

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



**AGENDA ITEM NO.: Z-21  
AGENDA DATE: Thu 01/12/2006  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0179 - Spring Lake Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers: (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057. 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:** C14-05-0179

**Z.A.P. DATE:** November 15, 2005

**ADDRESS:** 9009 Spring Lake Drive

**OWNER/APPLICANT:** Rahul Deshmukh and Mrudula Yadav

**AGENT:** Land Answers (Jim Wittliff)

**ZONING FROM:** RR      **TO:** SF-1

**AREA:** 1.350 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

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

11/15/05: Approved SF-1-CO zoning limited to two residential units (7-0, J. Gohil, J. Martinez-absent); M. Hawthorne-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **ISSUES:**

On December 14, 2005, the staff received new information concerning environmental constraints for the site under consideration from Mike Lyday of the City of Austin Environmental Resource Management Division (Attachment A).

In addition, the staff received a petition from adjacent property owners who are opposed to any zoning other than 'RR' on the site (Attachment B). This petition is valid at 36.46% and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

#### ***Sec. 25-2-284    REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.***

- (A)    The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:***
  - (1)   the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or***
  - (2)   the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:***
    - (a)   included in the proposed change; or***
    - (b)   immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.***

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The site slopes to the east and is covered by several large trees. The applicant is requesting a rezoning from RR to SF-1 to subdivide this tract of land into three lots to construct new single family residences on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts onto a local collector street, Spring Lake Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	RR	Undeveloped
North	RR	Golf Course
South	SF-1	Single-Family Residences
East	RR	Golf Course
West	SF-1	Single-Family Residences

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

115 – Balcones Village-Spicewood H.O.A.

157 – Courtyard Homeowners Association

426 – River Place Residential Community Association, Inc.

475 – Bull Creek Foundation

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0064.06D	SF-1 to P	5/18/99: Approved staff rec. of 'P' (8-0)	7/15/99: Approved PC rec. of 'P' (6-0); all 3 readings

**RELATED CASES:****ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

**CITY COUNCIL DATE:** December 15, 2005

**ACTION:** Postponed to January 12, 2006 at the staff's request (7-0)

January 12, 2006

**ACTION:**

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

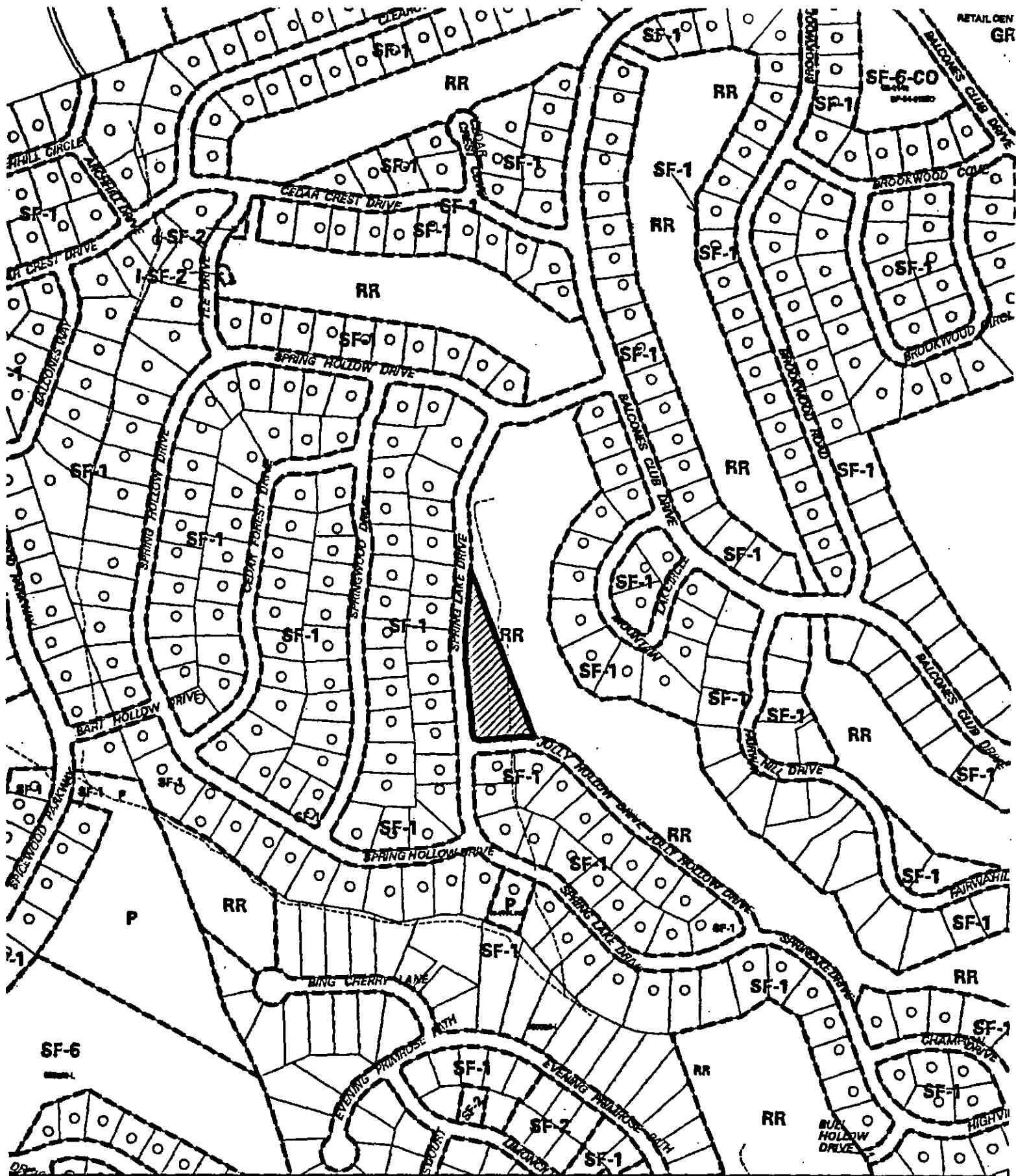
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b> <b>CASE #: C14-05-0179</b> <b>ADDRESS: 9009 SPRING LAKE DR</b> <b>SUBJECT AREA (acres): 1.350</b>		<b>CITY GRID REFERENCE NUMBER</b> <b>F37</b>
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>DATE: 05-10</b>		
	<b>CASE MGR: S. SIRWAITIS</b>	<b>INTLS: 6M</b>		

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

## **BASIS FOR RECOMMENDATION**

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

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

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

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local collector street, Spring Lake Drive.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped. This tract of land slopes to the east and is covered by several large trees.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, if the Watershed impervious cover is more restrictive than the SF-1 zoning district's allowable impervious cover, the impervious cover on this site could be limited by the watershed ordinance.

The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<b>Development Classification</b>	<b>% of Net Site Area</b>	<b>% NSA with Transfers</b>	<b>Allowable Density</b>
<b>One or Two Family Residential</b>	n/a	n/a	1 unit/2 acres net site area
<b>Multifamily Residential</b>	20%	25%	n/a
<b>Commercial</b>	20%	25%	n/a

**Note:** The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 57 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 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

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

There are no existing sidewalks along Spring Lake Drive or Jolly Hollow Drive and neither street is included in the Bicycle Plan.

### **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, and system upgrades 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. The landowner must pay the associated and applicable city fees.

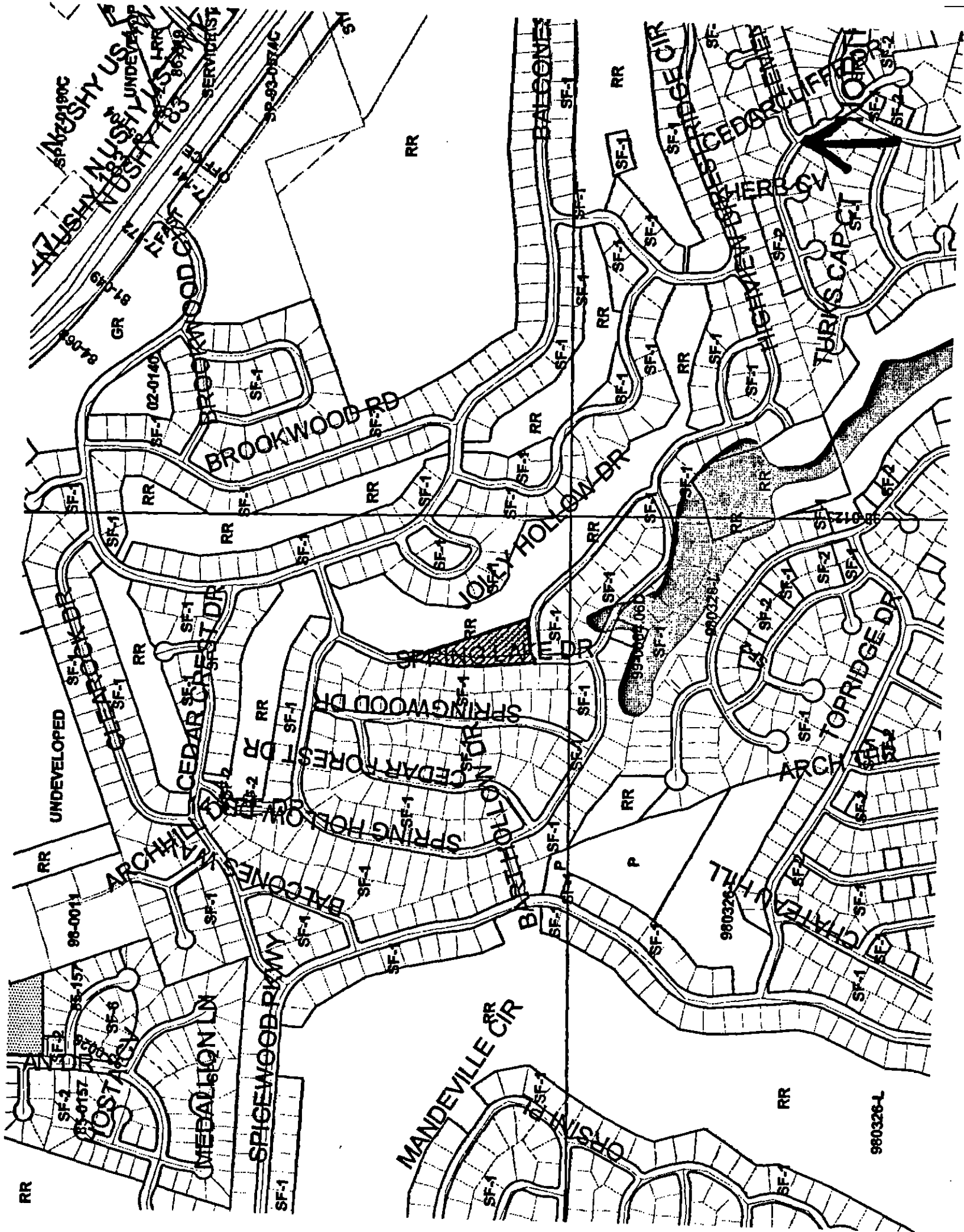
### **Stormwater Detention**

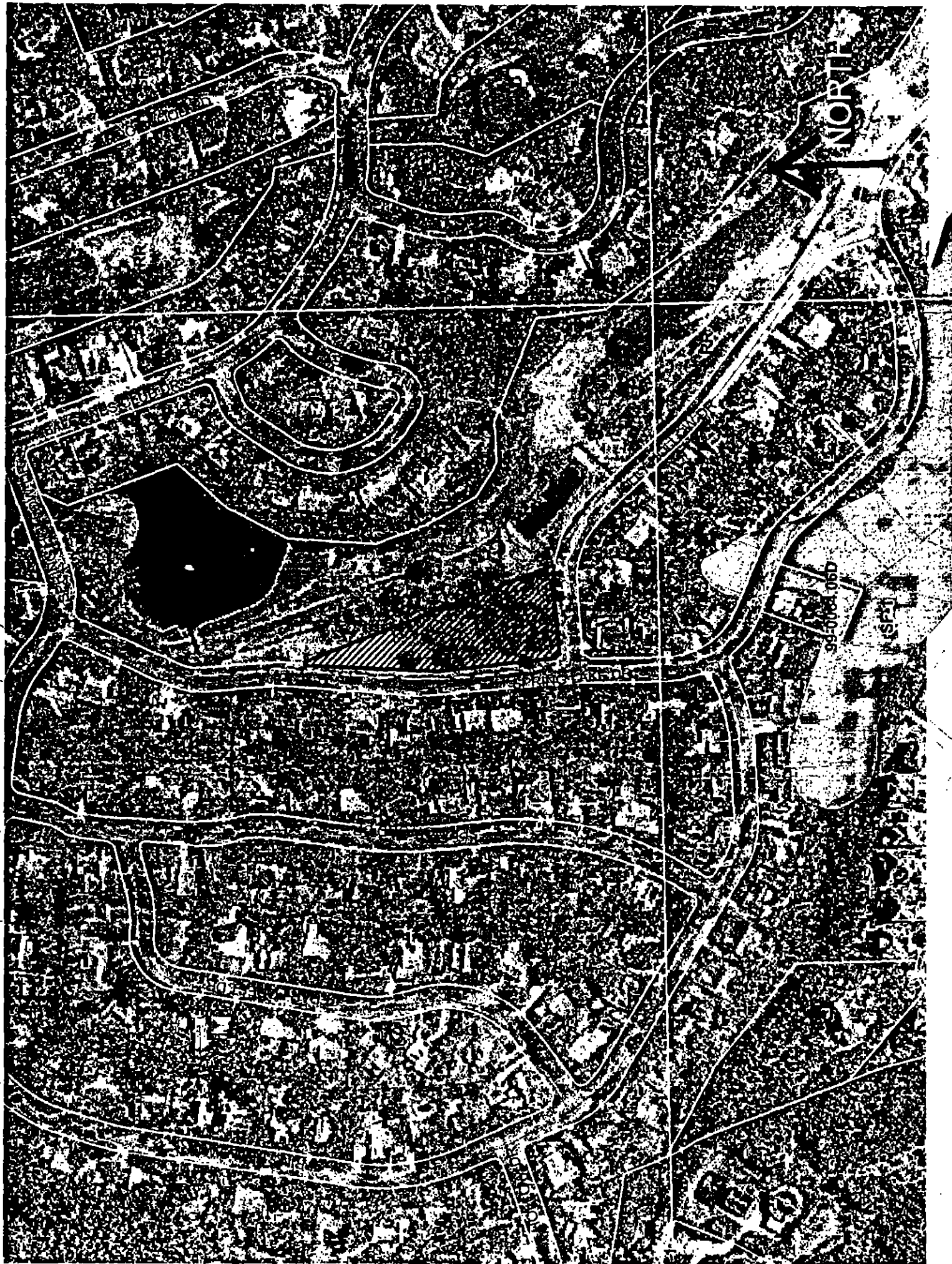
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater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

### **Compatibility Standards**

No comments.









## INTEROFFICE MEMORANDUM

**TO:** Sherri Sirwaltis, Zoning Case Manager  
**FROM:** Mike Lyday, Environmental Resource Management Division (ERM)  
**DATE:** December 14, 2005  
**SUBJECT:** Spring Lake Zoning Case # C14-05-0179

At the request of Paula Cushman and for your information, I investigated the above referenced site for the presence of wetland critical environmental features (CEFs). The site had previously been assessed by the Austin's Water and Wastewater Department several years ago, and an independent environmental consultant (Hicks and Company) reported a wetland adjacent to a tributary to Bull Creek. I can verify that a significant wetland is supported in the same location, which happens to be on the tract of land you are now considering for rezoning to single family status. An obligate wetland plant community is present, underlain by wetland hydrology, saturating soils to the surface. Therefore, this wetland meets the Army Corps' 1987 Criteria Manual technical definition and is protected as a CEF by Austin's Land Development Code, Section 25-8-282.

By my estimates, the wetland is approximately 150' long and 75' wide. The wetland is accurately delineated on Dannenbaum Engineering's wastewater site plan, Wastewater Department File # 99-0037, Project 6-Phase A, Sheet 44 of 118, May 3, 2001. This project was a centralized wastewater retrofit for the Balcones Country Club area, formerly served by septic fields. As a result of the environmental assessment, the wastewater line was placed as far from the wetland as possible, under Spring Lake Drive.

This wetland is significant because of the many environmental services it renders, including water quality filtration of golf course stormwater runoff, storing water for base flow to the adjacent tributary, providing added flood and erosion protection, and preserving urban wildlife habitat. In addition to the wetland, the stream course is populated by a mature riparian forest and provides the same services as the wetland itself. For these reasons, I recommend the standard CEF setback of 150' from the edge of the wetland. In addition to the wetland setback, I noted that the wastewater site plan also shows the tributary to be classified as a minor waterway with a 50 foot critical water quality zone. Therefore, I don't see how there would be enough room for any houses on this site, even if there were not a wetland CEF and setback.

Sherri, I hope this information helps you with the rezoning case. Please call me at 974-2956 if you have any questions or need additional assistance. Thank you for including ERM in your assessment of environmental resources for this case.

A handwritten signature in cursive script, appearing to read "Mike Lyday".

Mike Lyday  
Senior Environmental Scientist  
Watershed Protection and Development Review Department

C: Ed Peacock  
Paula Cushman

# PETITION

Case Number:

**C14-05-0179**

Date:

Dec. 12, 2005

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

384,664.40

1	01-6813-0301	CEFAI SUSAN & PAUL DIMASI	3,419.60	0.89%
2	01-7013-1214	WILSON DONNY & TYRA	4,972.00	1.29%
3	01-7013-1215	STONEBACK LEWIS J & ELIZABETH	16,380.25	4.26%
4	01-7013-1216	HALE THOMAS Z & DARIS	18,229.44	4.74%
5	01-7013-1217	MCDONALD ROBERT C & CATHERINE	16,447.54	4.28%
6	01-7013-1218	LOZANO ALBERT G & CAROL M	18,247.76	4.74%
7	01-7013-1219	CUSHMAN ALBERT & PAULA	16,042.20	4.17%
8	01-7013-1220	BOMMARITO ANTHONY & EVELYN	16,182.78	4.21%
9	01-7013-1221	JOHN PETER S & JAN R	16,892.15	4.39%
10	01-7013-1222	WANGUHU KAMAU & NJAMBI	13,441.86	3.49%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
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19				0.00%
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24				0.00%
25				0.00%

Validated By:

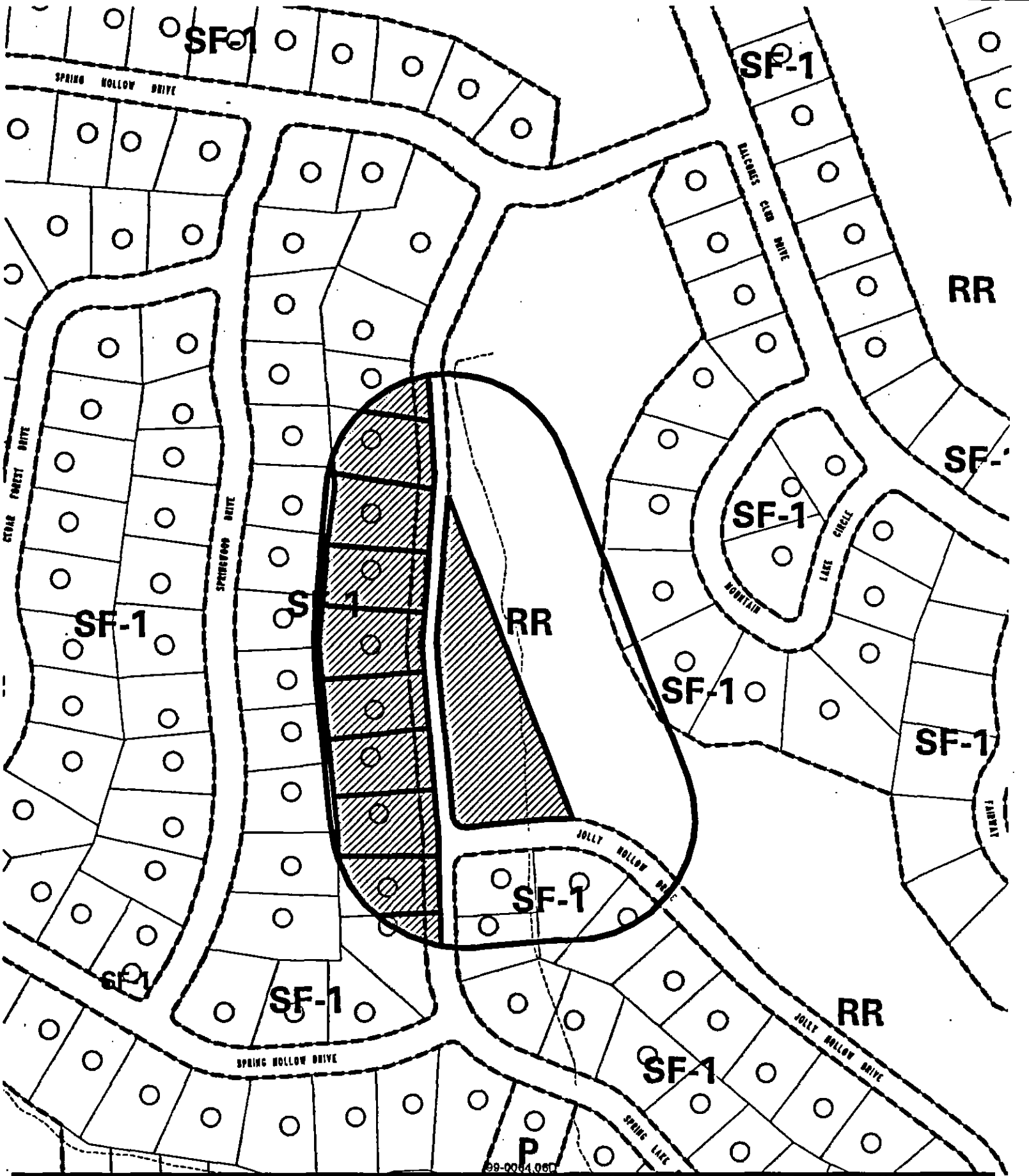
Stacy Meeks





Total Area of Petitioner:

140,255.58

Total %

36.46%



 1" = 200'	<b>SUBJECT TRACT</b> 	<b>PETITIONS</b>		<b>CITY GRID REFERENCE NUMBER</b> F37
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>CASE #:</b> C14-05-0179		
	<b>CASE MGR:</b> S. SIRWAITIS	<b>ADDRESS:</b> 9009 SPRING LAKE DR <b>SUBJECT AREA (acres):</b> 1.350		
		<b>DATE:</b> 05-12 <b>INTLS:</b> SM		

# PETITION

Date: 12/19/05

File Number: C14-05-0179

Address of

Rezoning Request: 9009 Spring Lake Dr.

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 RR.

We are against the development of this property due to the fact that the area floods with every rain and a literal river flows through the creek (which runs through the property) during heavy rains. There is also a potential that any building could cover springs that release waters on the site. Also the site is several feet below the sewer lines giving to a potential sewer spillage into the waters that flow into the water shed after every rain. This area over the last 30 years has become a habitat for wildlife of all kinds from around the area.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
(Albert) Jerry + Carol Loran	Jerry + Carol Loran	9100 Spring Lake Dr.
Nyambi W. Gungah	Nyambi W. Gungah	9008 Spring Lake Dr.
Anthony Bommarito	ANTHONY + EV BOMMARITO	9012 Spring Lake Dr.
Al + Paula Cushman	Al + Paula Cushman	9014 Spring Lake Dr.
Robert + Catherine McDonald	Robert + Catherine McDonald	9102 Spring Lake Drive
Elizabeth Stoneback	ELIZABETH STONEBACK	9106 Spring Lake Dr.
Tyler Wilson	TYLER WILSON	9108 Spring Lake Dr.
Paul DiMasi	PAUL DIMASI	9006 SPRING LAKE DR.
Susan Cefai	SUSAN CEFAI	9066 SPRING LAKE DR.
Peter + Jan John	Peter + Jan John	9010 Spring Lake Dr.
Ten + DARRIE HALE	Ten + DARRIE HALE	9104 Spring Lake Dr.

Date: 12/19/05

Contact Name: Jerry Loran

Phone Number: 791-7400

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: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

ANTHONY BOMMARITO

Your Name (please print)

☐ I am in favor  
☒ I object

9012 SPRING LAKE DRIVE

Your address(es) affected by this application AUSTIN, TX 78750-2953

Anthony Bommarito

Signature

November 10, 2005

Date

Comments: There should be NO building or construction on the property at 9009 Spring Lake Drive for the following reasons:  
1. 100+ year old trees will be destroyed if built on the property;  
2. There is "Wild life" and Birds that will be moved or displaced;  
3. A light rain produces a river - a definite flooded area;  
4. Underground springs and drainage from the entire area is channeled onto this property.  
No action of any kind should be taken on this area until an ecological study is done to determine the problems that building on this property would create.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Al and Paula Cushman

Your Name (please print)

☐ I am in favor  
☒ I object

9014 Spring Lake Dr.

Your address(es) affected by this application

Paula A. Cushman  
Al E. Cushman

Signature

11-9-05

Date

Comments: We strongly object to the rezoning.  
For the following reasons: during heavy rains this area frequently floods due to the creek and pond runoff; 2. there is wild life living there that would have to be relocated; 3. a considerable amount of trees would have to be cut down to build on the property; 4. we feel before any consideration of rezoning this property, there should be an ecological study of the property to see how it would change runoff due to the creek and underground springs.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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

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

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

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

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

[www.ci.austin.tx.us/development](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: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

PETER JOHN  
Your Name (please print)

☐ I am in favor  
☒ I object

9010 SPRING LAKE DRIVE  
Your address(es) affected by this application

[Signature]  
Signature

11/15/05  
Date

Comments: FROM ENCLOSED PERSPECTIVE, THERE  
LOTS ARE VERY PRONE TO FLOODING, ANY BREAK IN STREET  
CURBS WILL DUMP DRAIN WATER INTO FRONT OF HOUSE. FLOOD  
PROOF STRUCTURES WILL BE DIFFICULT & EXPENSIVE TO BUILD,  
CHANGE IN ZONING IS NOT RESPONSIBLE ACTION BY COMMUNITY  
OR ZONING AUTHORITIES. LAND SHOWS CLEAR SIGNS OF  
FLOODING & OVERFLOW ARE PRESENT IN AREAS WHERE  
HOUSES WOULD BE BUILT.  
LAND IS ALSO A HABITAT FOR LARGE ANIMAL POPULATION, INCLUDING  
DEER, OWLS, BEARS, SKUNKS, ETC.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

ALL HOMES ON SPRING LAKE WERE PURCHASED WITH THE  
EXPRESS UNDERSTANDING THAT THIS LAND WOULD NOT

BE BUILT ON



**Sirwaltis, Sherri**

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**From:** Development Review & Inspection  
**Sent:** Tuesday, November 15, 2005 11:51 AM  
**To:** Sirwaltis, Sherri  
**Subject:** FW: devweb - Case Number C14-05-0179

Sherri,

Could you help out with this? I believe it was your case.

Neil Galati

for

Steve Wilkinson, AICP  
Watershed Protection & Development Review Department City of Austin, TX.  
512-974-2657  
<http://www.ci.austin.tx.us/development/>

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

**From:** Jerryllsis@aol.com [mailto:Jerryllsis@aol.com]  
**Sent:** Monday, November 14, 2005 5:40 PM  
**To:** devweb@ci.austin.tx.us  
**Subject:** devweb - Case Number C14-05-0179

**Date/Time Submitted:** Monday, 11/14/05, 1739 hours

**From:** Albert Lozano

**E-mail address:** Jerryllsis@aol.com

**Subject:** Case Number C14-05-0179

**Comments:**

I want to voice our objection to the rezoning of 9009 Spring Lake Dr.

**Walsh, Wendy**

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**From:** Tankey [btankey@austin.rr.com]  
**Sent:** Tuesday, November 15, 2005 7:27 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; "Toby.Futrell."@Ci.Austin.tx.us; Walsh, Wendy  
**Cc:** board@cherrycreekonbrodie.org  
**Subject:** Pending Zoning Case: C14-05-0150 November 17, 2005

As Cherry Creek on Brodie residents, my husband and I are against the proposed zoning related to the above mentioned zoning case.

Cherry Creek negotiated zoning with Mr. Harmon, the owner of the property in question in 2002. Now the owner has presented a new zoning request to increase allowable structure height on the property from the agreed upon 45 feet to 60 feet. The impact will be severe upon our local community. There is currently no zoning in the area (on either Slaughter or Brodie Lanes) that allows buildings of this height. The particular classification is intended to be used in downtown, urban environments.

We negotiated a compromise agreement three years ago and we are requesting that City Council members honor and enforce that agreement. We are **TOTALLY AGAINST** the proposed zoning request for the following reasons:

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 are against the proposed change in zoning; 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; and,
5. 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.

Please keep in mind the interest of the people who live in this area over those of rich developers.

Michael and Barbara Tankey  
Cherry Creek on Brodie Residents

**Walsh, Wendy**

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**From:** Charles Criss [admin@charlescriss.com]  
**Sent:** Tuesday, November 15, 2005 8:21 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Subject:** Proposed Zoning Request C14-05-0150

Honorable Mayor and City Council,

We would like to inform you that we are against the proposed zoning request C14-05-0150 that is scheduled for your consideration on November 17, 2005. It breaks the original negotiated compromise of 2002. We would hope that the city council members honor and enforce the compromise agreement that was negotiated three years ago with Mr. Harmon. The new zoning request would be out of context with the current suburban streetscape and all existing zoning in the area. As members of the Cherry Creek on Brodie Neighborhood Association, we join in requesting a moratorium on all zoning requests in our local community until the community's long-standing request for neighborhood planning is honored.

Thank you for your time and consideration.

Charles and Linda Criss  
9507 Tea Rose Trail  
Austin, Texas 78748

**Walsh, Wendy**

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**From:** Ron Leahy [rleahy@austin.rr.com]  
**Sent:** Tuesday, November 15, 2005 10:17 PM  
**To:** Walsh, Wendy  
**Subject:** FW: Pending Zoning Case - C14-05-0150, November 17, 2005, Harmon property

I live in Cherry Creek on Brodie Lane subdivision. The above zoning case is the former Harmon property, which is less than 200 yards from my home. In 2002 the Cherry Creek on Brodie Lane Neighborhood Association and other neighborhoods negotiated a height restriction on this property, when it was changed from rural residential to its current zoning. The new owners are now seeking to increase this height. This is inappropriate for this area. The proposed height is something that would be considered for the downtown area.

Every neighborhood association in the area is against this zoning change. This includes: Tanglewood Oaks, Tanglewood Forest, Palomino Park, and Cherry Creek on Brodie Lane.

Your attention to this matter will be greatly appreciated. I believe that after review this matter, you will come to the conclusion - this zoning change is inappropriate for the area. Thank for your consideration.

Ronald Leahy  
3228 Silkgrass Bend  
Austin, TX, 78748  
512-280-7857

**Walsh, Wendy**

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**From:** Alta Campbell [acampbell12@austin.rr.com]  
**Sent:** Tuesday, November 15, 2005 10:42 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy; board@cherrycreekonbrodie.org  
**Subject:** Pending Zoning Case C14-05-0150, November 17, 2005

To: City Council Members and City Staffers

Regarding: Pending Zoning Case C14-05-0150, November 17, 2005

I am a resident of the Cherry Creek on Brodie Lane neighborhood. For the following reasons, I am **against** the proposed zoning request to increase allowable structure height on the above-referenced property from the agreed-upon 45 feet to 60 feet:

- \* It breaks our neighborhood's negotiated compromise agreement of 2002.
- \* The zoning would be wholly out of context with our local community's rural/suburban streetscape and all existing zoning in the area.
- \* The high-rise urban structure would tower over all SF2 and neighborhood retail in the area.
- \* All local neighborhoods are against the proposed change in zoning.
- \* 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.
- \* 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.

Sincerely,

Alta M. Campbell

3227 Silkgrass Bend

Austin, TX 78748

512-280-9640

acampbell12@austin.rr.com

11/16/2005

**Walsh, Wendy**

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**From:** Adrienne Garcia [justdance@hotmail.com]  
**Sent:** Tuesday, November 15, 2005 11:12 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

I am a resident of Cherry Creek of Brodie Lane. I am against the proposed change in zoning request by Mr. Harmon for the following reasons: 1) It breaks the negotiated compromise agreed upon in 2002  
2) This type of zoning does not fit in the community's suburban area 3) All of the area neighborhoods of CCOBNA, Tanglewood Oaks, Tanglewood Forest and Palomino Park are against the proposed zone change 4) The zoning request in question will adversely affect the development of the Barton Springs Zone because it would deem that these high rise urban structures are acceptable developments (even though they tower over SF2 and neighborhood retail) 5) There should be a moratorium on all zoning requests in the local community until city staff honors the community's request for Neighborhood Planning. Thank you for your time.

Adrienne Riggins

**Walsh, Wendy**

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**From:** Brian Judis [bjudis2000@yahoo.com]  
**Sent:** Tuesday, November 15, 2005 11:39 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:** C14-05-0150

Mayor and Council, I am writing on behalf of myself and my family to advise of our opposition to the proposed zoning change in Zoning Case #C14-05-0150, Harmon Ranch.

You may recall this matter which came before Council 2 short years ago. At that time, this same applicant and our neighborhood leaders worked together to reach an agreement that allowed the applicant to obtain its desired zoning, while also allowing our area of Austin to maintain its rural/suburban feel. At that time, Council approved the zoning change based upon the agreement our neighborhood reached with the applicant. Council commended our neighborhood leaders and the applicant for their diligent, good faith efforts in working to reach a "win/win".

Now, with this application before you the same Harmon Ranch applicant has turned its back on the! prior agreement with our neighborhood and seeks a zoning change that, if approved, will enable it to build structures up to 60 feet tall. This is disturbing, not only because the applicant has gone back on an agreement with our neighborhood, but also because, if granted, it will allow for structures taller than any other structures previously approved for our area. I have a hard time understanding a compatibility argument that favors a zoning change such as this when the proposed height change is completely out of context with the existing rural/suburban street scape and surrounding SF2 neighborhood developments. I travel often to Houston and see on a regular basis what the absence of smart zoning and considered decisions by City Representatives can do to mostly suburban areas. In the past, Austin City Council has shown a commitment to maintaining its neighborhoods, especially those neighborhood areas that have shown a commitment to working in good faith with developers in order to improve Austin.

Since I have lived in this area of Austin I have heard often for a call for neighborhood planning. I urge you to consider a moratorium on development for this area until we can come up with a neighborhood plan -OR- at the very least, deny this proposed change since it is brought to you in bad faith, and is completely out of context and incompatible with this area of SW Austin.

Please contact me if you have any questions or comments.

Thank you, and I appreciate your consideration of these concerns.

Brian J. Judis  
9310 Lightwood Loop  
Austin, Texas 78748  
512-619-9721  
[bjudis2000@yahoo.com](mailto:bjudis2000@yahoo.com)

11/16/2005

## **Walsh, Wendy**

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**From:** Kristyn Brown [kcbrown@gaithernet.com]  
**Sent:** Wednesday, November 16, 2005 1:52 PM  
**To:** Walsh, Wendy  
**Cc:** Kristyn Brown  
**Subject:** Impending Zoning Case Nov 17th - C14-05-0150

As a Cherry Creek on Brodie resident, I am strongly against increasing the height allowance on the Harmon property for a number of reasons:

- 1: We need to be able to trust the city council to honor the agreements it makes. The council decided on the 45-ft height limit when the zoning was changed from rural residential in 2002. Our little neighborhood already feels out-gunned by the expensive lawyers on the other side; please make sure this is handled with the integrity and thoughtfulness all the citizens of Austin deserve.
2. The current height restriction of 45 feet is the result of a compromise with the neighborhood. And it was a compromise. We are not thrilled with the idea of 45-foot buildings, but agreed to it only because we were promised adequate green space between the buildings and our homes. Shouldn't they also be required to live up to the agreements they have already made?
3. Sixty feet is too tall for the area. This is not downtown; such a tall building would be out of place, towering over everything else. If we allow this project, what would happen to our property values? And what about the adjacent lots? Their owners will have to either demand similar zoning or find their values dropping, too.
4. We already have more traffic than our roads can really handle well. Turn on your radio in the morning, and you'll frequently hear reports of wrecks on Manchaca, Slaughter, Wm Cannon, and Brodie. Several large apartment complexes and retail projects have been approved on Brodie lately, yet the traffic analysis has been updated to incorporate all of these projects currently under construction. Adding another large number of residents to roads which will soon have substantial increases in traffic would be foolish.
5. We are still waiting for city staff to honor our requests for Neighborhood Planning. If we wait much longer, the damage will be done. Doesn't it make sense to avoid problems, rather than waiting until they are established before we decide what to do about them? This piecemeal approach, looking at only one project at a time rather than at the whole picture, will turn this corner of Austin into yet another ugly district with frustrating and dangerous traffic problems.

And I think we can all agree that this is not the way we want our city to be.

Thank you for your time and attention.

Kristyn Brown  
3322 Silkgrass Bend  
Austin, TX 78748  
280-8734



**Walsh, Wendy**

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**From:** Carla Chiang [cchiang@austin.rr.com]  
**Sent:** Wednesday, November 16, 2005 1:57 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Cc:** board@cherrycreekonbrodile.org; 'Gary Trumbo'  
**Subject:** Harmon Ranch C14-05-0150

Good afternoon,

My schedule precludes my presence at the scheduled hearing of this case, so I am writing to request that you deny the applicant's zoning request to increase the allowed height of their structure to exceed 45 feet.

Our and adjacent neighborhoods have worked diligently to preserve the quality and context of our community. A structure of the proposed height would not fit in with the look and feel of our part of town, particularly as it is adjacent to the scenic corridor that has height restrictions on signage. It doesn't make sense to allow a building so much higher than allowable signage. We also would not want the precedent set that might encourage other developers in our area to push the limits of allowed height.

Lastly, I would like to request that the city accept our and adjacent neighborhoods request to be included in the neighborhood planning process as soon as possible. At the current rate of development, our area will be completely built out by the time we are scheduled to begin the neighborhood planning process. It makes good sense to hold off on pending zoning requests until a neighborhood plan is in place.

I thank you for your service and look forward to hearing that the current height restrictions will be enforced. In the meantime, if I may answer any questions I can be contacted at 282-8004 or 422-3969.

Best regards,  
Carla Chiang  
Vice President, Treasurer  
Tanglewood Oaks Owners Association

11/16/2005

**Walsh, Wendy**

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**From:** set47vette@aol.com  
**Sent:** Wednesday, November 16, 2005 6:07 PM  
**To:** Walsh, Wendy  
**Subject:** Zoning case C14-05-0150

My name is Sam Taylor and I am against the pending zoning case c14-05-0105 regarding the Harmon property on Slaughter Land increasing the height restriction to 60 feet. If the council can not honor it's previous rulings 2 years ago to it's citizens then we need to change those in office. I live directly behind the proposed development and will have to look at it for as long as I live there. The Zoning commision also ignored it's previous ruling and ignored citizen input and ruled in favor of the developer. No accountability makes these rulings easy. Again I am opposed to granting this zoning.

Sam Taylor  
280-2107 Home  
462-3373 Office

11/16/2005

**Ms. Phyllis F. Puryear  
3124 Cohoba Drive  
Austin, Texas 78748**

November 15, 2005

Ms. Wendy Walsh  
c/o Austin City Hall  
301 W. 2nd Street, 2nd Floor  
Austin, Texas 78701

**RE: Pending Zoning Case: C14-05-0150 November 17, 2005**

Dear Ms. Walsh:

The Tanglewood Oaks Homeowners Association, as well as Cherry Creek on Brodie Lane Neighborhood Association, Tanglewood Forest and Palomino Park are all against the proposed change in zoning. Please note that we negotiated a compromise agreement three (3) years ago, and we are requesting that City Council members honor and enforce that agreement! I am against this proposed zoning request to allow the structure height to be increased to 60 feet, as opposed to 45 feet. This new zoning request actually breaks our negotiated compromise agreement of 2002; the zoning would be wholly out of context with our local community's rural/suburban streetscape and all existing zoning in the area; the high rise urban structure would tower over all SF2 and neighborhood retail in the area; all local neighborhoods are against the proposed change in zoning; 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; and, 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.

Your consideration of this request would be greatly appreciated.

Sincerely,



Ms. Phyllis F. Puryear  
Homeowner, Tanglewood Oaks Subdivision

pfp

Walsh, Wendy

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**From:** Arthur Duncan [amder1@hotmail.com]

**Sent:** Wednesday, November 16, 2005 8:48 PM

**To:** Phil Brown; Dunkerley, Betty; McCracken, Brewster; Cherry Creek Board; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Tom Weller; Walsh, Wendy; Alvarez, Raul

**Subject:** Cherry Creek resident in favor of restrictions for Mr. Harmon's 1st Structure agreement of 45'

**Subject: Pending Zoning Case: C14-05-0150 November 17, 2005**

***Cherry Creek negotiated zoning with Mr. Harmon, the owner of the property in question in 2002. Now the owner has presented a new zoning request to increase allowable structure height on the property from the agreed upon 45 feet to 60 feet.***

***Attention Austin Board Members and the honorable mayor Will Winn,***

***I would like to be on the record to voice my concern about the pending previously mentioned case involving Mr. Harmon to increase the restricted height from 45' to 60'. It has been my experience when I go before the City of Austin in order to get building/plumbing/electric/sign permits, that proposals are agreed upon prior to constructions. It seems in this particular case, Mr. Harmon's previously agreed plans changed in order to for monetary gain without regards to what was agreed to prior to the construction phase. This disregard, seems possibly apparent advantageous opportunity to Mr. Harmon solely without regard to the City of Austin or to Tanglewood Oaks/CCOBNA. If the original restriction (45') is not going to be observed, then naturally I feel there is no credibility in Austin's Neighborhood Planning Department. I appreciate your consideration in this matter that sets the precedence for many other projects that the City of Austin's Neighborhood Planning Department oversees.***

***Sincerely,  
Arthur M. Duncan  
3139 Silk Bend  
Austin, Texas 78748***

**Walsh, Wendy**

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**From:** Chris Cage [cwcage@onr.com]  
**Sent:** Wednesday, November 16, 2005 10:59 PM  
**To:** Walsh, Wendy  
**Subject:** Pending Zoning Case: C14-05-0150 / Property Owner Against

Dear Ms. Walsh,

I would like to voice my concern over Pending Zoning Case: C14-05-0150.  
I am opposed to the requested zoning change.

Our neighborhood association (Cherry Creek on Brodie Neighborhood Association) worked very hard to build a compromise with Mr. Harmon three years ago and now he is requesting a change to the agreement. The reduction in height of the proposed development was one of the key elements of our compromise in 2002. As a home owner whose front door faces the Harmon property, I am not convinced that this will be an appropriate change for my household, our neighborhood or the surrounding community.

A 65 foot tall structure is wholly out of context with the surrounding community and would set an undesirable precedent for future development in our area. Once again we have a proposed zoning change that demonstrates the need for city staff to honor the community's long standing request for Neighborhood Planning in this area of Austin.

I support CCOBNA and the other neighborhood associations that are against this proposed zoning change.

Sincerely,  
Chris Cage  
3300 Silkgrass Bend  
Austin, TX 78748

**Walsh, Wendy**

---

**From:** laurie [lronk@gmail.com]

**Sent:** Thursday, November 17, 2005 12:53 AM

**To:** WillWynn@Cl.Austin.tx.us; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy

**Subject:** Harmon Ranch

Dear Mayor and Council Members,

I live in Cherry Creek on Brodie. I would like to let you know that I am against the proposed zoning request for the Harmon Ranch property. Mr. Harmon needs to keep his agreement with our neighborhood association. The proposed height increase is out of context for our area and the surrounding houses and businesses. We would like to request again the Neighborhood Planning that our community has previously asked for from the city.

Thank you,  
Laurie Ronk

11/17/2005

**Walsh, Wendy**

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**From:** Ben Prager [bap@ausdig.com]  
**Sent:** Thursday, November 17, 2005 2:02 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:** Rezoning: C14-04-0150

Dear Mayor Wynn and City Council Members,

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 to raise the building height from 45' to 60'.

I thought this was all settled a few years back? Why is the City Council not honoring what was already agreed upon?

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.

Thank you for your time and consideration.

Ben Prager  
3323 Silkgrass Ben  
Austin, TX 78748

# **Austin Neighborhoods Council**

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*Established 1973 • Strength Through Unity  
Post Office Box 176 • Austin, Texas 78767*

Mayor Will Wynn and City Council Members  
City Hall, 301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

November 13, 2005

Sent via Electronic Transmission

RE: Opposition to Fairfield/Harmon Re-Zoning Request C14-05-0150

Mayor and Council Members,

On November 9, 2006, the ANC passed the following resolution in opposition to the rezoning of the Fairfield property:

**Whereas**, the applicants are interested in changing existing MF-4 with a CO specifying 45 feet maximum height to MF-4 with a CO specifying 60 feet at 3226 West Slaughter Lane; and

**Whereas**, the current MF-4 zoning with a specific height limit of 45 feet that was approved in 2002 was attained as the result of arduous negotiation and compromise between the property owner and Cherry Creek on Brodie Lane Neighborhood Association (Case# C14-02-0035, November 2002); and

**Whereas**, the requested zoning breaks the 2002 compromise agreement taken in good faith and embodied in the property's current zoning; and

**Whereas**, the requested height allowance and proposed structure is wholly out of context with all existing and approved zoning in the area of Brodie and Slaughter Lanes and our rural / suburban character; and

**Whereas**, the local and directly impacted community represented by the Tanglewood Oaks, Tanglewood Forest, Cherry Creek on Brodie Lane, and Palomino Park neighborhood associations and their residents are against the proposed change in zoning; and

**Whereas**, the Fairfield Development group has stated in two meetings with the Cherry Creek on Brodie Lane Neighborhood Association that it can complete the proposed development within the 45 foot height allowed by the current zoning if it has to; and

**Whereas**, staff approval of the zoning request was recommended without regard to the negotiated compromise agreement embodied within the current zoning; and

**Whereas**, compromise agreements reached between developers and neighborhood associations are meaningless if they are to be broken by the developers, supported by staff, and approved by council, now, therefore,



# **Austin Neighborhoods Council**

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**Post Office Box 176 • Austin, Texas 78767**

**Be it resolved by the Austin Neighborhoods Council:**

**ANC is opposed to the applicants' zoning change request and supports the Cherry Creek on Brodie Lane Neighborhood Association and other nearby neighborhood associations in their plea that City Council deny the zoning change.**

**Thank you for your consideration,**

**Laura Morrison**  
**President, Austin Neighborhoods Council**

**Walsh, Wendy**

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**From:** Klar, Linda [linda.klar@twcable.com]  
**Sent:** Wednesday, November 16, 2005 5:33 PM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster, Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy  
**Cc:** Larkin, John  
**Subject:** Comments on Zoning Variance Request (Harmon Ranch C14-05-0150)

November 16, 2006

**TO:** Council Members  
**FROM:** Tanglewood Forest Neighborhood Association  
**RE:** Harmon Ranch C14-05-0150

The Tanglewood Forest Neighborhood Association urges City Council to deny the request for a height variance on the above-mentioned zoning case.

The crossroads of Brodie and Slaughter Lanes is a rural/suburban area where it is not appropriate for buildings higher than 45 feet. Our neighborhoods would start to take on a "downtown" character, and we would lose the distinction that makes it comfortable to live in suburbs.

If one variance is allowed, other requests will follow and there will be no valid basis to deny any subsequent variance requests. I understand the developer has impervious cover limitations but zoning rules are in place to follow, not as a baseline to see far one can push the limits.

A number of neighborhood associations in our area have worked together and independently in the last 10 years to protect the integrity of our rural/suburban area and our quality of life. We have given concessions in some instances, and we have stood firm on others. We respectfully ask for your support in this case when we need to stand firm.

Regards

Linda Klar  
President  
Tanglewood Forest Neighborhood Association

Linda Klar  
Time Warner Cable  
12012 N. MoPac Expwy  
Austin, TX 78758  
512-485-6225

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**Walsh, Wendy**

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**From:** Tanglewood Board [tanglewoodoaks@hotmail.com]  
**Sent:** Wednesday, November 16, 2005 10:09 PM  
**To:** Alvarez, Raul; Dunkerley, Betty; Kim, Jennifer; Leffingwell, Lee; McCracken, Brewster; Thomas, Danny; Wynn, Will; Futrell, Toby  
**Cc:** Walsh, Wendy  
**Subject:** Harmon-Fairfield Zoning Case #C14-05-0150

Good Evening,

Attached please find a resolution from the Board of Directors of Tanglewood Oaks Owners Association (TOOA) relating to the zoning case #C14-05-0150 known to us as Harmon/Fairfield Tract.

After conducting an extensive poll of the residents of the 305 homes in Tanglewood Oaks, the vote was pretty much unanimous that we do not want 60' tall buildings overlooking us from the southwest.

Therefore, the Board of Directors of TOOA has passed and is submitting the attached resolution calling for the zoning to remain at the current negotiated maximum height limit of 45'.

Thank you,  
Gary Trumbo, President  
Tanglewood Oaks Owners Association

11/17/2005

## **Tanglewood Oaks Owners Association Board of Directors Resolution**

**RE: Opposition to Fairfield/Harmon Re-Zoning Request C14-05-0150**

**November 15, 2005**

**Whereas, the applicants are desirous of changing existing MF-4 with a CO specifying 45 feet maximum height to MF-4 with a CO specifying 60 feet at 3226 West Slaughter Lane; and**

**Whereas, the current MF-4 zoning with a specific height limit of 45 feet that was approved in 2002 was attained as the result of arduous negotiation and compromise between the property owner and Cherry Creek on Brodie Lane Neighborhood Association (Case# C14-02-0035, November 2002); and**

**Whereas, the requested zoning breaks the 2002 compromise agreement taken in good faith and embodied in the property's current zoning; and**

**Whereas, the requested height allowance and proposed structure is wholly out of character with all existing and approved zoning in the area of Brodie and Slaughter Lanes and our rural / suburban character; and**

**Whereas, the local and directly impacted community represented by the Tanglewood Oaks, Tanglewood Forest, Cherry Creek on Brodie Lane, and Palomino Park neighborhood associations and their residents are against the proposed change in zoning, and**

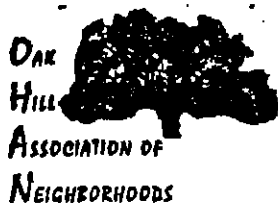
**Whereas, the Fairfield Development group has stated in two meetings with the Cherry Creek on Brodie Lane Neighborhood Association that it can complete the proposed development within the 45 foot height allowed by the current zoning if it has to, and**

**Whereas, staff approval of the zoning request was recommended without regard to the negotiated compromise agreement embodied within the current zoning; and**

**Whereas, compromise agreements reached between developers and neighborhood associations are meaningless if they are to be broken by the developers, supported by staff, and approved by council, now, therefore,**

**Therefore, Tanglewood Oaks Owners Association opposes the applicant's zoning change request, C14-05-0150, and supports the Cherry Creek on Brodie Lane Neighborhood Association and other nearby neighborhood associations in the request that City Council deny the zoning change request.**

**Gary Trumbo, President  
Carla Chiang, Vice President  
Marissa Atkinson, Board Member  
Vicki McGlothan, Board Member**



Neighbors in service to southwest Austin.

ohan.org

**Resolution in support of Cherry Creek on Brodie Lane Neighborhood Association in its opposition to zoning case No. C14-05-0150, Fairfield at Woodland Park, 3226 West Slaughter Lane:**

Whereas the Cherry Creek on Brodie Lane Neighborhood Association (CCoBLNA) is a member in good standing of the Oak Hill Association of Neighborhoods (OHAN); and

Whereas CCoBLNA agreed to a conditional overlay limiting height to 45 feet on this MF-4 development when this zoning case first went before the City Council in 2002; and

Whereas CCoBLNA has determined that the requested change in zoning to allow an increase in building height to 60 feet will be detrimental to all neighborhoods in the immediate area; and

Whereas the requested change in zoning represents a breach of the previously agreed-upon conditional overlay without regard to the objections of CCoBLNA;

Therefore, be it resolved that the Oak Hill Association of Neighborhoods joins the Cherry Creek on Brodie Lane Neighborhood Association in its opposition to the proposed change in zoning in case number C14-05-0150; and

Be it further resolved that the Oak Hill Association of Neighborhoods requests the Austin City Council to deny the aforementioned rezoning request; and

Be it further resolved that the Oak Hill Association of Neighborhoods calls upon the developers of Fairfield at Woodland Park to adhere to the negotiated conditional overlay in place for this tract.

Adopted: November 9, 2005

Signed: Bruce Perrin  
Bruce Perrin, President

Date: November 9, 2005

Signed: Sandra Baldridge  
Sandra Baldridge, Secretary

Date: November 9, 2005

# PETITION

Case Number:

**C14-05-0150**

Date:

Nov. 16, 2005

**3226 W SLAUGHTER LANE**

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

1,136,642.20

1	<u>04-2425-0419</u>	<u>CAGE CHRISTOPHER W &amp; LYNN T</u>	<u>4,012.28</u>	<u>0.35%</u>
2	<u>04-2425-0420</u>	<u>WIDNER JAMES DARRELL &amp; KATHERI</u>	<u>4,087.81</u>	<u>0.36%</u>
3	<u>04-2425-0421</u>	<u>BRICE MARVIN G &amp; KAREN Y</u>	<u>4,433.67</u>	<u>0.39%</u>
4	<u>04-2425-0601</u>	<u>BARNEY HENRY L JR &amp; DIANE C</u>	<u>9,156.30</u>	<u>0.81%</u>
5	<u>04-2425-0802</u>	<u>WEGMANN PERCY &amp;</u>	<u>10,094.73</u>	<u>0.89%</u>
6	<u>04-2425-0803</u>	<u>EATON CRAIG DELLANA-ROBARTS</u>	<u>8,766.88</u>	<u>0.77%</u>
7	<u>04-2428-0226</u>	<u>DEANNA L SEBERGER MARY L &amp;</u>	<u>1,995.22</u>	<u>0.18%</u>
8	<u>04-2428-0227</u>	<u>MICHAEL C WAGNER THEODORE</u>	<u>2,778.60</u>	<u>0.24%</u>
9	<u>04-2428-0228</u>	<u>&amp; JOAN D DARGAHI PAYMAN &amp;</u>	<u>13,521.28</u>	<u>1.19%</u>
10	<u>04-2428-0229</u>	<u>REGINA BUTTRO LEAHY RONALD &amp;</u>	<u>8,869.07</u>	<u>0.78%</u>
11	<u>04-2625-0603</u>	<u>ROSALYN SANMATEO</u>	<u>1,746.65</u>	<u>0.15%</u>
12	<u>04-2625-0604</u>	<u>SALVADOR D &amp; ARACELI</u>	<u>3,402.50</u>	<u>0.30%</u>
13	<u>04-2625-0701</u>	<u>TAYLOR SAMUEL E &amp; ERICA D</u>	<u>8,225.33</u>	<u>0.72%</u>
14	<u>04-2625-0703</u>	<u>NAJJAR SAMER F</u>	<u>7,918.75</u>	<u>0.70%</u>
15	<u>04-2625-0706</u>	<u>CAMPBELL ALTA M SHAID ORRIN SR &amp;</u>	<u>6,619.09</u>	<u>0.58%</u>
16	<u>04-2625-0736 &amp; 0737</u>	<u>RUBY A</u>	<u>278,931.07</u>	<u>24.54%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

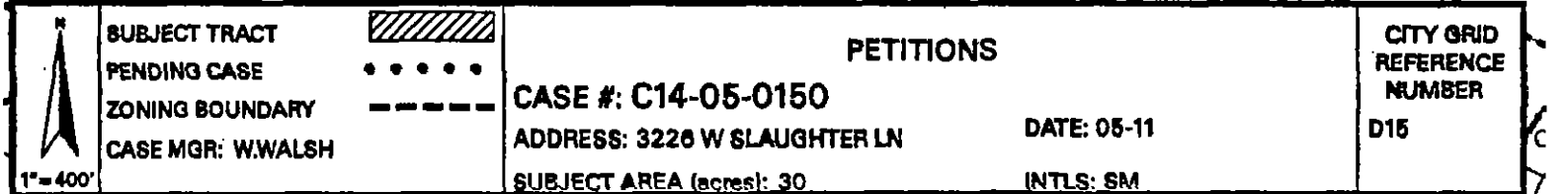
Stacy Meeks

Total Area of Petitioner:

374,559.25

Total %

32.95%



# P E T I T I O N

Date: November 16, 2005

File Number: C14-05-0150

Address of

Rezoning Request: 3226 West Slaughter Lane  
Austin, Texas

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 to the property's current zoning embodied in ordinance C14-02-0035 and approved by council in November 2002.

We are against the current proposed requested zoning change because it is incompatible with the existing surrounding zoning classifications, including but not limited to the neighborhoods and existing and planned development. Specifically, the proposed maximum structure height increase from 45 to 60 feet is completely out of character and context with all existing local zoning and would set an unwelcome precedent for development in the area and over the Barton Springs Recharge Zone.

We respectfully request that the applicant, city staff, and City Council honor the compromise agreement reached in November of 2002.

970-8157-John Larkin

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>Erica Taylor</u>	<u>ERICA TAYLOR</u>	<u>8303 Silkgrass Bend</u>
<u>Samuel E. Taylor</u>	<u>SAMUEL E. TAYLOR</u>	<u>" " "</u>
<u>Michael C. Seeger</u>	<u>Michael C. Seeger</u>	<u>9606 Kangaroo Ln.</u>
<u>Jean Wagner</u>	<u>Jean Wagner</u>	<u>9605 Kangaroo Ln.</u>
<u>Craig Eaton</u>	<u>Craig Eaton</u>	<u>3305 Silkgrass Bend</u>
<u>Salvador San Mateo</u>	<u>Salvador San Mateo</u>	<u>3230 Silkgrass Bend</u>
<u>Dilyn Spradling</u>	<u>Dilyn Spradling</u>	<u>3232 Silkgrass Bend</u>
<u>J. Danell Widner</u>	<u>J. Danell Widner</u>	<u>3302 Silkgrass Bend</u>
<u>Julie Moore</u>	<u>Julie Moore</u>	<u>3306 Silkgrass Bend</u>



PETITION

File Number: C14-05-0150

Beverly Watrich BEVOLYN WOTTRICH  
3308 Silkgrass Bend

Beverly Watrich Percy Wagman 3307 Silkgrass Bend

Alta M. Campbell ALTA M. CAMPBELL 3227 Silkgrass Bend

Susan Yuhas SUSAN YUHAS 3227 Silkgrass Bend

Deanna Dellana DEANNA DELLANA 4406 Kangaroo Lane

Rosalyn Leahy ROSALYN LEAHY 3228 SILKGRASS BEN

Chris Cage CHRIS CAGE 3300 SILKGRASS BEND

Regina Dargahi REGINA DARGAHI 9603 Kangaroo Lane 78748

Marvin Brice MARVIN BRICE 3304 Silkgrass Bend 78748

ORRIN SHAID ORRIN SHAID 3206 SLAUGHTER LANE

Sam Najjar SAM NAJJAR 3233 Silkgrass Bend.

**PETITION**

File Number: C14-05-0150

*By [Signature] Henry L. Barway Jr 5009 Silkwood Blvd #14.*

## **MEMORANDUM**

**TO:** Betty Baker, Chair and Members of the Zoning & Platting Commission

**FROM:** Dora Angulano, ZAP Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** October 20, 2005

**SUBJECT:** ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

**CASE # C14-05-0150**

**15. Zoning:** C14-05-0150 – Fairfield at Woodland Park  
**Location:** 3226 West Slaughter Lane, Slaughter Creek Watershed – Barton Springs Zone  
**Owner/Applicant:** John M. and Joyce W. Harmon  
**Agent:** Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)  
**Postponements:** Postponed to 10/20/05 (Applicant)  
**Request:** MF-4-CO-CO to MF-4-CO to change a condition of zoning to increase the height from 45 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

### SUMMARY

Wendy Walsh, Staff – “The property accesses West Slaughter Lane and is zoned MF-4-CO by a 2002 case. The Applicant is proposing to change the Conditional Overlay to increase the height from 45 to 60 feet, reduce the density from 12.4 to 6.2 dwelling units per acre and the zoning impervious cover and building coverage to 15% in accordance with SOS regulations. In 2002, Staff supported the Applicant’s request for MF-4-CO with a 60 foot height limit in consideration of the environmental, access and land use-related issues. A 60 foot height limit would assist in offsetting the significant amount of undevelopable area on site, being the tributaries that extend through the south portion of the property and the 15% impervious cover limit. Staff is supporting the Applicant’s request.”

### FAVOR

John Harmon, Owner & Applicant – Spoke in favor. Has owned the land for 27 years and was recently approached by Fairfield company to develop one multi-family structure with a 60-foot height limit. Noted that this was one of the few SOS compliant apartment developments in Austin.

Commissioner Hammond – Asked about elevation of the property in relation to its surroundings.

Mr. Harmon – Said that there was a 20-foot drop in elevation from the north property line to Slaughter Lane.

Commissioner Jackson – Confirmed that the 300-foot vegetative buffer on the north side of the property would remain intact. Confirmed that the 45-foot height limit was agreed upon in 2002 as a result of discussions between the Applicant and Neighborhood, and that the Zoning and Platting Commission did not object.

Michael Whellan, Agent for the Applicant – Spoke in favor. Showed an aerial of the property and surrounding area, and described the surrounding area in terms of zoning and noted the reduced developable area of the site.

**Commissioner Donisi – Confirmed that compatibility could be achieved with a 45-foot height limit, but there would be more than one building.**

**Joyce Harmon, Owner and Applicant – Spoke in favor. Described the changes that have occurred on Slaughter Lane over the past several years. Noted that 90 percent of the property would remain undeveloped as it is now.**

### **OPPOSITION**

**John Larkin, representative of Cherry Creek on Brodie Neighborhood Association – Spoke in opposition. Noted that the neighborhood was in agreement with the height limit of 45 feet in 2002 and understands that the developable area is limited. However, a 60 foot height limit is out of character with the rural – suburban environment of the area. Representatives of the neighborhood met with the developers and feel sure that they can do this project with a 45 foot height limit, as they agreed to in 2002, but would have to dig deeper into the ground.**

**Phil Brown, representative of Cherry Creek on Brodie Neighborhood Association – Spoke in opposition. Noted that this was one of Cherry Creek on Brodie's first development cases. The neighborhood has tried to focus on what is appropriate for Brodie and Slaughter Creek. MF-4-CO was agreed upon in 2002 and the subject rezoning application gives a much higher height limit.**

### **REBUTTAL**

**The Applicants and Agent did not make a rebuttal.**

### **MOTIONS**

**Commissioner Martinez – Made a motion to deny the Applicant's request.**

**Commissioner Pinnelli – Seconded the motion.**

**Madame Chair Baker – Made a substitute motion to approve the Staff's recommendation.**

**Commissioner Jackson – Seconded the substitute motion.**

**Madame Chair Baker – Mentioned that she was familiar with the case and noted that the Applicants had been stewards of the property for nearly 30 years. Furthermore, the density was being reduced by one-half and the building shown on the conceptual site plan had been moved towards Slaughter Lane from previous illustrations shown in 2002. She was in agreement with the Applicant's request based on surrounding land uses and zonings.**

**Commissioner Jackson** – Said that he remembered the 300-foot buffer to provide enhanced compatibility; and that the plan shown by the Applicant's Agent was able to better concentrate development, given the property's constraints. He did not see an impact from this project to the neighborhood.

**Commissioner Hammond** – Said he sees a small footprint on a large piece of land.

**Commissioner Martinez** – Noted that a number of neighbors have submitted concerns and did not feel that the Applicant addressed the issue of compatibility in their presentation. Furthermore, a 60-foot height limit had implications for future developments on Slaughter Lane.

**Motion carried.**

**COMMISSION ACTION:**  
**MOTION:**

**BAKER, JACKSON**  
**APPROVED MF-4-CO DISTRICT**  
**ZONING AS RECOMMENDED BY**  
**THE STAFF.**

**AYES:**

**BAKER, JACKSON, HAMMOND,**  
**DONISI, HAWTHORNE, GOHIL**

**NAYS:**

**MARTINEZ, PINNELLI**

**LEFT EARLY;**

**RABAGO**

**MOTION CARRIED WITH VOTE: 6-2.**

**Walsh, Wendy**

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**From:** MWhellan@gdhn.com  
**Sent:** Thursday, November 17, 2005 3:11 PM  
**To:** Rusthoven, Jerry  
**Cc:** Walsh, Wendy; Peter Cesaro; Joyce & John Harmon; Michael Whellan  
**Subject:** Harmon Tract

The applicant would like to make its first postponement request until 12/1/05.

Michael Whellan.

Michael J. Whellan  
Graves, Dougherty, Hearon & Moody  
A Professional Corporation  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701  
512/480-5734

**Walsh, Wendy**

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**From:** Larkin, John [john.larkin@amd.com]  
**Sent:** Wednesday, November 30, 2005 6:34 PM  
**To:** Walsh, Wendy  
**Subject:** C14-05-0150 Postponement Request

Wendy,

We would like to request a postponement of first reading for zoning case number C14-05-0150. The case is currently scheduled for first reading December 1, 2005. The postponement request is the first we have made for this item and we are requesting that first reading be postponed until at least the January 27, 2006 City Council meeting.

We are making the request in light of the November 29, 2005 letter submitted to staff communicating the applicant's desire to redraw the area to be rezoned in a transparent attempt to invalidate our previously certified valid petition (certified by staff November 17<sup>th</sup> at 32.69% codifying local property owner opposition to the proposed development).

Given the timing of the submission for the new zoning request, the impending holidays, and our need to fully investigate and comprehend the current proposal on behalf of the local community we represent, our request is reasonable.

If you have any questions and/or concerns please contact me at (512) 970-8157.

-John

John Larkin

Info Systems Manager

Engineering Infrastructure Development

Microprocessor Solutions Sector

Advanced Micro Devices

W: (512) 602-2007

C: (512) 970-8157

Watts: 1-800-538-8450 Ext. 82007

Email: john.larkin@amd.com

11/30/2005



**Walsh, Wendy**

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**From:** Phil Brown [pgbrown@mac.com]  
**Sent:** Thursday, December 01, 2005 11:39 AM  
**To:** Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster, Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy; Guemsey, Greg  
**Cc:** Brown Phil  
**Subject:** Resending: Postponement request on pending Zoning Action: C14-05-0150, Dec. 1, 2005

Dear Austin City Council and Staff:

I am writing in support of area neighborhoods' request to postpone zoning case C14-05-0150 to January 27, 2006, for the following reasons:

1. We learned from staff at the 11th hour -- yesterday -- that the applicant has shrunk the zoning boundaries so as to render our valid petition moot. We believe this requires more study on our part and by staff than we could possibly do in the extremely limited time we had since learning of the change. We are in the middle of the Christmas season and it would be very difficult for average citizens such as ourselves to react to these changes before January 27, 2006.
2. We do not even know if the applicant's change is valid given that the use of the property stays the same, or if this kind of spot zoning is permissible.
3. This is a blatant and, I must say, very disappointing and surprising attempt by the property owners, whom we have respected and with whom we have always dealt in good faith, to circumvent one of the few avenues ordinary citizens have to impact development. The city must stand by its procedures, including valid petition, that allow normal folks like us the opportunity to have an impact on development projects that are already far along in the process -- with well-heeled landowners and attorneys who work the system full time -- by the time we learn of them. The threshold for a valid petition is high. We achieved it legitimately. It should be honored.
4. The proposed height increase is incompatible with the very large surrounding area of the Slaughter-Brodie-Davis corridors, as we have stated on many occasions. The applicant continues to make reference to how far the complex would be from homes in Cherry Creek on Brodie. **They are trying to put words in our mouths.** We are not majoring on that issue and have not been. We have been consistent on every development project in our area for well over three years that compatibility with the rural suburban character of our entire region is vital. This is an urban-style project that simply does not meet that standard, regardless of where it sits relative to homes in Cherry Creek. It's already the only MF4 zoning for a great distance in any direction.
5. The applicant talks about reducing impervious cover to 15 percent. Well, they already are limited to less than that because of SOS and other geological restrictions on the tract. Similarly, the number of units per acre is limited by their footprint and market conditions. In other words, they really are not offering anything beyond what they have to do anyway. It's a bogus gesture.
6. On the subject of our good faith: We did, in fact, support the applicant's request for MF4 zoning in 2002, with the 45-foot limit. We did so at first because we believed it to be better than what the city might allow. We continued to support that request even after learning that the city might prefer lesser density. But we supported the Harmons then, after little internal debate, because we had a deal with

12/1/2005

them, and we did not want to go back on our word. The applicants had stated that 45 feet was what they needed for a traditional style complex at the time; we agreed, and even though we might have found Council support later for lesser density, we stood by our word on principle. We had a deal. That deal and the reasons for it are still valid.

A deal is a deal.

I'm just a little guy trying to do the right thing for my family and my part of town. I'm not a lawyer and I can't afford one. And it shouldn't even come to that! Please hear what all the area neighborhoods are saying on this issue and do the right thing.

Sincerely,

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

bcc: Tanglewood Oaks, OHAN, ANC, Tanglewood Forest



**GRAVES DOUGHERTY HEARON & MOODY**  
A PROFESSIONAL CORPORATION

Michael J. Whellan  
512.480.5734  
512.480.5834 (fax)  
mwhellan@gdhm.com

MAILING ADDRESS:  
P.O. Box 98  
Austin, TX 78767

November 29, 2005

Mr. Greg Guernsey  
City of Austin  
One Texas Center  
505 Barton Springs Road  
Austin, Texas 78704

**VIA HAND DELIVERY**

**Re: Case C14-05-0150; 3226 West Slaughter Lane; The Harmon Tract**

Dear Mr. Guernsey:

Please find enclosed a copy of field notes and a survey for new zoning boundaries in the above-referenced case. We request that the zoning application be modified to reflect the new boundaries which is a 7.250-acre tract in the middle of the 30-acre tract. The Harmons request that the 7.250-acre tract be rezoned with a new CO that is the same as the current CO, except the height limitation. This will allow the applicant to build a 60' structure only in the 7.250-acre area in the center of the tract, which is approximately 640' from the neighbors to the north.

In addition, the Harmons will provide a public covenant that will impose upon the entire 30-acre tract a reduction in the zoning impervious cover from 65% to 15% and a reduction in the density from the current 12.4 dwelling units per acre to 6.2 dwelling units per acre.

If you have any questions or need further information, please feel free to call.

Very truly yours,



Michael J. Whellan

MJW/kl  
Enclosures  
cc: John Harmon

SP-03-0099C

SF-2

SPC-04-0015C

UNDEVELOPED

SF-2

MF-4-CO

02-0035

SP-05-1524C

UNDEVELOPED

SF-6

03-0165

MF

RECO  
NANCE  
E

SLAUGHTER LANE WEST

NO-CO

02-0173

RR

SLAUGHTER

SP-03-0201C  
03-0034 PARKING  
SPC-04-0090  
SP-05-1524C



1" = 200'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: W.WALSH



PETITIONS

CASE #: C14-05-0150

ADDRESS: 3226 W SLAUGHTER LN

SUBJECT AREA (acres): 30

DATE: 05-11

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

D15

## PETITION

Case Number:

**C14-05-0150**

Date:

Nov. 30, 2005

**3226 W SLAUGHTER LANE**

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

576,338.43

		SHAID ORRIN SR &		
1	<u>04-2625-0736 &amp; 0737</u>	<u>RUBY A</u>	<u>23,165.24</u>	<u>4.02%</u>
2				<u>0.00%</u>
3				<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
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23				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

23,165.24

Total %

4.02%