAGER

CASE #: C14-04-0035
ADDRESS: 9300-9800 BLK N FM 620
RD
SUBJECT AREA (acres): 12.520

DATE: 04-05
INTLS: SM

CITY GR
REFEREN
NUMBER
D36 E36

PETITIONS



PETITION

Case Number: **C14-04-0035** Date: May 6, 2004

Total Area within 200' of subject tract: (sq. ft.) 693,251.37

1	01-6625-0401	VICTOR DAVID W & LINDA D	5,317.01	0.77%
2	01-6625-0402	BAILEY BEN L & SHERRI J	7,461.42	1.08%
3	01-6625-0403	AITHAL PRABHAKARA & SUMA AITHA	6,802.86	0.98%
4	01-6625-0404	TAYLOR GREG & TERRI TAYLOR	6,165.59	0.89%
5	01-6625-0405	ANDERSON DAVID B & PEGGY Y	5,396.99	0.78%
6	01-6625-0406	PATEL ASHVIN & VIBHA PATEL	4,856.74	0.67%
7	01-6625-0407	QU JIAN	2,573.11	0.37%
8	01-6625-0408	JANAKIRAMAN JANANI & KARTHIKEY	359.57	0.05%
9	01-6625-0409	BRUSH ANTHONY L & COLLEEN E	259.35	0.04%
10	01-6625-0410	NAYAK RANJIT K & VANDANA	1,396.53	0.20%
11	01-6625-0411	CASTONGUAY KEVIN J & NANCY L	3,448.22	0.50%
12	01-6625-0412	PENA ARTHUR J & SUSAN D PENA	4,269.98	0.62%
13	01-6625-0432	REITER DAVID & SUSANNA M	5,115.90	0.74%
14	01-6625-0433	DOBEY MANOJ & ANURADHA	10,212.13	1.47%
15	01-6625-0434	AMBEKAR ASIT S & JULIE SENGUPT	9,043.26	1.30%
16	01-6625-0502	MARTIN	14,670.32	2.12%
17	01-6625-0503	YOST GEORGE P & FRANCES E	7,935.08	1.14%
18	01-6625-0506	REEVES MARSHALL & MARGARET R	7,993.00	1.15%
19	01-6625-0507	SPARKS CLIFTON DWAYNE & EDITH	8,046.14	1.16%
20	01-6625-0510	WONG SAMUEL H	300.27	0.04%
21	01-6625-0535	MORROW JAMES M JR & CYNTHIA R	4,077.76	0.59%
22	01-6625-0536	RATCLIFF ROBERT R & CHRISTA N	4,352.86	0.63%
23	01-6825-0315	SPEED MICHAEL W & LISA M STANLEY JAMES F & MARY C	8,404.46	1.21%
24	01-6825-0316	BOSENBARK JOHN K & CHERYL L	6,053.45	0.87%
25	01-6825-0331	REYNOLDS ROBERT D & KATHLEEN	34.48	0.00%
26	01-6825-0332		3,499.22	0.50%
27	01-6625-0505	ELYASHAR DANIEL & MALLI	8,087.15	1.17%
28	01-6625-0508	CHEN LU	6,525.73	0.94%
29	01-6625-0526	CUNNINGHAM DONALD & DIANE	1,961.31	0.28%
30				0.00%
31				0.00%
32				0.00%
33				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

154,419.88

Total %

22.27%

SPC-99-0110C

I-RR
C7A-03-011





SF-2
04-0003

SF-2

SF-2

SF-2

SF-2

 1" = 200'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER D36 E36
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S. GAGER				
CASE #: C14-04-0035			DATE: 04-05		
ADDRESS: 9300-9800 BLK N FM 620					
RD SUBJECT AREA (acres): 12.520			INTLS: SM		

PAUL LINEHAN & ASSOCIATES

May 18, 2004

Attn: Karin Crump
Martin, Disiere, Jefferson & Wisdom, L.L.P.
106 East Sixth Street, Suite 900
Austin, Texas 78701

Via Facsimile: 322-5707

Re: Eppright 12-acre Tract Letter Agreement

Dear Ms. Crump:

On May 5th, we met with the Canyon Creek Neighborhood Association ("Canyon Creek") to discuss concerns with the Eppright 12-acre Tract, a proposed condominium development located north of Savannah Ridge Drive in the Canyon Creek subdivision. This Letter Agreement addresses what Land Strategies, Inc. (LSI) and Fred Eppright ("Owner") will agree to regarding neighborhood concerns, and is the basis for a Restrictive Covenant which will bind current Owner and future land owners adjacent to Canyon Creek.

- 1.) LSI and Owner may ensure that building exteriors will be comprised of the following materials: Single-story units consisting of seventy-five percent (75%) masonry, excluding hardi-plank; Two-story units consisting of seventy-five percent (75%) masonry, excluding hardi-plank, on the first floor, and fifty percent (50%) masonry, excluding hardi-plank, on the second floor. In order to ensure structural soundness of the load-bearing walls, LSI and Owner can only guarantee 50% masonry on the second story. Thirty-year roofs will also be installed on each building.
- 2.) The condominium development will be a ^{DETACHED} ±1-lot single-family subdivision with private roads and a gated entrance. Signage will be installed at the exit gate to alert vehicular traffic to slow down due to the possible presence of children at play immediately outside the development. The entrance/exit gate will be located approximately ±sixty feet (60') inside the property line. (This distance is similar to the gate location at The Park at Travis Country.)
- 3.) The number of units will not exceed fifty-nine (59). The City of Austin has recommended a zoning category of SF-6-CO (the Conditional Overlay limits the number of units to 60).
- 4.) No more than fifty percent (50%) of the homes along the perimeter of the site, specifically adjacent to homes along Tibee and Aire Libre, will be two-story homes. LSI will utilize existing site topography and design flow for the overall placement of one- and two-story homes on the site. (Similarly, please note that the existing homes near the proposed site are two-story.)
- 5.) There will be a minimum seventy-five foot (75') building setback from the drainage easement. This setback includes the existing twenty-five foot (25') drainage easement, and an additional fifty foot (50') setback.
- 6.) Once the zoning case and subdivision/plat have been approved, LSI will prepare a detailed site plan for the proposed condominium development, and coordinate permitting through the City of Austin. A complete tree and topographic survey will be associated with the future site development permit. LSI will provide Canyon Creek with a copy of the site plan

LAND STRATEGIES INC.

Attachment J

PAUL LINEHAN & ASSOCIATES

June 2, 2004

Attn: Sherri Gager
City of Austin
Neighborhood Zoning & Planning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Eppright 12-acre Tract
C14-04-0035
City Council Postponement

Dear Sherri:

The above referenced Eppright 12-acre Tract case is scheduled to go to City Council on June 17, 2004. However, I will not be able to attend that hearing date. Per this letter, please accept my request to postpone the City Council hearing to June 24, 2004.

Should you have any questions or need more information in this regard, please feel free to contact me at your earliest convenience.

Sincerely,



Paul W. Linehan, ASLA
President
Land Strategies, Inc.

PWL:enw

cc: Fred Eppright
cc: Canyon Creek Homeowners Association

Gager, Sherri

Subject: FW: Eppright 12-acre Tract; C14-04-0035

-----Original Message-----

From: Karin Crump [mailto:crump@mdjwlaw.com]
Sent: Thursday, June 24, 2004 10:45 AM
To: Gager, Sherri
Cc: ewelch@landstrat.com; plgunn@us.ibm.com;
Friends_of_Savannah_Ridge@yahooogroups.com
Subject: RE: Eppright 12-acre Tract; C14-04-0035

Re: Zoning Case C14-04-0035

Dear Sherri,

Please accept this email as the neighbors' first request for a postponement of the first reading tonight. As you know, the neighbors and the developer, Fred Eppright, have tentatively entered into an agreement as to the terms of a Restrictive Covenant. We received a signed copy of the Restrictive Covenant from Mr. Eppright's agent last night and, unfortunately, we have not yet had an opportunity to fully review the agreement. The Board of Directors of the Canyon Creek HOA will meet this evening to review the agreement. Although I do not anticipate any problems, the Restrictive Covenant must be approved by the Canyon Creek Board of Directors. With all of the foregoing in mind, we respectfully request that the first reading be postponed until the next City Council meeting, scheduled to take place on July 29, 2004. Assuming that there is no objection from the Canyon Creek HOA, we will have no objection to all three readings taking place at that time. Thank you for your assistance and consideration.

Very truly yours,

Karin Crump
Martin, Disiere, Jefferson & Wisdom, L.L.P.
106 East Sixth Street, Suite 900
Austin, Texas 78701
(512) 322-5757
Fax: (512) 322-5707
www.mdjwlaw.com <<http://www.mdjwlaw.com/>>

City of Austin Zoning Case C14-04-0035

Attachment L

RESTRICTIVE COVENANT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The following covenants are agreed to by Shoal Creek Properties, Ltd., a Texas limited partnership (the "Owner") affecting approximately 12.52 acres of real property located at or about 9300-9800 block of R.R. 620 North, Austin, Travis County, Texas 78766, being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

WHEREAS, Owner is the Applicant in an application to the City of Austin (the "City") in zoning case number C14-04-0035, in which Owner is requesting a zoning change from I-RR (Interim Rural Residential) to SF6-CO (Town House and Condominium Residential-Conditional Overlay);

WHEREAS, Canyon Creek Homeowners' Association, Inc., a Texas non-profit corporation ("Canyon Creek "), has entered an appearance in the zoning case as an interested party;

WHEREAS, based upon meetings with the Owner regarding Owner's agreement to certain restrictions on its proposed condominium development on the Property, Canyon Creek has elected not to oppose the zoning change on the Property in return for the following restrictions being imposed by Owner of the Property;

WHEREAS, the zoning ordinance proposed by the Applicant and recommended by the City Planning Department and the City Planning Commission is attached hereto and made a part hereof for all purposes as Exhibit "B" (the "Zoning Ordinance");

NOW, THEREFORE, subject to the condition that the Zoning Ordinance be approved and adopted on third and final reading by the City Council, Owner hereby restricts the Property, as follows:

1. **Subdivision.** The Property shall be final platted as a one (1) lot condominium subdivision.

2. **Site Plan.** Owner shall prepare and submit to the City of Austin a detailed site Plan for the proposed development, including tree and topographic surveys, for Site Plan approval, with the following requirements:

- a. Owner shall provide Canyon Creek with a copy of the Site Plan showing elevations, plans, building design and materials, specifications, builder name, common areas, landscape plans, phasing plan (if any), and general

City of Austin Zoning Case C14-04-0035

development timeline. Copies of the Site Plan are provided by Owner to Canyon Creek for its review and comment only, and approval of the Site Plan by Canyon Creek shall not be required or deemed a condition for City approval of the Site Plan.

- b. Owner shall provide a minimum seventy five foot (75') building setback from residential lots in Canyon Creek Sections 29 and 30, consisting of a fifty foot (50') building setback from the Property lines plus the twenty five foot (25') wide drainage easements lots abutting the Property lines, being more particularly described as Lot 32A, Block E, Canyon Creek Section 29 and Lot 1A, Block A, Canyon Creek Section 30. No more than 50% of the homes along these Property lines shall be two-story homes.
- c. Owner shall utilize existing site topography and drainage for the overall placement of one and two story homes on the site.
- d. The entrance/exit gate shall be located approximately sixty feet (60') inside the Property line.
- e. The Critical Environmental Feature (CEF) at the front of the Property shall not be developed, and all trees and natural vegetation the CEF Setback (as defined by the City) shall remain undisturbed.

3. **Development Requirements and Restrictions.** Development requirement and restrictions on the Property shall be as follows:

- a. No more than 59 residential condominium units may be constructed on the Property.
- b. All units are to be detached single-family residences.
- c. The development shall be a gated community with private roads.
- d. Single-story units shall be comprised of: 75% masonry, excluding hardi-plank. Two-story units shall be comprised of: 75% masonry, excluding hardi-plank on the first floor; 50% masonry, excluding hardi-plank on the second floor.
- e. 25-year/ 240-pound roofs shall be installed on all units.
- f. Signage shall be placed at or near the exit gate to alert vehicular traffic to the possible presence of children at play outside the development, and require vehicular traffic to slow down while exiting the development.

City of Austin Zoning Case C14-04-0035

4. Restrictions during construction of the Condominium.

- a. Builder shall ensure that Canyon Creek is minimally affected by dirt, dust and debris from the construction of the proposed development.
- b. Construction shall only take place during the following hours: Monday through Friday from 8:00 a.m. to 6:00 p.m., and Saturday from 9:00 a.m. to 5:00 p.m. There shall be no construction activities on Sundays.

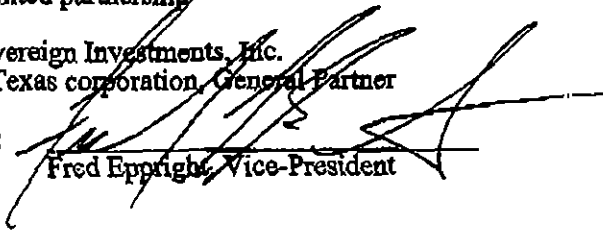
5. These restrictive covenants are for the benefit of Canyon Creek, their successors and assigns.

6. This restrictive covenant may be enforced by a suit for injunctive relief by Canyon Creek against the Property owner. In the event Canyon Creek prevails in obtaining a finding of a violation of one or more of the foregoing restrictions, it shall be entitled, in addition to an order enforcing the restrictions, to recover its court costs and reasonable attorney's fees.

OWNER:

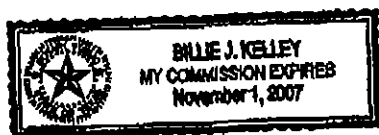
Shoal Creek Properties, Ltd.,
a Texas limited partnership

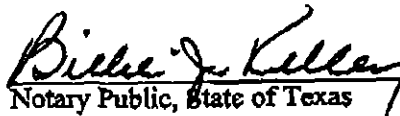
By: Sovereign Investments, Inc.
A Texas corporation, General Partner

By: 
Fred Eppright, Vice-President

THE STATE OF TEXAS§
§
§**COUNTY OF TRAVIS**

This instrument was acknowledged before me on this the 15th day of July, 2004 by Fred Eppright, Vice-President of Sovereign Investments, Inc., a Texas corporation, as general partner of Shoal Creek Properties, Ltd., a Texas limited partnership, on behalf of such limited partnership.




Notary Public, State of Texas

City of Austin Zoning Case C14-04-0035

APPROVED BY:

Canyon Creek Homeowners' Association, Inc.

By:  Sherwin Hozat

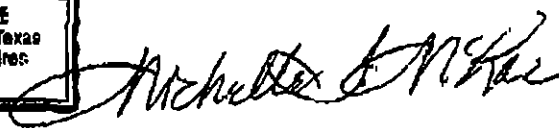
THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

This instrument was acknowledged before me on this the 19th day of July, 2004 by Sherwin Hozat, Resident of Canyon Creek Homeowners' Association, on behalf of said association.





AFTER RECORDING, RETURN TO:

Law Offices of Glenn K. Weichert, P.C.
3821 Juniper Trace, Suite 106
Austin, Texas 78738

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 9300-9800 BLOCK OF R.M. 620 NORTH AND
3 CHANGING THE ZONING MAP FROM INTERIM RURAL (I-RR) DISTRICT TO
4 TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY
5 (SF-6-CO) COMBINING DISTRICT.
6

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

8
9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to townhouse and
11 condominium residence-conditional overlay (SF-6-CO) combining district on the property
12 described in Zoning Case No.C14-04-0035, on file at the Neighborhood Planning and
13 Zoning Department, as follows:
14

15 A 12.5 acre tract of land, more or less, consisting of four parcels of land in Travis
16 County, being more particularly described by metes and bounds in Exhibit "A"
17 incorporated into this ordinance, (the "Property")
18

19 locally known as 9300-9800 Block of R.M. 620 North in the City of Austin, Travis
20 County, Texas, and generally identified in the map attached as Exhibit "B".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

- 25 1. Development of the Property may not exceed a density of 59 residential units.
26
27 2. Development of the Property may not exceed a density of 0.21 residential units per
28 acre.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the townhouse and condominium
32 residence (SF-6) base district and other applicable requirements of the City Code.
33
34
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2004

§
§
§

9 Will Wynn
10 Mayor

11
12
13 **APPROVED:** _____
14 David Allan Smith
15 City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk

EXHIBIT A

4.171 ACRES
PORTION OF KORMAN/ROBINSON TRACT.
THE MORGAN GROUP

EN NO. 01-178(SMC)
MARCH 30, 2001
BFI JOB NO. 1002-05.92

DESCRIPTION

OF A 4.171 ACRE TRACT OF LAND OUT OF AND PART OF THE A. E. LIVINGSTON SURVEY NO. 455, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 18.501 ACRE TRACT OF LAND CONVEYED TO BLAKE A. KORMAN AND BLAKE ROBINSON BY DEED OF RECORD IN VOLUME 12232, PAGE 818 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.171 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly line of Lot 32A, Block "B" Canyon Creek Section 29, a subdivision of record in Volume 102, Page 142 of the Plat Records of Travis County, Texas, being the northeasterly corner of said 18.501 acre tract and the southeasterly corner of that certain 18.51 acre tract conveyed to La Miraj, Ltd. by deed of record in Volume 11492, Page 197 of said Real Property Records, for the northeasterly corner hereof;

THENCE, along the westerly line of said Lot 32A, being the easterly line of said 18.501 acre tract and the easterly line hereof, the following two (2) courses and distances:

- 1) S25°26'32"W, a distance of 131.89 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) S28°18'20"W, a distance of 185.07 feet to a 1/2 inch iron rod with cap found, being the northeasterly corner of that certain 18.51 acre tract of land conveyed Hovsep Melik-Hovsepian and Yoland Melik-Hovsepian Family Trust by deed of record in Volume 11484, Page 220 of said Real Property Records and the southeasterly corner of said 18.501 acre tract, for the southeasterly corner hereof;

THENCE, leaving the westerly line of said Lot 32A, along the common line of said 18.51 acre Hovsep Melik-Hovsepian and Yoland Melik-Hovsepian Family Trust tract and said 18.501 acre tract, being the southerly line hereof, a distance of 552.91 feet to the southwesterly corner hereof;

THENCE, leaving the common line of said 18.51 acre Hovsep Melik-Hovsepian and Yoland Melik-Hovsepian Family Trust tract and said 18.501 acre tract, over and across said 18.501 acre tract, along the westerly line hereof, the following two (2) courses and distances:

- 1) N09°53'46"E, a distance of 273.59 feet to an angle point;

SN-01-178 (SMC)
MARCH 30, 2001
PAGE 2 of 2

- 2) N48°20'42"E, a distance of 42.94 feet to a point in the southerly line of said 18.51 acre La Miraj, Ltd. tract, being the northerly line of said 18.501 acre tract, for the northwesterly corner hereof;

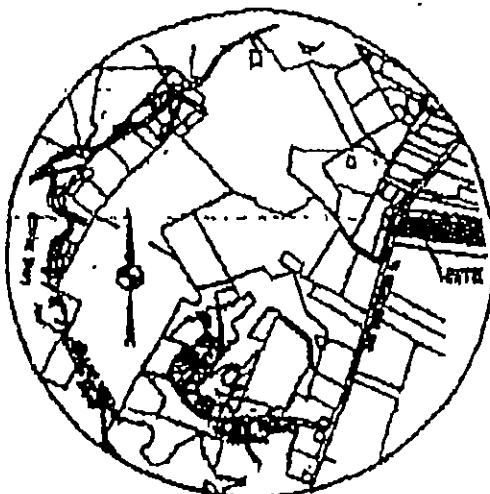
THENCE, S81°50'49"E, along the common line of said 18.51 acre La Miraj, Ltd. tract and said 18.501 acre tract, being the northerly line hereof, a distance of 619.80 feet to the POINT OF BEGINNING, containing an area of 4.171 acres (181,674 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELD NOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
SUITE 200
AUSTIN, TEXAS 78746

Mark J. Jezisek 3/30/01
MARK J. JEZISEK R.P.L.S. DATE
NO. 5267
STATE OF TEXAS





VICINITY MAP
N.T.S.

0 100 200 300 400
1"=200'

LEGEND

- 1/2" IRON ROD FOUND
P.O.B. POINT OF BEGINNING

HARRY MONTANDON
18.73 ACRES
VOL. 2251, PG. 10

9.95 ACRES
ECO RESOURCES, INC.
VOL. 11904, PG. 2087

18.51 ACRES
LA MIRAJ, LTD.
VOL. 11482, PG. 187

A. E. LIVINGSTON SURVEY
NO. 455

18.501 ACRES
BLAKE A. KORMAN AND
BLAKE ROBINSON
VOL. 12282, PG. 818

4.171 ACRES
(181,874 SQ. FT.)

N82°31'49"W 552.91'

18.51 ACRES
HOVSEP MELIK-HOVSEPIAN AND
YOLAND MELIK-HOVSEPIAN FAMILY TRUST
QUITCLAIM DEED
VOL. 11484, PG. 220

LINE TABLE

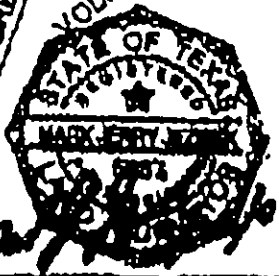
No.	Bearing	Distance
1.	N09°33'48"E	273.69'
2.	N48°20'42"E	42.94'
3.	S26°28'32"W	131.80'
4.	S28°18'20"W	183.07'

P.O.B.

32A DRAINAGE EASEMENT
VOL. 102, PG. 142

ARE LIBRE DRIVE

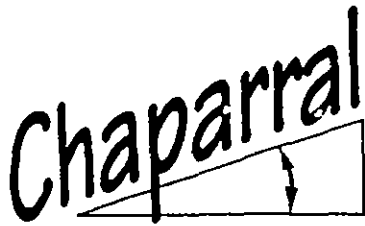
CANYON CREEK
SECTION 29
VOL. 102, PG. 142



Bury+Partners
Consulting Engineers and Surveyors
4000 West 10th Street, Suite 100
Fort Worth, Texas 76102

SKETCH TO ACCOMPANY DESCRIPTION
OF 4.171 ACRES OF LAND OUT OF THE A.E. LIVINGSTON
SURVEY, ABSTRACT NO. 455, SITUATED IN TRAVIS COUNTY
TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND
OF RECORD IN VOL. 12232, PG. 818 OF THE REAL PROPERTY
RECORDS OF TRAVIS COUNTY, TEXAS.

THE MORGAN
GROUP



Professional Land Surveying, Inc.
Surveying and Mapping
EXHIBIT A

Office: 512-476-7103
Fax: 512-476-7105

510 South Congress Ave.
Suite B-100
Austin, Texas 78704

Hovsepian
Land Swap

A DESCRIPTION OF 2.326 ACRES OF LAND, BEING A PORTION OF A 18.51 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO HOVSEP MELIK-HOVSEPIAN AND YOLAND HOVSEPIAN, DATED JANUARY 26, 1987, OF RECORD IN VOLUME 10073, PAGE 517, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.326 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the northeast corner of the 18.51 acre tract, being also the southeast corner of a 18.501 acre tract of land described in Volume 12232, Page 818 of the Real Property Records of Travis County, Texas, and being in the west line of Lot 32A, Block E, Canyon Creek Section 29, a subdivision of record in Volume 102, Page 142, Plat Records of Travis County, Texas;

THENCE South 28°28'26" West, with the east line of the 18.51 acre tract, being also the west line Lot 32A, Block E, Canyon Creek Section 29, a distance of 335.77 feet to a ½" rebar with cap set for the southeast corner of the 18.51 acre tract;

THENCE North 83°00'22" West, with the south line of the 18.51 acre tract, being also the north line Lot 32A, Block E, Canyon Creek Section 29, passing at 118.83 feet the east right-of-way line of Savannah Ridge Road (60' right-of-way) a total distance of 178.83 feet to a ½" rebar with cap set in termination of the west right-of-way line of Savannah Ridge Road, from which a ½" rebar found in the north line of Lot 1A, Block A of Canyon Creek Section 30 bears North 83°00'22" West a distance of 531.57 feet;

THENCE leaving the north right-of-way line of Savannah Ridge Road, over and across the 18.51 acre tract, for the following four (4) courses:

1. North 07°01'11" East, a distance of 59.91 feet to a ½" rebar with cap set for an interior corner of the herein described tract;
2. North 82°58'49" West, a distance of 120.00 feet to a ½" rebar with cap set for the most westerly southwest corner of the herein described tract;
3. North 07°01'11" East, a distance of 91.63 feet to a ½" rebar with cap set for the west corner of the herein described tract;

4. North $26^{\circ}37'12''$ East, a distance of 173.94 feet to a $\frac{1}{2}$ " rebar with cap set in the north line of the 18.51 acre tract, being also the south line of the 18.501 acre tract, from which a $\frac{1}{2}$ " rebar found at the northwest corner of the 18.51 acre tract bears North $82^{\circ}32'08''$ West a distance of 2172.25 feet;

THENCE South $82^{\circ}32'08''$ East, with the north line of the 18.51 acre tract, being also the south line of the 18.501 acre tract, a distance of 363.30 feet to the POINT OF BEGINNING, containing 2.326 acres of land, more or less.

Surveyed on the ground June, 2000. Bearing Basis is Grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 143-014S4.

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

SKETCH TO ACCOMPANY A DESCRIPTION OF 2.326 ACRES IN THE A.E. LIVINGSTON SURVEY, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 18.51 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO HOVSEP MELIK-HOVSEPIAN AND YOLAND HOVSEPIAN, DATED JANUARY 26, 1987, OF RECORD IN VOLUME 10073, PAGE 517, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

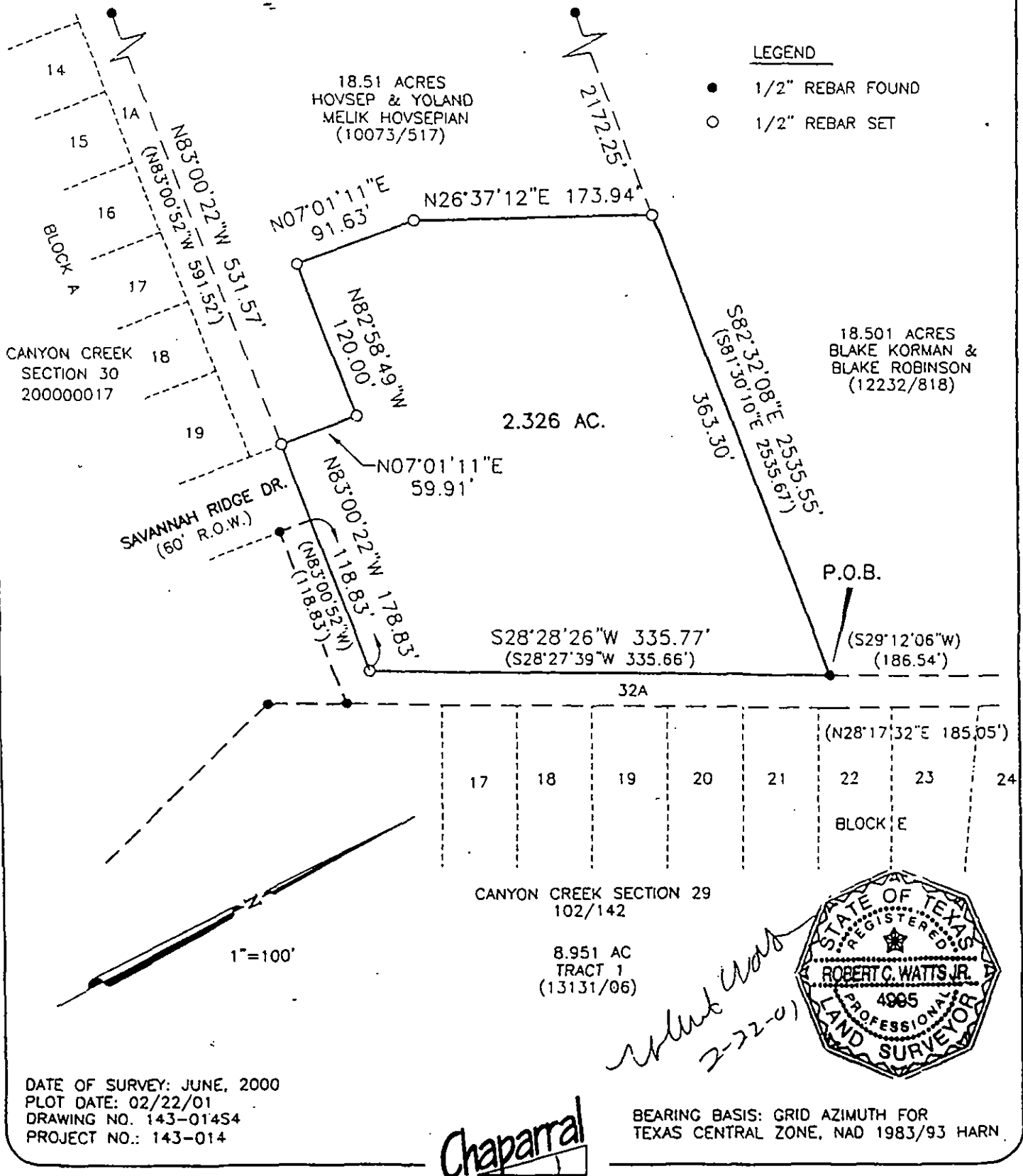


EXHIBIT A

4.529 ACRES
PORTION OF LA MIRAJ, LTD. TRACT
THE MORGAN GROUP

FN. NO. 01-179(SMC)
MARCH 30, 2001
B2I JOB NO. 1002-05.92

DESCRIPTION

OF A 4.529 ACRE TRACT OF LAND OUT OF AND PART OF THE A. E. LIVINGSTON SURVEY NO. 455, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 18.51 ACRE TRACT OF LAND CONVEYED TO LA MIRAJ, LTD. BY DEED OF RECORD IN VOLUME 11492, PAGE 197 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.529 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the westerly line of Lot 32A, Block "E" Canyon Creek Section 29, a subdivision of record in Volume 102, Page 142 of the Plat Records of Travis County, Texas, being the southeasterly corner of said 18.51 acre tract and the northeasterly corner of that certain 18.501 acre tract conveyed to Blake A. Korman and Blake Robinson by deed of record in Volume 12232, Page 818 of said Real Property Records, for the southeasterly corner hereof;

THENCE, N81°50'49"W, leaving the westerly line of said Lot 32A, along the common line of said 18.51 acre tract and said 18.501 acre tract, being the southerly line hereof, a distance of 619.80 feet to the southwesterly corner hereof;

THENCE, leaving the common line of said 18.51 acre tract and said 18.501 acre tract, over and across said 18.51 acre tract, along the westerly line hereof, the following two (2) courses and distances:

- 1) N49°20'42"E, a distance of 65.35 feet to an angle point;
- 2) N18°13'09"E, a distance of 271.34 feet to a point in the southerly line of that certain 9.95 acre tract of land conveyed to Eco Resources by deed of record in Volume 11904, Page 2097 of said Real Property Records, same being the northerly line of said 18.51 acre tract, for the northwesterly corner hereof;

THENCE, S82°10'03"E, along the common line of said 9.95 acre tract and said 18.51 acre tract, being the northerly line hereof, a distance of 648.21 feet to a 1/2 inch iron rod found in the westerly line of Lot 15, Block "I" Canyon Creek Section 19B, a subdivision of record in Volume 93, Page 138 of said Plat Records, being the southeasterly corner of said 9.95 acre tract and the northeasterly corner of said 18.51 acre tract, for the northeasterly corner hereof;

FN 01-179 (SMC)
MARCH 30, 2001
PAGE 2 of 2

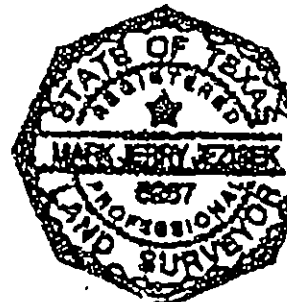
THENCE, along the westerly line of said Lot 15 and said Lot 32A, being the easterly line of said 18.51 acre tract and the easterly line hereof, the following three (3) courses and distances:

- 1) S27°57'59"W, a distance of 80.67 feet to a 1/2 inch iron rod found for an angle point;
- 2) S29°12'06"W, a distance of 213.74 feet to the center of a 12 inch cedar tree for an angle point;
- 3) S25°11'55"W, a distance of 47.42 feet to the POINT OF BEGINNING, containing an area of 4.529 acres (197,282 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JUSTISSK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELD NOTE DESCRIPTION.

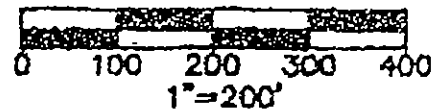
BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
SUITE 200
AUSTIN, TEXAS 78746

Mark J. Justissk
MARK J. JUSTISSK, R.P.L.S. DATE
NO. 5257
STATE OF TEXAS





VICINITY MAP
N.T.S.



LEGEND

- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING

HARRY MONTANDON
18.73 ACRES
VOL. 2251, PG. 10

9.95 ACRES
ECO RESOURCES, INC.
VOL. 11904, PG. 2097

582°10'03"E 848.21'

18.51 ACRES
LA MIRAJ, LTD.
VOL. 11492, PG. 197

4.529 ACRES
(197,282 SQ. FT.)

A. E. LIVINGSTON
SURVEY

18.501 ACRES
BLAKE A. KORMAN AND
BLAKE ROBINSON
VOL. 12238, PG. 818

N81°30'49"W 818.80'

18.51 ACRES
HOVSEF MELIK-HOVSEPIAN AND
YOLAND MELIK-HOVSEPIAN FAMILY TRUST
QUITCLAIM DEED
VOL. 11484, PG. 220

LINE TABLE

Line	Bearing	Distance
L1	N48°20'42"E	85.35'
L2	N18°13'09"E	271.34'
L3	S27°57'39"W	80.67'
L4	S28°12'08"W	213.74'
L5	S25°11'55"W	47.42'

12" CEDAR
P.O.B.
32A DRAINAGE EASEMENT
VOL. 102, PG. 142

AIRE LIBRE DRIVE



Bury+Partners
Consulting Engineers and Surveyors
1400 West 14th Street, Suite 200
Fort Worth, Texas 76102-4204
Phone: 817/335-2222
Fax: 817/335-2223
www.bury.com

• SKETCH TO ACCOMPANY DESCRIPTION
OF 4.529 ACRES OF LAND OUT OF THE A.E. LIVINGSTON
SURVEY, ABSTRACT No. 435, SITUATED IN TRAVIS COUNTY,
TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF
LAND OF RECORD IN VOL. 11482, PG. 197 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

THE MORGAN
GROUP

EXHIBIT "A"

January 21, 2004

FIELD NOTES

FIELD NOTES FOR 1.496 ACRES OF LAND OUT OF THE A.E. LIVINGSTON SURVEY, ABSTRACT NO. 478, IN TRAVIS COUNTY, TEXAS, SAME BEING OUT OF LOT 2, BLOCK A, SCS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 200300260, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING OUT OF THAT CERTAIN 16.184 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 2003046753, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod at the N.W. end of Savanna Ridge Drive at the S.E. corner of said 16.184 acre tract, same being on the south line of Lot 2, Block A, SCS Subdivision, for the S.E. corner hereof; from which point an iron rod found at the S.E. corner of Lot 2 bears $S81^{\circ}55'32''E$ at a distance of 178.93 feet;

THENCE $N81^{\circ}57'09''W$ along the common south line of said 16.184 acre tract and the south line of Lot 2 for a distance of 289.25 feet to an iron rod found at the S.W. corner of Lot 2 for the S.W. corner hereof;

THENCE $N08^{\circ}29'50''E$ crossing said 16.184 acre tract along the west line of Lot 2 for a distance of 317.08 feet to an iron rod found on the north line of said 16.184 acre tract, same being the N.W. corner of Lot 2 for the N.W. corner hereof;

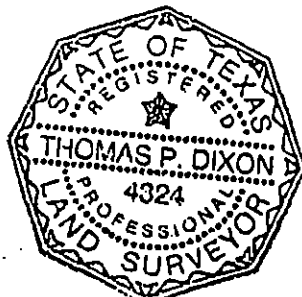
THENCE $S81^{\circ}30'10''E$ along the north line of said 16.184 acre tract, at 35.89 feet passing a spindle found at an el corner of Lot 2 and continuing in all 225.17 feet to a spindle found at the N.W. corner of a wastewater easement recorded in Document No. 2002120041, Official Public Records, Travis County, Texas, same being at the N.E. corner of said 16.184 acre tract for the N.E. corner hereof;

THENCE the following four (4) courses and distances along the east line of said 16.184 acre tract:

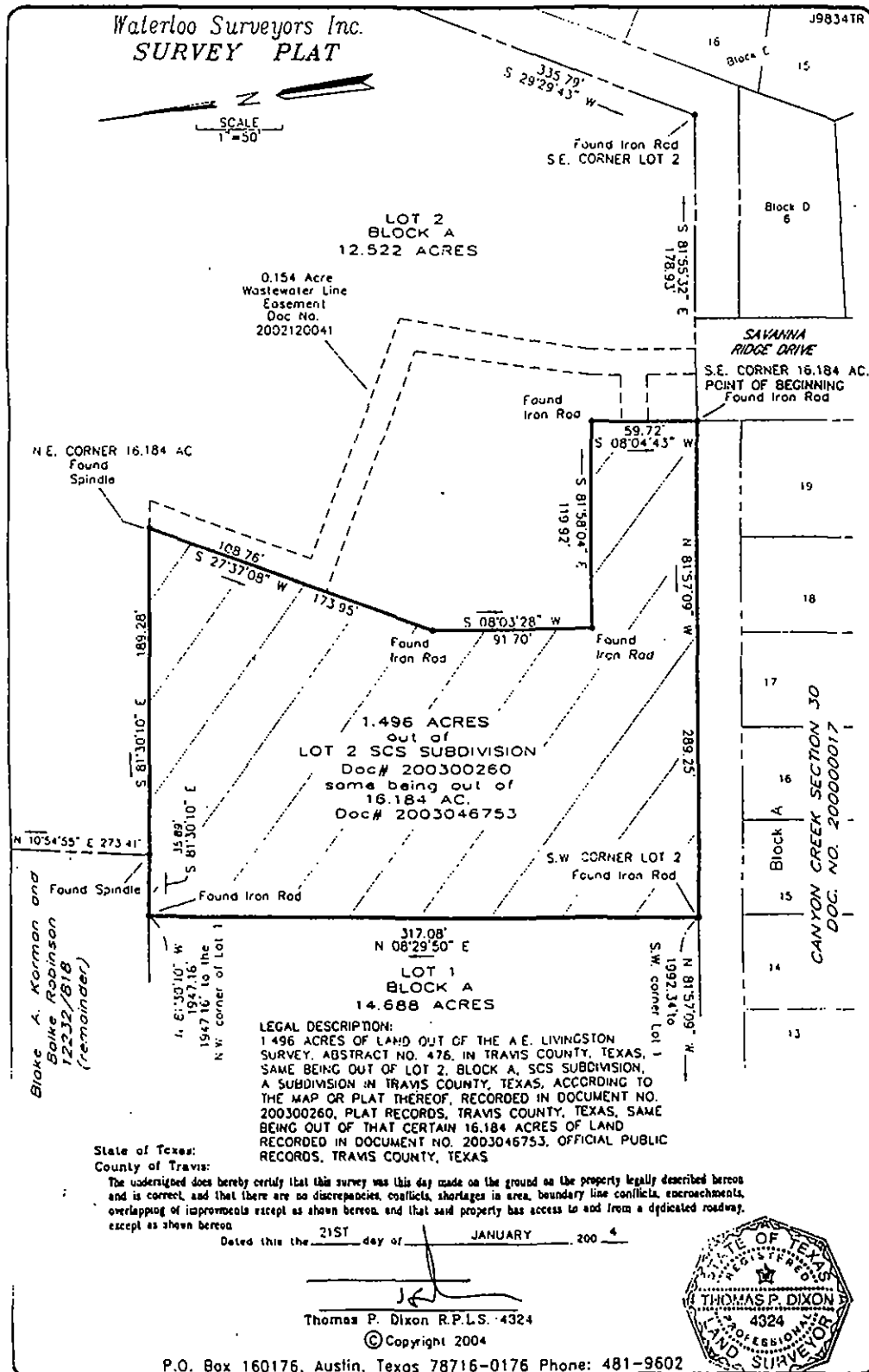
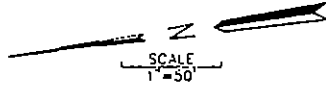
1. $S27^{\circ}37'08''W$ for a distance of 173.95 feet to an iron rod found;
2. $S08^{\circ}03'28''W$ for a distance of 91.70 feet to an iron rod found;
3. $S81^{\circ}58'04''E$ for a distance of 119.92 feet to an iron rod found;
4. $S08^{\circ}04'43''W$ for a distance of 59.72 feet to the **POINT OF BEGINNING**, containing 1.496 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.


Thomas P. Dixon R.P.L.S. 4324



Waterloo Surveyors Inc.
SURVEY PLAT



LEGAL DESCRIPTION:
1.496 ACRES OF LAND OUT OF THE A.E. LIVINGSTON SURVEY, ABSTRACT NO. 476, IN TRAVIS COUNTY, TEXAS, SAME BEING OUT OF LOT 2, BLOCK A, SCS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 200300260, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING OUT OF THAT CERTAIN 16.184 ACRES OF LAND RECORDED IN DOCUMENT NO. 2003046753, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

State of Texas:
County of Travis:

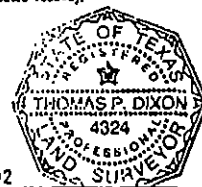
The undersigned does hereby certify that this survey was this day made on the property legally described herein and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon

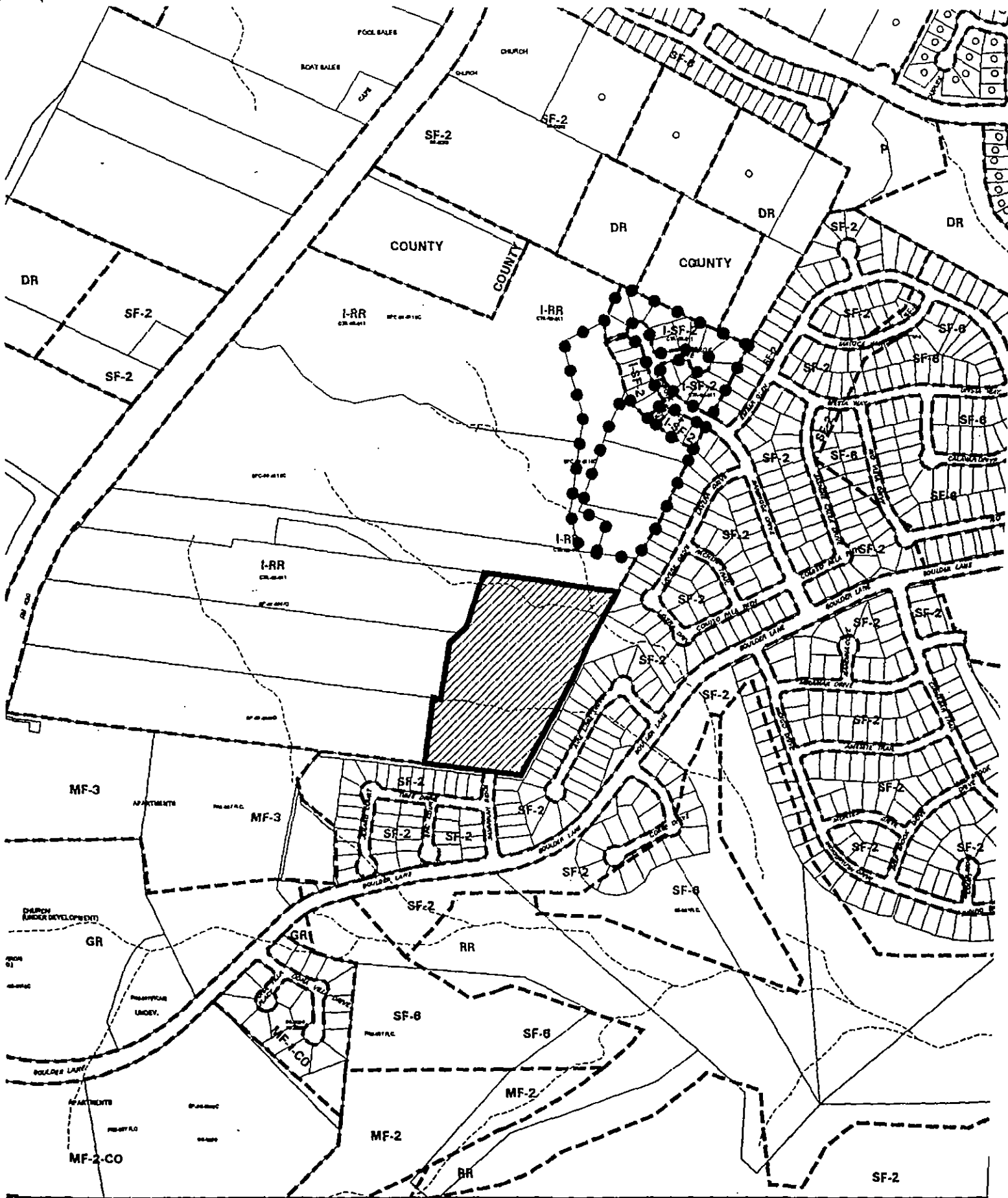
Dated this the 21ST day of JANUARY, 2004





Thomas P. Dixon R.P.L.S. 4324

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 1" = 600'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GR REFEREN NUMBEI D36 E36
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0035	DATE: 04-02	
	CASE MGR: S. GAGER	ADDRESS: 9300-9800 BLK N FM 620 RD SUBJECT AREA (acres): 12.520	INTLS: SM	