

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-22  
AGENDA DATE: Thu 01/12/2006  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0150 - Fairfield at Woodland Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning to multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0150

**Z.P.C. DATE:** October 4, 2005  
October 18, 2005

**ADDRESS:** 3226 West Slaughter Lane

**OWNER & APPLICANT:** John M. and  
Joyce W. Harmon

**AGENT:** Graves, Dougherty, Hearon &  
Moody, P.C. (Peter J. Cesaro)

**ZONING FROM:** MF-4-CO

**TO:** MF-4-CO

**AREA:** 30 acres

**AMENDED AREA:** 7.250 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay would continue several components of the 2002 case as follows: 1) limit the number of daily trips to 2,000; 2) provide a 300 foot wide vegetative buffer along the north property line adjacent to the residential district; 3) restrict the development to multi-family residence (medium density) (MF-3) site development standards for lot size, lot width and setbacks. Two Conditional Overlays would added as follows: 4) reduce the zoning impervious cover and building coverage from 65% to 15%, and 5) reduce the density from 12.4 to 6.2 dwelling units per acre.

**Note:** With the Staff recommendation, the Conditional Overlay limiting height to 45 feet from ground level would be removed and thus, the maximum height of 60 feet as permitted by the MF-4 district would be allowed.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 4, 2005: *APPROVED A POSTPONEMENT TO 10/18/05 (APPLICANT)*  
*[J. MARTINEZ; J. PINNELLI – 2<sup>ND</sup>] (6-0) M. HAWTHORNE; J. GOHIL; K.*  
*JACKSON – ABSENT*

October 18, 2005: *APPROVED STAFF'S RECOMMENDATION FOR MF-4-CO DISTRICT*  
*ZONING.*  
*[B. BAKER; K. JACKSON – 2<sup>ND</sup>] (6-2) J. MARTINEZ; J. PINNELLI – NAY; T.*  
*RABAGO – LEFT EARLY*

### **ISSUES:**

On November 29, 2005, the Applicant's agent submitted revised field notes that reduced the rezoning boundaries to a footprint of 7.250 acres for the proposed multi-family residential project. The Applicant's agent also confirmed that he is seeking the 60-foot height limit allowed by MF-4 zoning for the footprint area. In addition, the Applicant would like to enter

into a public Restrictive Covenant for the entire 30 acre property to reduce the zoning impervious cover from 65% to 15%, reduce the density from 12.4 units per acre to 6.2 and establish a 2,000 trip limitation. The Applicant's revised request reduced the petition area from 32.95% of the owners of adjacent property in opposition to this rezoning request (thus, a valid petition), to 4.02%. Correspondence and revised petition results are located at the very back of the Staff backup material.

The Zoning and Platting Commission recommendation for MF-3 zoning site development regulations for lot size, lot width and setbacks could be averaged across the entire 30 acres although a 60-foot height limit only pertains to a footprint area within the property.

The Cherry Creek on Brodie Neighborhood Association, Austin Neighborhoods Council, Tanglewood Forest Neighborhood Association, Tanglewood Oaks Owners Association and the Oak Hill Association of Neighborhoods are opposed to the Applicant's request to change the Conditional Overlay and allow for a 60-foot height limit, as indicated by correspondence attached at the back of the Staff report.

Prior to the Zoning and Platting Commission hearing, the Applicant met with the Cherry Creek on Brodie Neighborhood Association to discuss the zoning case.

A private restrictive covenant between the property owner and the Cherry Creek on Brodie Neighborhood Association covers the 300 foot wide vegetative buffer. A public restrictive covenant (between the property owner and the City) requires the preparation of an Integrated Pest Management Plan and a landscape plan at the time of a site plan application, and implemented with the development.

#### **DEPARTMENT COMMENTS:**

The subject property consists of an unplatted tract that contains a single family residence and is zoned multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district by way of a 2002 zoning case. The property accesses West Slaughter Lane, an arterial roadway, and is adjacent to a shopping center anchored by a grocery store to the west (GR-CO); single family residences and a park to the north (SF-2; P); undeveloped property zoned SF-6 and MF-3-CO (proposed for an assisted living center) to the east; and, single family residences, a rehabilitation center, office and personal service uses to the south (I-RR; NO-CO; SF-2; LO-CO and LR-CO).

The Applicant is proposing to change the Conditional Overlay to allow for an increase in height from 45 to 60 feet; a reduction in density from 12.4 to 6.2 dwelling units per acre, and the zoning impervious cover and building coverage to 15 percent. As shown in the proposed site plan for the property, the development consists of one multi-family residential structure located near the center of the property. Please refer to Exhibits A (Zoning Map), A-1 (Aerial), A-2 (Vicinity Map) and B (Site Plan).

In 2002, the Staff supported the Applicant's request for MF-4-CO zoning including the 60 foot height limit in consideration of the environmental, access and land use-related issues

which apply to the property. There is an unnamed tributary of Slaughter Creek extending through the southwest portion of the property, from which a 100 foot wide critical water quality zone (CWQZ) would apply on both sides, and a 200 foot wide water quality transition zone (WQTZ) would apply from the outside limits of the CWQZ, also on both sides from the centerline of the tributary. There is a separate drainage crossing at the southeast corner of the property that may include enough drainage area (64 acres) to have a City of Austin 100-year floodplain delineation (no drainage report on this tributary is available at this time and floodplain delineation is normally handled during the review of the subdivision or site plan). In total, approximately 20 percent of the site is restricted from development due to the presence of the CWQZ and the WQTZ. The property is also entirely within the Edwards Aquifer Recharge Zone, which limits the amount of impervious cover to 15 percent per net site area (this excludes the area encompassed by CWQZ and WQTZ).

A 60 foot height limit, therefore, would assist towards offsetting the significant portion of undevelopable area. The existing conditional overlay also requires a 300 foot vegetative buffer along the north property line adjacent to the single family residences in Cherry Creek (SF-2). This vegetative buffer is more restrictive than the City-required compatibility setback that would apply if a 60-foot tall apartment were built. The Applicant is not proposing to change the vegetative buffer provision.

Staff recommends the requested change in the Conditional Overlay to increase the height and reduce the density, given: 1) A significant portion of the property is undevelopable due to the application of the critical water quality zones and water quality transition zones, and impervious cover is limited by its location over the Edwards Aquifer Recharge Zone; 2) Development will be concentrated in a single building rather than multiple buildings at 45 feet in height; and 3) The property fronts on a major arterial roadway and will be in proximity to supporting retail services.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	One single family residence
<i>North</i>	SF-2	Single family residences
<i>South</i>	LO-CO; LR-CO; SF-2; NO-CO; RR; I-RR	Offices; Hair and nail salon; Insurance office; Single family residences; Rehabilitation center
<i>East</i>	SF-6; MF-3-CO; LR-CO; GR-CO; RR; SF-1; P	Single family residences on large lots; Gymnasium for dance / gymnastics / cheer training; Mini-storage; Dentist's office; Auto washing; Undeveloped (drainage area)
<i>West</i>	SF-2-CO; RR; GR-CO; LO-CO	Undeveloped; Shopping center with restaurants, bank, grocery store and other retail uses

**AREA STUDY:** Not Applicable

**TIA:** Waived

**WATERSHED:** Slaughter Creek –  
Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association

219 – Palomino Park Homeowners Association

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

465 – Cherry Creek on Brodie Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

918 – Davis Hills Estate HOA

943 – Save Our Springs Alliance

959 – Villages Neighborhood Association

997 – Tanglewood Oaks Owners Association

**SCHOOLS:**

Kocurek Elementary School

Bailey Middle School

Bowie High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0074	LO-CO to GR-CO	Recommended GR-CO with the CO for height limits, hooded lighting, trip limit, vegetative buffer, signage limits, prohibit drive-thru services. RC for rollback to LO-CO and hours of operation.	Scheduled for 10-17-05.
C14-04-0090	LR-CO to GR-CO	Recommended GR-CO with CO allows personal improvement services and all NO-CO uses	Approved GR-CO as ZAP recommended, with a Restrictive Covenant addressing IPM / Grow Green and coal-tar based sealants (8-26-04).
C14-02-0172	DR to GR	To Grant NO-CO with conditions of no additional impervious cover; prohibit access to Rocking Horse	Approved NO-CO with the CO establishing the maximum impervious cover at 21.9 percent

		Road.	and prohibiting access to Rocking Horse Road (7-17-03).
C14-02-0119	GR-CO to CS-1	To Grant CS-1-CO w/CO to permit Liquor Sales and all other GR uses with the exception of auto washing and repair, commercial off-street parking, extermination services, funeral services, pawn shops, and service stations; limit of 40' height.	Approved CS-1-CO, with a Restrictive Covenant for an IPM plan and to use native plants (11-7-02).
C14-02-0118	LO-CO to GR	To Grant GR-CO w/CO for list of prohibited uses, 40' height and 2,000 trips.	Approved GR-CO as recommended by ZAP (12-5-02).
C14-02-0102	I-SF-2; SF-2 to LO-MU-CO; LR, as amended	To Grant LR-MU-CO with list of prohibited uses, 2,000 trips and 8 driveway cuts.	Granted LO-CO for Tracts 1 and 2 and LR-CO for Tract 3 (3-27-03).
C14-01-0159	LO-CO to SF-3	To Grant SF-3	Approved SF-3 (1-10-02).
C14-00-2032	LR-CO to LR-CO	To Grant LR-CO w/conds.	Approved LR-CO w/conditions (4-20-00).
C14-99-0070	I-RR to GO	To Grant GO-CO w/conds.	Approved GO-CO w/conditions (12-2-99).
C14-97-0156	I-RR and I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-6; GR; P	To Grant RR; SF-2; SF-4A; LO; LR; and P	Approved RR; SF-2; SF-4A; LO; P w/conditions (6-25-98).
C14-96-0039	I-RR to GR; LR	To Grant GR-CO on Tract 1; LR-CO on Tract 2	Approved as per PC recommendation (5-23-96).

**RELATED CASES:**

The subject property was annexed into the City limits on December 31, 1992 (Ordinance Number 921210-A).

The subject property was zoned from I-RR to MF-4-CO in November 2002 (C14-02-0035). The Conditional Overlay is for a 2,000 vehicle trip limit, a 300 foot wide vegetative buffer

along the north property line, MF-3 development standards with the exception of a 45 foot height limit and SF-6 density (12.4 dwelling units per acre). There is a public Restrictive Covenant for an Integrated Pest Management Plan and a landscape plan for the use of native and adapted plant materials, to be prepared at the time of site plan. No changes to the Restrictive Covenant are proposed.

A site plan for multi-family development has been received by the City and is in the review process (SP-05-1524C).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
West Slaughter Lane	114 feet	2 @ 36 feet	Major Arterial	No	No	# 86

**CITY COUNCIL DATE:** November 17, 2005 **ACTION:** Approved a request for Postponement by the Applicant to December 1, 2005 (7-0).

December 1, 2005 Approved a request for Postponement by the Neighborhood to January 12, 2006 (7-0).

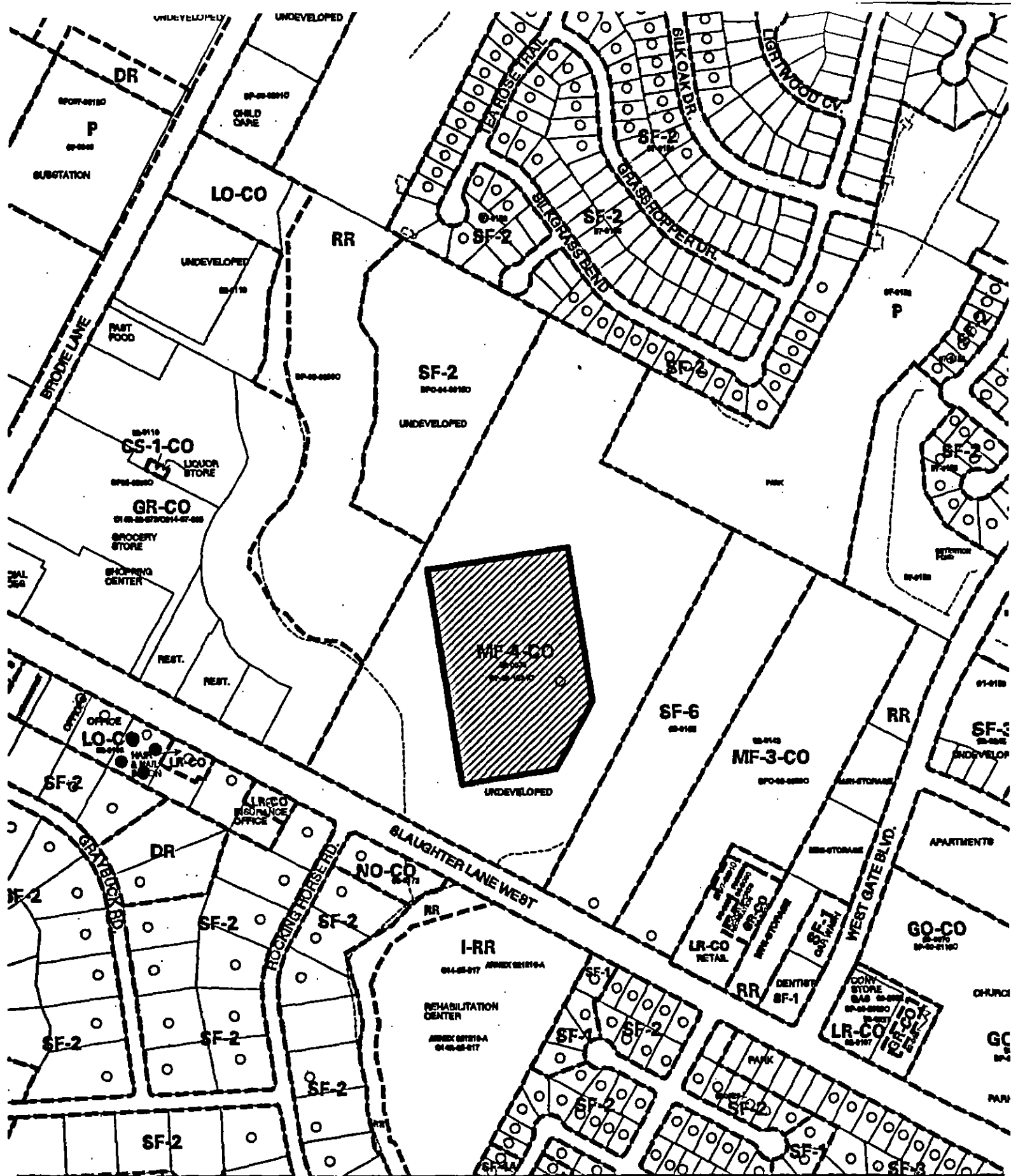
January 12, 2006

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

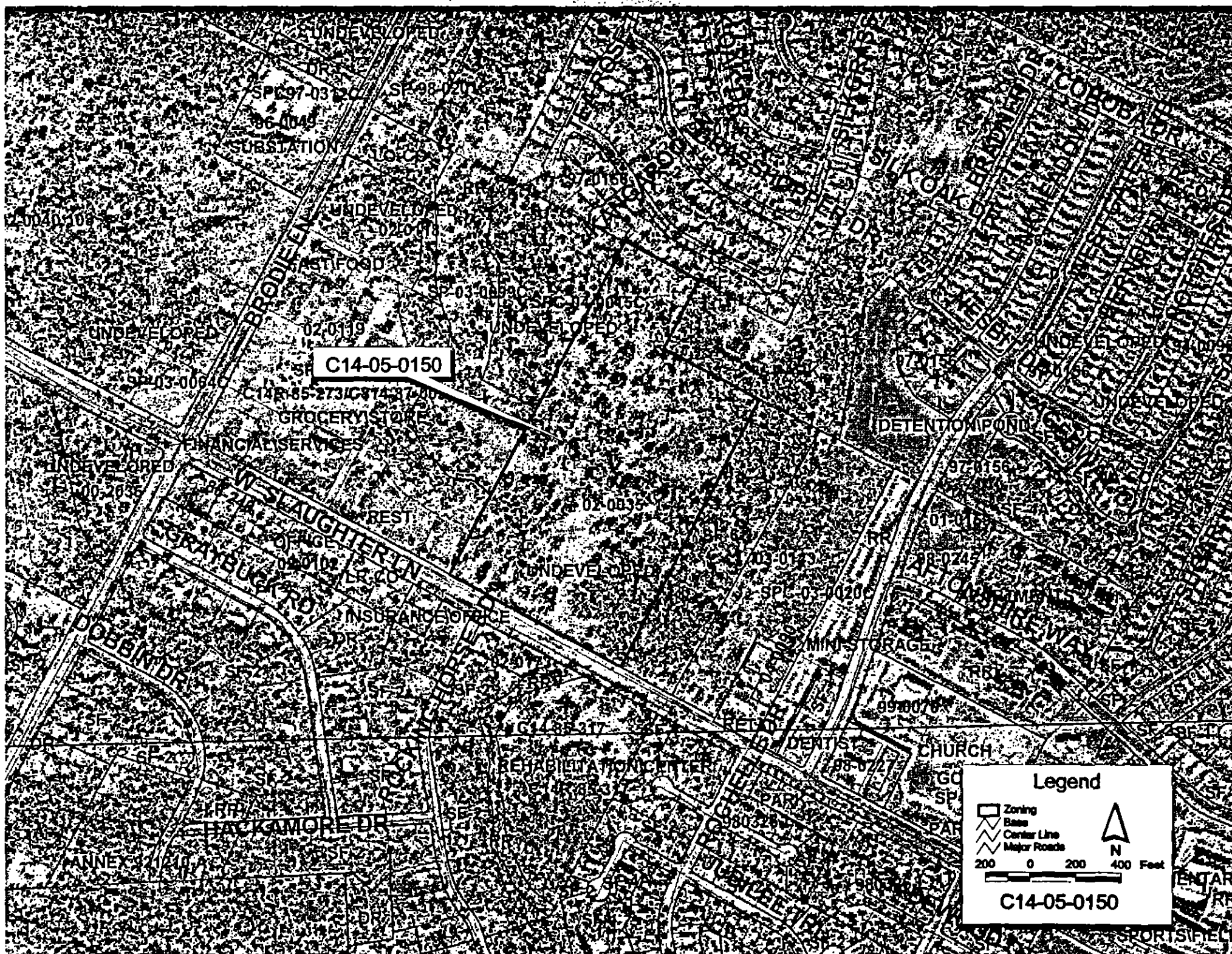
**PHONE:** 974-7719

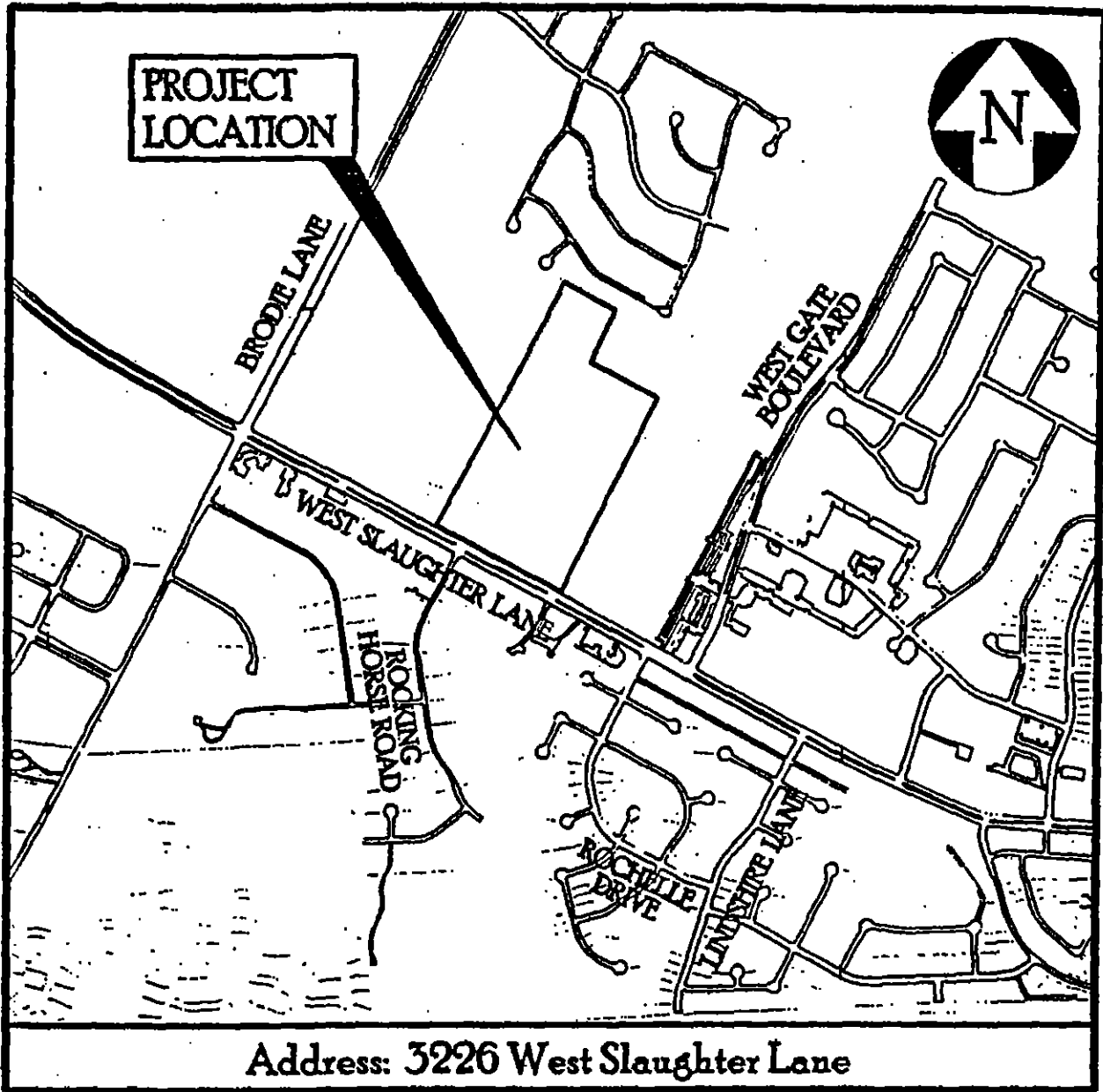


 1" = 400'	SUBJECT TRACT	<b>CASE #:</b> C14-05-0150 <b>ADDRESS:</b> 3226 W SLAUGHTER LN <b>SUBJECT AREA (acres):</b> 30	<b>DATE:</b> 05-12 <b>INTLS:</b> 6M	<b>CITY GRID REFERENCE NUMBER</b> D15
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			

# ZONING Exhibit A







Address: 3226 West Slaughter Lane

**FAIRFIELD RESIDENTIAL AT  
WOODLAND PARK**

EXHIBIT A-2  
VICINITY MAP



## **STAFF RECOMMENDATION**

The Staff's recommendation is to grant multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay would continue several components of the 2002 case as follows: 1) limit the number of daily trips to 2,000; 2) provide a 300 foot wide vegetative buffer along the north property line adjacent to the residential district; 3) restrict the development to multi-family residence (medium density) (MF-3) site development standards for lot size, lot width and setbacks. Two Conditional Overlays would added as follows: 4) reduce the zoning impervious cover and building coverage from 65% to 15%, and 5) reduce the density from 12.4 to 6.2 dwelling units per acre.

Note: With the Staff recommendation, the Conditional Overlay limiting height to 45 feet from ground level would be removed and thus, the maximum height of 60 feet as permitted by the MF-4 district would be allowed.

## **BACKGROUND**

The subject property consists of an unplatted tract that contains a single family residence and is zoned multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district by way of a 2002 zoning case. The property accesses West Slaughter Lane, an arterial roadway, and is adjacent to a shopping center anchored by a grocery store to the west (GR-CO); single family residences and a park to the north (SF-2; P); undeveloped property zoned SF-6 and MF-3-CO (proposed for an assisted living center) to the east; and, single family residences, a rehabilitation center, office and personal service uses to the south (I-RR; NO-CO; SF-2; LO-CO and LR-CO).

The Applicant is proposing to change the Conditional Overlay to allow for an increase in height from 45 to 60 feet; a reduction in density from 12.4 to 6.2 dwelling units per acre, and the zoning impervious cover and building coverage to 15 percent. As shown in the proposed site plan for the property, the development consists of one multi-family residential structure located near the center of the property.

In 2002, the Staff supported the Applicant's request for MF-4-CO zoning including the 60 foot height limit in consideration of the environmental, access and land use-related issues which apply to the property. There is an unnamed tributary of Slaughter Creek extending through the southwest portion of the property, from which a 100 foot wide critical water quality zone (CWQZ) would apply on both sides, and a 200 foot wide water quality transition zone (WQTZ) would apply from the outside limits of the CWQZ, also on both sides from the centerline of the tributary. There is a separate drainage crossing at the southeast corner of the property that may include enough drainage area (64 acres) to have a City of Austin 100-year floodplain delineation (no drainage report on this tributary is available at this time and floodplain delineation is normally handled during the review of the subdivision or site plan). In total, approximately 20 percent of the site is restricted from development due to the presence of the CWQZ and the WQTZ. The property is also entirely within the Edwards

Aquifer Recharge Zone, which limits the amount of impervious cover to 15 percent per net site area (this excludes the area encompassed by CWQZ and WQTZ).

A 60 foot height limit, therefore, would assist towards offsetting the significant portion of undevelopable area. The existing conditional overlay also requires a 300 foot vegetative buffer along the north property line adjacent to the single family residences in Cherry Creek (SF-2). This vegetative buffer is more restrictive than the City-required compatibility setback that would apply if a 60 foot tall apartment were built. The Applicant is not proposing to change the vegetative buffer provision.

Thus, Staff recommends the requested change in the Conditional Overlay to increase the height and reduce the density, given: 1) A significant portion of the property is undevelopable due to the application of the critical water quality zones and water quality transition zones, and impervious cover is limited by its location over the Edwards Aquifer Recharge Zone; 2) Development will be concentrated in a single building rather than multiple buildings at 45 feet in height; and 3) The property fronts on a major arterial roadway and will be in proximity to supporting retail services.

#### **BASIS FOR RECOMMENDATION**

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

The MF-4, Multi-Family Residence (Moderate – High Density), district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas. The property has frontage on West Slaughter Lane and is adjacent to a retail shopping center.

- 2. Zoning changes should allow for a reasonable use of the property and should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

Staff recommends the requested change in the Conditional Overlay to increase the height and reduce the density, given: 1) A significant portion of the property is undevelopable due to the application of the critical water quality zones and water quality transition zones, and impervious cover is limited by its location over the Edwards Aquifer Recharge Zone; 2) Development will be concentrated in a single building rather than multiple buildings at 45 feet in height; and 3) The property fronts on a major arterial roadway and will be in proximity to supporting retail services.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is relatively flat and slopes towards the unnamed tributaries of Slaughter Creek, located on the southwest and southeast portions of the property.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-4 zoning district would be 15%, given its location over the Edwards Aquifer Recharge Zone.

### **Environmental**

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, and is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the Recharge Zone.

If any portion of the site is within or adjacent to the flood plain, offsite drainage should be calculated to determine whether any Critical Water Quality Zone and Water Quality Transition Zone exists within the project location.

At least 3/4 of the site (all except northern "panhandle" area) is located in the endangered species survey area. Surveys would be conducted during the site plan phase of development.

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

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

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 6,468 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 traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

- \* The 2,000 motor vehicle trip limitation results in a maximum of 311 multi-family residential units.

#### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustment to serve each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City.

There is a 12-inch water main on the north side of Slaughter Lane and an 8-inch wastewater line on the south side.

#### **Compatibility Standards**

The site is subject to compatibility standards. Along the north, south, and west property lines, the following standards apply where adjacent to single-family zoning or development:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- 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.

**Walsh, Wendy**

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**From:** Phil Brown [pgbrown@mac.com]  
**Sent:** Wednesday, September 28, 2005 4:50 PM  
**To:** Walsh, Wendy  
**Cc:** Brown Phil  
**Subject:** Cherry Creek on Brodie re Case C14-05-0150 - Harmon/Fairfield variance request

Wendy,

Re: Case C14-05-0150,  
FAIRFIELD AT WOODLAND PARK,  
3226 W SLAUGHTER LN

The applicant is requesting a variance to the conditional overlay to increase the allowed height from 45 feet to 60 feet. Our neighborhood association opposes this variance. Our position is consistent with the outcome of the original case in 2002.

Please feel free to contact me if you have any questions.

Sincerely,

Phil Brown, President  
Cherry Creek on Brodie Lane Neighborhood Association  
3322 Silkgrass Bend Austin, TX 78748  
<http://www.main.org/ccobna>

cc: Cherry Creek BOD and Development Committee



**Walsh, Wendy**

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**From:** Carla Chiang [cchiang@austin.rr.com]  
**Sent:** Friday, September 30, 2005 11:38 AM  
**To:** Tanglewood Board; Walsh, Wendy  
**Cc:** Mail@marissaatkinson.com; vmcglathan@sbcglobal.net; nancymiller100@aol.com; trumprop@sbcglobal.net; trumprop1@yahoo.com; paul@austinusa.com; victoria@austinusa.com; linda.klar@twcable.com  
**Subject:** RE: C14-05-0150 FAIRFIELD AT WOODLAND PARK, 3226 W SLAUGHTER LANE

Tanglewood Forest has conditions for even signage height with this area being a designated zone of some sort. I cannot imagine this building would fall within those zone guidelines on record with the City of Austin. Linda Klar of Tanglewood Forest can speak to the details of the height restrictions.

Carla Chiang

Treasurer

Tanglewood Oaks Owners Association

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

**From:** Tanglewood Board [mailto:tanglewoodoaks@hotmail.com]  
**Sent:** Friday, September 30, 2005 11:28 AM  
**To:** wendy.walsh@d.austin.tx.us  
**Cc:** Mail@marissaatkinson.com; cchiang@austin.rr.com; vmcglathan@sbcglobal.net; nancymiller100@aol.com; trumprop@sbcglobal.net; trumprop1@yahoo.com; paul@austinusa.com; victoria@austinusa.com  
**Subject:** C14-05-0150 FAIRFIELD AT WOODLAND PARK, 3226 W SLAUGHTER LANE

Dear Ms. Walsh,

Re: Case C14-05-0150,  
FAIRFIELD AT WOODLAND PARK,  
3226 W SLAUGHTER LN

The applicant, John & Joyce Harmon, is requesting a variance to the conditional overlay to increase the allowed height from 45 feet to 60 feet. Tanglewood Oaks Owners Association (TOOA) opposes this variance. Our position is consistent with the outcome of the original case in 2002 and we feel that a max height of 45' is plenty sufficient for this area. A height of 65' would make these the tallest buildings for miles around. They would stick out like a sore thumb, be an eyesore, and definitely not fit in with the surrounding buildings, architecture, etc.

Please feel free to contact me if you have any questions.

Sincerely,

Gary Trumbo, President  
Tanglewood Oaks Owners Association

9/30/2005

**Walsh, Wendy**

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**From:** Larkin, John [john.larkin@amd.com]  
**Sent:** Friday, September 30, 2005 3:52 PM  
**To:** bbaker@austintexas.org; chammond1@austin.rr.com; apsinc@bga.com;  
jdonisi@bickerstaff.com; jay@jaygoilrealty.com; kbjackson@pbsj.com;  
josephmartinez@yahoo.com; Pinnelli@flash.net; Walsh, Wendy; Guernsey, Greg  
**Cc:** Larkin John; Larkin, John  
**Subject:** C14-04-0150

September 30, 2005  
Re: C14-04-0150

Greetings Chairman Baker, Board Members, Ms. Walsh, and Mr. Guernsey,

I am writing in opposition to the pending zoning request C14-04-0150 for the property located at 3226 West Slaughter Lane and owned by John and Joyce Harmon.

The local community negotiated the current zoning in good faith and we have not changed our position since C14-02-0035 was approved by the City Council in 2002. I note that sixty foot structures are wholly incompatible with our suburban streetscape and are totally out of context with existing area zoning.

If I may answer any questions and/or concerns, please contact me at your convenience.

Sincerely,  
John Larkin  
Cherry Creek on Brodie Lane

Desk: 512-602-2007  
Cell: 512-970-8157  
Home: 512-280-2066

**Walsh, Wendy**

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**From:** Percy Wegmann [pwjazz@gmail.com]  
**Sent:** Saturday, October 01, 2005 11:30 AM  
**To:** Walsh, Wendy  
**Subject:** Resident Input to Zoning Case C14-05-0150

Dear Ms. Walsh,

This case proposes a change to a condition of zoning to increase the allowed height of structures from 45 to 60 feet on the Harmon property. My wife and I live directly adjacent to Mr. and Mrs. Harmon. Like many of our neighbors, we feel that such a change represents the first step in urbanizing the Southwest Austin area and is incompatible with existing and proposed developments in this area. Specifically, MF-4 zoning is too urban a use for this mostly suburban and partially rural area. The height restriction of 45 feet was a critical component in our agreeing to the original change to MF-4, because it assured that at least the size of the structure would be compatible with its surroundings.

Not only is a 60 foot structure incompatible with existing buildings in the area, but it doesn't even match currently proposed developments. I took it upon myself to use the city's GIS system to do a quick scan of current zoning cases within the general vicinity of the Harmon property. I was able to find only two proposed MF-4 zonings:

1. The St. Edwards / East Congress neighborhood planning area, which is certainly much more urban than southwest Austin
2. A project almost right next to Austin Bergstrom Municipal Airport, which has existing tall structures including the airport's traffic control tower and the Hilton hotel to name only a few

I am not categorically opposed to urbanization, but I believe that successful urbanization comes about only with careful and inclusive neighborhood planning. The St. Edwards neighborhood plan is an example of this, and I would welcome high-density development proposals in my backyard within the context of such a neighborhood planning process. Given that we don't even have bus service and that our main thoroughfare, Brodie Lane, is already operating at year 2025 capacity, urbanizing Southwest Austin without a neighborhood planning process would be a bad idea.

Regards,  
Percy M. Wegmann

P.S. During my research, I noticed that you're handling quite a few zoning cases at this time and want to say that I appreciate your dedicated service to the residents of Austin.

CC: Cherry Creek on Brodie Lane Neighborhood Association Board of Directors

10/3/2005

**Walsh, Wendy**

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**From:** Brian Judis [bjudis2000@yahoo.com]  
**Sent:** Saturday, October 01, 2005 5:37 PM  
**To:** Walsh, Wendy  
**Subject:** C14-04-0150 - Fairfield at Woodland Park +\*\*\*+

Dear Ms. Walsh,

My family lives in the Cherry Creek on Brodie subdivision, and I am writing on behalf of my family to advise of our opposition to the proposed zoning change in the above referenced case. I was surprised to learn of this zoning change request, since just a short time ago our neighborhood worked diligently and in good faith to successfully negotiate with the applicant on zoning that was within the developers and owners expectations, yet considerate of our adjacent single family subdivision. This new request for 60 ft structures so close to our neighborhood goes far beyond what we agreed upon and, under the circumstances, would result in incompatible zoning (based upon height) that is supposed to protect property values and prevent single family subdivisions from being overrun by apartments and commercial development, which is clearly the case with the most recent approved zoning matters involving our neighborhood. Allowing for this height change is incompatible because it will now place 60 foot structures in close proximity and plain view of adjacent single family homes. The 60 ft structures will tower over our homes and make them less desirable. Any buffer provided will be insignificant since the area is mainly populated with low lying brush and scrub trees.

I only ask that there be some consideration given to the well being of the adjacent single family homeowners. I would be interested in hearing from you about this case and understanding the compatibility of this proposed zoning change.

Thanks.

Brian and Rebecca Judis  
9310 Lightwood Loop  
Austin, Texas 78748  
291-4322  
[bjudis2000@yahoo.com](mailto:bjudis2000@yahoo.com)

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Yahoo! for Good  
[Click here to donate](#) to the Hurricane Katrina relief effort.

10/3/2005

**Walsh, Wendy**

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**From:** Henry [hcowen@rosco.com]  
**Sent:** Monday, October 03, 2005 9:36 AM  
**To:** Walsh, Wendy  
**Subject:** AGAINST: Rezoning: C14-04-0150 - Fairfield at Woodland Park  
**Importance:** High

Hello Ms. Walsh. I hope you are well today. Thank you for you tireless efforts in making Austin what it is.

In 2002 our neighborhood association "Cherry Creek on Brodie Lane Neighborhood Association" came to agreement with the Harmon Ranch developers and the city to limit the height of their development to 45 feet. The developer now wants a variance to the conditional overlay of the original ordinance so they can to go up 15 feet -- from an acceptable 45 feet to a too-tall 60 feet. And the city staff has endorsed this change. **This variance is not compatible with the surrounding neighborhoods and it is out of character for the Slaughter Lane area.**

Please work to honor the original agreement and preserve our faith in the system we all must work within.

Thank you,  
Henry Cowen  
9334 Lightwood Loop  
Austin, TX 78748

10/3/2005

**Walsh, Wendy**

---

**From:** Ben Prager [bap@ausdig.com]  
**Sent:** Tuesday, October 04, 2005 1:26 PM  
**To:** Walsh, Wendy  
**Subject:** Rezoning: C14-04-0150 - Fairfield at Woodland Park

Dear Ms. Walsh,

I live in the Cherry Creek on Brodie neighborhood and want to let you know that I am strongly in opposition to the variance being considered for C14-04-0150. I thought this was settled awhile back. The 60' height desired by the developer is just not at all compatible with the surrounding neighborhoods and it is out of character for the Slaughter Lane area.

I look forward to being at the meeting tonight to oppose this rezoning request.

Thank you for your time.

Ben Prager  
3323 Silkgrass Ben  
Austin, TX 78748

**Walsh, Wendy**

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**From:** Jan Naughton [jan\_naughton@hotmail.com]  
**Sent:** Tuesday, October 04, 2005 1:39 PM  
**To:** Walsh, Wendy  
**Subject:** Regarding Case #C14-05-0150

Ms Walsh,

We are residents of Cherry Creek on Brodie subdivision and want to voice our opposition to the request for a variance to allow the builder of the Harmon Ranch to go up to 60 feet from the currently approved 45 feet. Again, we oppose this request because it is incompatible with the surroundings and our neighborhood. We ask the City to deny their request in the interest of keeping things compatible in this area.

Thank you,

Jan and Phil Naughton  
9312 Lightwood Loop

**Walsh, Wendy**

---

**From:** Megan Wisdom-Larkin [mewl2000@austin.rr.com]

**Sent:** Tuesday, October 04, 2005 7:03 PM

**To:** Walsh, Wendy

**Subject:** Rezoning: C14-04-0150

**Re:15. Rezoning: C14-04-0150 - Fairfield at Woodland Park**

**Location:** 3226 West Slaughter Lane, Slaughter Creek (Barton Springs Zone) Watershed

**Owner/Applicant:** John M. and Joyce W. Harmon

**Agent:** Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)

**Request:** MF-4-CO to MF-4-CO to change a condition of zoning to increase the height from 45 feet to 60 feet, and to reduce the density.

**Staff Rec.:** RECOMMENDED.

**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us Neighborhood Planning and Zoning Department

**Dear Ms. Walsh,**

**As a resident of the property abutting the above mentioned property, I would like to say I am vehemently opposed to this zoning change. We reached an amicable agreement with the owners of this property some time ago, and I have no desire to see it changed. A height of 60 feet would be very out of place for this neighborhood. I'm sure it would be very appropriate for downtown.**

**Megan Wisdom-Larkin  
9508 Tea Rose Tr  
Austin, TX 78748  
512-280-2066**

10/5/2005



## PUBLIC HEARING INFORMATION

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

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

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

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

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

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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

Case Number: C14-05-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 4, 2005 Zoning and Platting Commission

☐ I am in favor  
☒ I object

Orrin Shaid

Your Name (please print)

3206 Slaughter Lane West

Your address(es) affected by this application



Signature

9-30-05

Date

Comments: Our property adjoins the subject tract on the east. We have SF-6 zoning for townhouses and/or condominiums; accordingly, the height limitation for our property is 35'. It appears that having structures of 60' in height on the Harmon tract would adversely affect both the current use (single-family residence) and the projected future use because of a loss of privacy from taller residential structures. Having a buffer is meaningless if the height limitation is increased.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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Case Number: C14-05-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 4, 2005 Zoning and Platting Commission

☐ I am in favor  
☒ I object

Orrin Shaid III

Your Name (please print)

3204 Slaughter Lane West

Your address(es) affected by this application



Signature

9/30/2005

Date

Comments: My property, like my grandparents  
property at 3206 Slaughter, adjoins the Harmon  
tract on the east. and is zoned SF-6. I believe  
that the number of units originally permitted  
at the time of rezoning the Harmon tract to  
SF-4 was unrealistic and unattainable; therefore  
a reduction in number of units now actually  
means nothing because they could not have been  
built anyway. An increase in allowable height  
to 60' on the Harmon tract would detrimentally  
affect my property because of a loss of privacy.  
If you use this form to comment, it may be returned to: I supported  
City of Austin the Harmon's original rezoning request  
Neighborhood Planning and Zoning Department because of its  
Wendy Walsh 35' height limitation; however, I am  
P.O. Box 1088 opposed to any increase in the  
Austin, TX 78767-8810 Harmon tract's height  
limitation.

## PUBLIC HEARING INFORMATION

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

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Case Number: C14-05-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 4, 2005 Zoning and Platting Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Heidi Wolff  
Your Name (please print)

3108 Foxton Cove  
Your address(es) affected by this application

Heidi Wolff  
Signature

10-3-05  
Date

Comments: \_\_\_\_\_  
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If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

**Walsh, Wendy**

---

**From:** Margaret Stark [1toothfairy@austin.rr.com]  
**Sent:** Monday, November 07, 2005 7:45 PM  
**To:** Wynn, Will; Alvarez, Raul; Brewster.mccracken@ci.austin.tx.us; Thomas, Danny; Klm, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Cc:** board@cherrycreekonbrodie.org  
**Subject:** Zoning Case C14-05-05150

Honorable Councilperson:

My address is 3206 Silkgrass Bend, Austin, TX 78748. I live in Cherry Creek on Brodie Lane and would like to ask you to abide by the previous agreement that our Home Owner's Association has agreed to with the developer of the Harmon Ranch property.

**I AM AGAINST ALLOWING THE ZONING HEIGHT LIMIT ON THIS BUILDING SITE TO BE RAISED FROM 45 FEET TO 60 FEET.**

Please honor the hard work that went into this compromise between our neighborhood and the Harmon Ranch developer approximately 2 years ago and do not allow this zoning height limit to be changed.

Thank you for your consideration.

Sincerely,  
Margaret Stark

11/8/2005

**Walsh, Wendy**

---

**From:** Ron Eggimann [REGGIMANN@dynamicsys.com]

**Sent:** Thursday, November 10, 2005 12:26 PM

**To:** Walsh, Wendy

**Subject:** Zoning case C-14-05-0150

**Zoning case C-14-05-0150**

I am against changing the zoning height restrictions from what was previously agreed upon. It would be detrimental to the neighbor hood for the 2002 negotiated compromise to be broken.

Ron Eggimann  
9407 Lightwood Cove  
Austin Texas 78748

11/10/2005

**Walsh, Wendy**

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**From:** briley4@texas.net  
**Sent:** Sunday, November 13, 2005 2:44 PM  
**To:** Wynn, Will  
**Cc:** Alvarez, Raul; Betty.Dunkerley@Austin.tx.us; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Subject:** Zoning case C14-05-0150 November 17, 2005

Council members and city staffers:

I want to protest this pending zoning.  
This proposal goes against the agreement made 3 years ago.  
It breaks our compromise agreement of 2002. We request City Council members honor and enforce this agreement.  
The height of this zoning is not in context with our neighborhood or any of the surrounding businesses.  
The high rise structures will tower over all of our homes.  
All of our local neighborhoods are against this change in zoning.  
We believe there should be a moratorium on all zoning requests in our local community until city staff honors the community's long standing request for Neighborhood Planning.  
Thank you for your attention.

Sincerely,  
Rebecca Briley

3225 Silkgrass Bend  
Austin, TX 78748

**Walsh, Wendy**

---

**From:** Mike Albe [Mike.Albe@catapultsystems.com]  
**Sent:** Monday, November 14, 2005 1:02 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster, Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Subject:** Pending Zoning Case: C14-05-0150 November 17, 2005

Good afternoon City Council members! I am writing you for the first time to ask you to vote AGAINST the proposed zoning request in case number C14-05-0150. I am normally not one to write to my City Council members but this zoning request is very wrong for many reasons and I felt I had to communicate them to you before the hearing date. Below are the most obvious reason to vote AGAINST:

- (1) It breaks our negotiated compromise agreement of 2002
- (2) The zoning would be wholly out of context with our local community's rural/suburban streetscape and all existing zoning in the area
- (3) The high rise urban structure would tower over all SF2 and neighborhood retail in the area
- (4) All local neighborhoods (Cherry Creek on Brodie Lane, Tanglewood Oaks, Tanglewood Forest, Palomino Park) are against the proposed change in zoning
- (5) The intense zoning would dramatically and adversely impact future development in the Barton Springs Zone as it would set a dangerous precedent for acceptable development
- (6) There should be a moratorium on all zoning requests in our local community until city staff honors the community's long standing request for Neighborhood Planning.

Our communities are not against development in the area. We compromised in 2002 with the property owner (Mr. Harmon) when we agreed to allow him to set zoning and build on his land with a structure height of 45 feet. Now he wants to break that promise and change zoning to a 60 foot height. As a single family property owner in the Cherry Creek on Brodie subdivision I urge you to PLEASE vote AGAINST this zoning if for nothing else than to say an agreement is an agreement and it does not change with time.

Thank you for your time,  
Mike

Mike Albe  
Controller  
512.225.6868 | Phone  
512.327.5661 | Fax  
[www.catapultsystems.com](http://www.catapultsystems.com)  
[www.inquisite.com](http://www.inquisite.com)

**CATAPULT SYSTEMS INC. - INQUISITE INC.**  
**ENABLING BUSINESS THROUGH TECHNOLOGY**

11/14/2005

**Walsh, Wendy**

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**From:** Jan Naughton [jan\_naughton@hotmail.com]  
**Sent:** Monday, November 14, 2005 1:27 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Subject:** zoning case C14-05-0150

Dear City representatives,

We are homeowners in the Cherry Creek on Brodie subdivision living on Lightwood Loop for the past 13 years. We have greatly enjoyed our home and neighborhood and especially have always enjoyed the rural feeling despite living in the city. We are against the proposed zoning request from Mr. Harmon to build a structure on his property that is 60 feet high. While we understand his reasons and concerns we request that the City honor the agreement that our neighborhood representatives with him in 2002 when he agreed to limit the height to 45 feet. We really want to do whatever we can to preserve the country feel that surrounds our neighborhood, and keeping the structures to a reasonable height is one way to do that. Anything taller is really out of line with what is already built out here, so we hope you will honor our request when you take this issue up on November 17.

Thank you for your consideration and for all the hard work you do on the part of Austinites.

Sincerely,

Jan and Phil Naughton



**Walsh, Wendy**

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**From:** Lynda Keen [lynda\_keen@yahoo.com]  
**Sent:** Monday, November 14, 2005 3:28 PM  
**To:** Wynn, Will; Alvarez, Raul; betty.dunkerly@ci.austin.tx.us; McCracken, Brewster, Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy; board@cherrycreekonbrodie.org  
**Subject:** Pending Zoning Case: C14-05-0150

Good Afternoon- I am contacting you today because I am extremely concerned about the apparent dismissal of citizens concerns over the zoning case noted above. If you recall, an agreement was reached on the Harmon property zoning request of allowing no more than 45 ft. structure height for that property. It was agreed upon by the property owner, area neighborhoods AND the City Council. Now it seems as though promises made to us (area neighborhoods) will be broken. Before you choose to break your agreement, I urge to to consider the following:

1. Imagine that you are in your backyard where some semblence of privacy is expected and you look up to find that some structure is towering over your neighborhood. Would you not feel extremely exposed?
2. Imagine that you have previously reached an agreement with all interested parties that the structure is to be no higher than 45 ft. Later that agreement is broken. Would you not feel betrayed and taken advantage of by your impending neighbors and the very people you elected to office?
3. Imagine that the property owners succeed in going back on their word on the height of the structure. Would you not feel that this now leaves your neighborhood vulnerable to future structures of this magnitude to invade your neighborhood?
4. Imagine that it is once again time to vote for the city council members who are to represent you and the interests of your community. Will you not reflect on the dismissal of your interests by those who you elected to the position THEY desired to hold and seriously consider their trustworthiness when visiting the polls? I should say so!

Please consider ALL these factors when you choose to uphold your previous agreement or prove to us all that you care nothing for your constituents. Please also remember that high rise type structures are meant for downtown, urban areas, not area neighborhoods.

Thank you for your just consideration of our concerns.

Lynda Keen  
Cherry Creek on Brodie Lane Homeowner

**Walsh, Wendy**

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**From:** Cynthia S. Hale [chale19630@austin.rr.com]  
**Sent:** Monday, November 14, 2005 10:36 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Cc:** board@cherrycreekonbrodie.org  
**Subject:** Subject: Pending Zoning Case # C14-05-0150  
**Importance:** High

To all,

I am writing in reference to the above zoning change request to increase structure height on proposed buildings to be erected on the Harmon Ranch property adjacent to our neighborhood.

The Cherry Creek on Brodie Neighborhood Association was very pleased when we were able to reach an agreement with the owners of this property in 2002 that would limit the height of buildings to 45 feet. Now the owner of the property has reneged on our agreement with his request to increase building height to 60 feet. This request is unacceptable for the following reasons:

- It completely ignores the established agreement reached in 2002.
- It is completely incongruent with our local community's rural/suburban character.
- It is not consistent with existing zoning in our area.
- It will create a high-rise complex that will tower over the single-family dwellings, as well as the existing retail development, in the surrounding neighborhoods.
- It sets a dangerous precedent by allowing unacceptable development in the Barton Springs Zone.

As a member of the Cherry Creek on Brodie Neighborhood Association since 1995, I join my fellow neighborhood association members in Tanglewood Oaks, Tanglewood Forest, and Palomino Park in urging you to:

- Deny this zoning change request.
- Declare a moratorium on all future zoning requests for our area until our long-standing request for neighborhood planning has been honored by city staff.

Our neighborhood very much appreciates your consideration.

Sincerely,

Cynthia S. Hale  
3309 Grasshopper Drive  
Austin TX 78748  
512-282-7286  
chale19630@austin.rr.com

—  
No virus found in this outgoing message.  
Checked by AVG Free Edition.

Version: 7.1.362 / Virus Database: 267.12.8/163 - Release Date: 11/8/2005

11/15/2005

**Walsh, Wendy**

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**From:** char petersen [charpetersen@hotmail.com]  
**Sent:** Tuesday, November 15, 2005 5:03 PM  
**To:** Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Alvarez, Raul; Futrell, Toby; Walsh, Wendy; Wynn, Will  
**Cc:** board@cherrycreekonbrodie.org  
**Subject:** Pending Zoning Case C14-05-0150

Austin City Council Members,

I am sending you this email to register my absolute opposition to any changes being made in the previously negotiated 45 foot structure height on the Harmon property. The same arguments that lead to this agreement are still valid. Thus, the original agreement should be honored by all parties involved.

Thank you for all of the time and effort you spend on my behalf. I am particularly grateful for your wisdom in resolving this challenge.

Sincerely,

Bob & Charlotte Petersen  
9329 Lightwood Loop  
Austin, Tx 78748



March 29, 2004

**VIA HAND DELIVERY**

Ms. Sherri Gager, Case Manager  
Development Review & Inspection Department  
City of Austin  
505 Barton Springs Road, Suite 250  
Austin, TX 78759

**RE: Avery Ranch Planned Unit Development Amendment Number Three  
C814-99-0001.03, Ordinance 000413-48**

Dear Ms. Gager:

On behalf of Avery Ranch Owners Committee we are submitting amendment number three to the Avery Ranch Planned Unit Development (PUD). The purpose of this amendment is to amend Exhibit "F" (Open Space, Parks, and Trails Plan). We have made several changes to the trail layout, moved a satellite amenity center from the East side of Avery Ranch Boulevard to the West side of Avery Ranch Boulevard, added the Round Rock Independent School District tract, and added the Leander Independent School District tract. We had numerous meetings with Sarah Campbell with the City of Austin Parks Department. Ms. Campbell has reviewed the proposed changes to this Exhibit. We are submitting a redlined map with all of the proposed changes clouded in red so that it is easy to distinguish the proposed changes.

A restrictive covenant amendment (C814-99-1 (RCA)) associated with this PUD Amendment was submitted on March 26<sup>th</sup> to address the Parks issues outlines in the restrictive covenant. Should you have any questions regarding this submittal, please call.

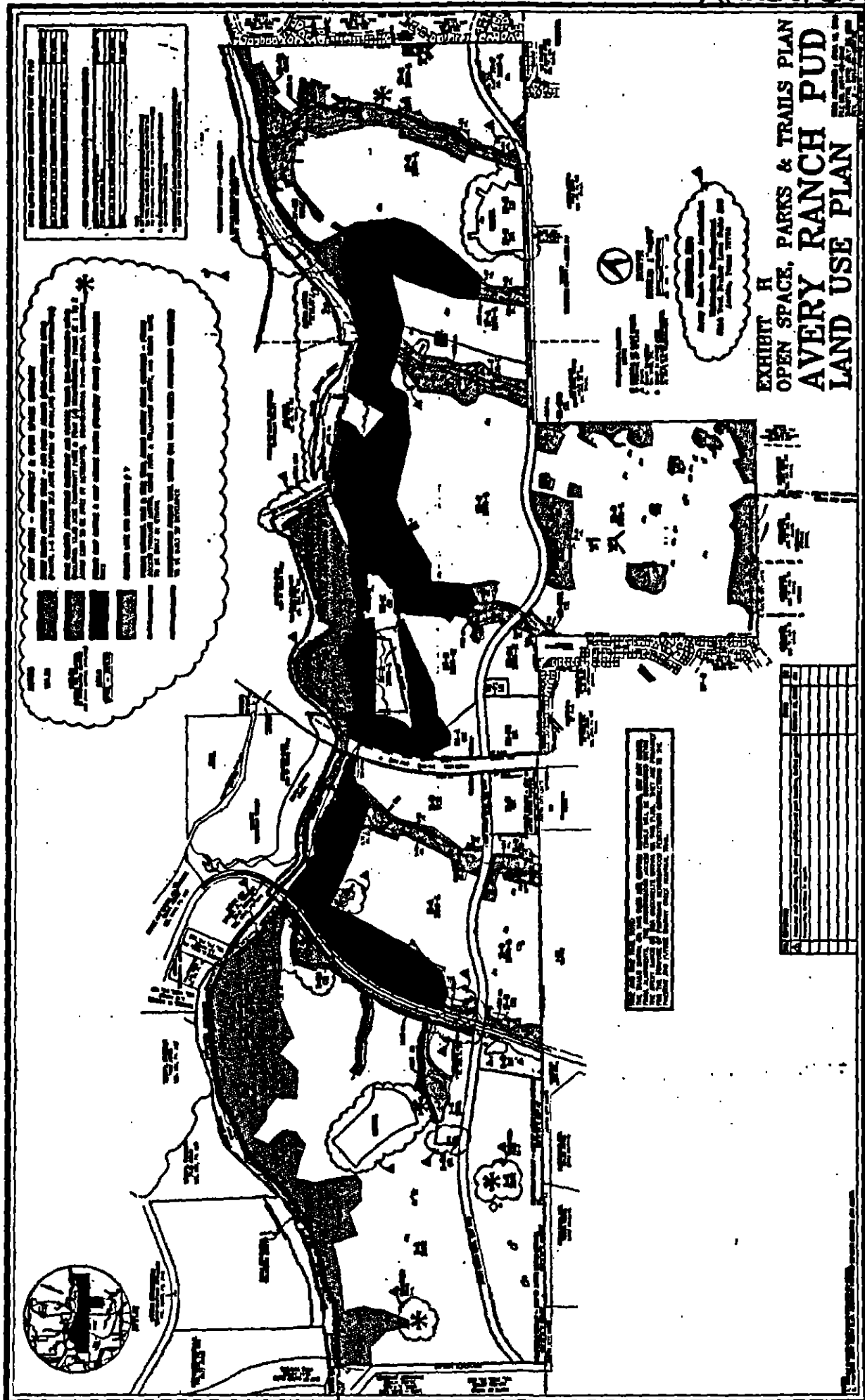
Sincerely,



Theresa Canchola

Enclosure

cc: Avery Ranch Owners Committee





**MEMORANDUM**

**TO:** Sherri Gager, Case Manager  
NPZD

**FROM:** Sarah Campbell  
Parks and Recreation Department

**DATE:** July 29, 2004

**SUBJECT:** Avery Ranch PUD Amendment

The Parks and Recreation Department (PARC) has been working with representatives of Avery Ranch development for a long time toward the proposed Avery Ranch PUD amendments. Staff wants to clarify our understanding of the proposals.

□ Proposed amendments to Exhibit "H" of the Avery Ranch PUD Ordinance include moving one future neighborhood park location from parcel III-D to parcel I-C. Both locations are on the south side of Avery Ranch Boulevard. The current location is on the east side of Parmer Lane, and the proposed location is on the west side of Parmer Lane.

□ Proposed amendments to Part 10 of the Avery Ranch PUD Ordinance clarify that the 37.5 acres that are required to be dedicated to the City for parkland may first be conveyed to a non-profit, third party trustee (approved by PARC), for purposes of facilitating grant applications, as long as the conveyance requires re-conveyance to the City or to another City-approved governmental entity for public park use no later than January 1, 2006.

Please see my related memorandum on the subject of the Avery Ranch Restrictive Covenant Amendment.

Sarah Campbell, Senior Planner  
Parks and Recreation Department

Dear Sir/Madam,

FILE #:C814-99-0001.03

We bought the house with the understanding that there was going to be a new Amenity center right across from the pond. As a matter of fact, it was one of the selling points of the subdivision; its proximity to various amenities such as pool, park, trails, and playground. I am sure it makes better business sense for the builders to move Amenity center across Avery Ranch. Yet, we see it as changing the deal after all agreements have been made; the subdivision got nothing going for it without an Amenity center within a couple hundred feet of walking (and I am not talking about crossing 4 lane traffic either). Perhaps it's because of the proposed move, they probably no longer boast the Amenity center being in Water's Edge. New houses are much cheaper as they wrap up development. Though we can say for sure, yet we believe the cost of the Amenity Center has been figured into early settlers of WatersEdge like us.

The bottom-line is that we bought our home because we liked what was presented to us and that included the Amenity Center. I just don't think it's fair for a business to change its plans now that it doesn't have to please us any more. We hope to keep the Amenity Center where it was originally planed (right across the pond from model homes), it has been the primary reason for buying our house at 100k over what late comers are paying, and it is the most promising feature of the subdivision for my 10-months-old daughter.

Though builder may argue other benefits for moving it, yet it's simply unfair for all that bought the house with that Amenity Center in mind. In otherwise, we probably wouldn't have settled here if I knew I had to get in the car to go swimming. If I am going in my car wet, I might as well drive the short 2 miles down to the other pool in Avery Ranch. We have communicated with people in the area. I believe it's fairly safe to say that we all wish to keep Amenity where it was originally planned. We adamantly OBJECT to the proposed relocation.

Thank you.

Yow Chern Chang

16617 Barrhead Cove, Austin TX 78717



I am opposed to this  
Developer Co. because  
of the damages of the  
land in piling up hills  
of rocks and dirt and  
totally redoing  
the land at



Farmer.  
Lane  
↓

Avery Road Blvd  
west. Dust has been  
blowing in the  
weeks now.

Mary Bowen

10817 Quarry  
Austin TX 78741

over

depend upon such  
Vague information  
to give them permission  
due to the ugly sights  
now being created  
in Austin by the above.

We need better  
information published  
Before the city  
grants permission today.  
Changes.

The map you sent  
is unreadable too  
It says nothing as a  
result.

Sincerely  
Mary Bowen



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

File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) JOHN M MARTINS

☐ I am in favor  
(Estoy de acuerdo)

Address 16613 ENNIS TRAIL AUSTIN TX 78717

☒ I object  
(No estoy de acuerdo)

1

design flexibility for development proposed within the PUD. Use of a PUD district should result in development superior to that which would occur using conventional subdivision regulations. The minimum size generally considered

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) Stephanie Scott

☐ I am in favor  
(Estoy de acuerdo)

Address 14317 Ballycastle Trail  
Austin, TX 78717

☒ I object  
(No estoy de acuerdo)

1

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) Diana Cantu

☒ I am in favor  
(Estoy de acuerdo)

Address 16308 Double Eagle Dr Austin 78717

☐ I object  
(No estoy de acuerdo)

Platt very HARD to understand.

1

Nothing indicates references to direction (N, S) or roads.

Send me one I can read & understand. I voted based on verbal description on back of Platt.

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) James & Mary Whittenton

☐ I am in favor  
(Estoy de acuerdo)

Address 14609 Ballinamore Dr.  
Austin TX 78717

☒ I object  
(No estoy de acuerdo)

1

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

File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) JEFFREY J. PROULX

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

Address 16009 Double Eagle Dr., Austin, TX 78717

Definitely not in favor of conveyance of parkland to 3rd party trustee or city of Austin.

\* Stop allowing the developer to change things that were promised to Home Owners \*

top of the page when you call. See enclosed sheet for more information.

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) Shawn Echols

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

Address 10508 S. Canyon Hills trail Austin, TX 78717

1

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

File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) O. PIGNAULT

16616 Barhead Cv  
Avery Ranch  
Austin, TX 78717

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

Address [Redacted]

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

File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) Tanner + Toni Rundall

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

Address 16608 Brayton Park Dr.  
Austin, TX 78717

1

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) SUSAN & DALLAS HART

Address 16624 Barrhead Cove.

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

1

single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater design flexibility for development proposed within the PUD. Use of a PUD district should result in development superior to that which would occur using conventional zoning and subdivision regulations. The minimum size generally considered

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) Carlos & Kari Cruz

Address 16621 Ennis Trail  
Austin, TX 78717

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

1

single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater design flexibility for development proposed within the PUD. Use of a PUD district should result in development superior to that which would occur using conventional zoning and subdivision regulations. The minimum size generally considered

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) KEVIN FORT

Address 16612 ENNIS TRAIL AUSTIN, TX  
78717

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

1

single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater design flexibility for development proposed within the PUD. Use of a PUD district should result in development superior to that which would occur using conventional zoning and subdivision regulations. The minimum size generally considered

File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print) WENDY CUTLER

Address 16604 BRAYTON PARK DRIVE  
AUSTIN, TX 78717

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

1

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print)

NATHAN GARZA

☐ I am in favor  
(Estoy de acuerdo)

Address

16600 EMIS TRAIL

☒ I object  
(No estoy de acuerdo)

Austin TX 78717

1

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print)

SUSAN WARREN

☐ I am in favor  
(Estoy de acuerdo)

Address

16608 DALMAHOY DR, AUSTIN, TX 78717

☒ I object  
(No estoy de acuerdo)

1

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File # C814-99-0001.03 SG

Zoning & Platting Commission Hearing Date: August 3, 2004

Name (please print)

Mary Bowen

☐ I am in favor  
(Estoy de acuerdo)

Address

16817 Quarry Oaks Trail

☒ I object  
(No estoy de acuerdo)

Austin tx 78717

1

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 000413-48 TO REZONE AND CHANGE THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR LAND KNOWN AS THE AVERY RANCH PLANNED UNIT DEVELOPMENT LOCATED AT AVERY RANCH BOULEVARD AT PARMER LANE.**

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

**PART 1.** The Avery Ranch Planned Unit Development ("the Original Avery PUD") is comprised of approximately 1,629 acres of land located in the vicinity of Avery Ranch Boulevard, Parmer Lane and Brushy Creek Boulevard in Williamson County and more particularly described by metes and bounds in the land use plan incorporated into Ordinance No. 000413-48. The Avery Ranch PUD was approved April 13, 2000 under Ordinance No. 000413-48 (the "Original PUD Ordinance"), and amended under Ordinances No. 030130-27 and No. 030424-22.

**PART 2.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on property identified in the Original PUD Ordinance and described in Zoning Case No. C814-99-0001.03, on file at the Neighborhood Planning and Zoning Department, generally known as the property located at Avery Ranch Boulevard at Parmer Lane, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 3.** The exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A	Zoning Map
Exhibit B	Amended Exhibit B of the PUD Land Use Plan; and
	Amended Exhibit H, Open Space, Parks and Trails Plan

**PART 4.** This ordinance, together with Exhibits A and B, amends the Original PUD Ordinance. The Original Avery Ranch PUD shall conform to the limitations and conditions set forth in the Original PUD Ordinance as amended by this ordinance.

1 **PART 5.** The Original PUD Ordinance is modified as shown in this part.

- 2
- 3 1. The Land Use Plan, is amended to include a tract for the Round Rock Independent
- 4 School District and a tract for the Leander Independent School District. The locations
- 5 of the tracts are shown on Exhibit B.
- 6
- 7 2. The Open Space, Parks and Trail Plan, Exhibit H of the Land Use Plan, is amended:
- 8
- 9 a) to change the alignment of the trail layout in the approved parkland areas; and
- 10
- 11 b) to relocate a proposed neighborhood park from Tract III-D to Tract I-C.
- 12

13 **PART 6.** Except as otherwise provided in this ordinance, the provisions of the Original

14 PUD Ordinance, as amended, remain in effect.

15

16 **PART 7.** This ordinance takes effect on \_\_\_\_\_, 2005.

17

18

19 **PASSED AND APPROVED**

20

21 \_\_\_\_\_

22 §

23 2005 §

24 Will Wynn

25 Mayor

26

27

28 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

29 David Allan Smith Shirley A. Brown

30 City Attorney City Clerk