

AGENDA



Thursday, July 27, 2006

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Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED) RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 117

Subject: C14-05-0150 - Fairfield at Woodland Park - Approve third reading of 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 density-conditional overlay (MF-4-CO) combining district zoning to multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning to change a condition of zoning. Second Reading approved on May 25, 2006. Vote: 4-3 (Mayor Pro Tem Thomas, Alvarez and Kim - Nay). Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Michael J. Whellan). City Staff: Wendy Walsh, 974-7719

Additional Backup Material

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information: Wendy Walsh, 974-7719

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0150

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed – Barton Springs Zone) from multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district zoning to multi-family residence (moderate-high density) – conditional overlay (MF-4-CO) combining district zoning to change conditions of zoning with conditions. The Conditional Overlay states that if any building exceeds 45 feet in height, then a) a 670 foot wide setback shall be provided and maintained along the north property line adjacent to the adjoining residential district; and b) a two-star Green Building standard must be achieved in building construction and operation. The Restrictive Covenant covers the 30-acre tract and limits the property to: 1) 2,000 trips; 2) impervious cover to 139,000 square feet (3.19 acres); and 3) a maximum density of 6.2 dwelling units per acre (182 units).

DEPARTMENT COMMENTS:

The Applicant may wish to pursue an amendment to the setback distance approved on Second Reading. This amendment would reflect the actual measured distance between the Site Plan application under City review and the north property line (adjacent to the single family residences of Cherry Creek).

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at Second Reading.

OWNERS/APPLICANTS: John M. and Joyce W. Harmon

AGENT: Graves, Dougherty, Hearon & Moody, P.C. (Michael J. Whellan)

DATE OF FIRST READING: January 12, 2006, approved MF-4-CO district zoning to change conditions of zoning with conditions, on First Reading (4-2, Kim, Alvarez – Nay; Mayor Pro Tem Thomas off the dais).

DATE OF SECOND READING: May 25, 2006, approved MF-4-CO district zoning and deleting the surface parking limitation, changing the two-star Green Building requirement to apply only to buildings over 45 feet tall, and establishing that all buildings over 45 feet will maintain a setback of 670 feet from the residential neighborhood to the north, on 2nd Reading (4-3, Mayor Pro Tem, Alvarez and Kim – Nay).

CITY COUNCIL HEARING DATE: July 27, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh

e-mail: wendy.walsh@ci.austin.tx.us



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: 29.399 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 – 2ND] (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 – 2ND] (6-2) J. MARTINEZ; J. PINNELLI – NAY; T.
RABAGO – LEFT EARLY

ISSUES:

The Applicant may wish to pursue an amendment to the setback distance approved on Second Reading. This amendment would reflect the actual measured distance between the Site Plan application under City review and the north property line (adjacent to the single family residences of Cherry Creek).

The Applicant would like to discuss the limitation on the number of surface parking spaces and the requirement for a two-star Green Building standard, as approved on First Reading.

On May 17, 2006, the Environmental Board recommended approval with conditions to allow construction of a driveway and utilities in the Water Quality Zone. The Environmental Board's motion is provided in Attachment A.

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:

	ZONING	LAND USES
<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
CI4-05-0074	LO-CO to GR-CO	Recommended GR-CO with the CO for height limits, hooded lighting, trip limit, vegetative buffer, signage limits,	Scheduled for 10-17-05.

		prohibit drive-thru services. RC for rollback to LO-CO and hours of operation.	
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 Road.	Approved NO-CO with the CO establishing the maximum impervious cover at 21.9 percent 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

<u>CITY COUNCIL DATE:</u>	November 17, 2005	<u>ACTION:</u> 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	Approved MF-4-CO district zoning with the Conditional Overlay to: 1) limit the location of dwelling units to the rezoning boundary shown in Exhibit A; and 2) limit the number of surface parking spaces to 10. Acceptance of a Restrictive Covenant covering the 30

acre tract to: 1) 2,000 trips; 2) limit impervious cover to 15%; 3) the maximum density is 6.2 dwelling units per acre (186 units); and 4) a two-star Green Building standard must be achieved in construction, on First Reading (4-2, Kim, Alvarez – Nay; Mayor Pro Tem Thomas off the dais).

May 25, 2006

Approved MF-4-CO district zoning and deleting the surface parking limitation, changing the two-star Green Building requirement to apply only to buildings over 45 feet tall, and establishing that if any building exceeds 45 feet in height, then a 670 foot wide setback shall be provided and maintained along the north property line adjacent to the adjoining residential district, on 2nd Reading (4-3, Mayor Pro Tem, Alvarez and Kim – Nay).

June 22, 2006

Approved a Postponement at the request of the Neighborhood to 7-27-06 (5-0, McCracken, Kim – off the dais).

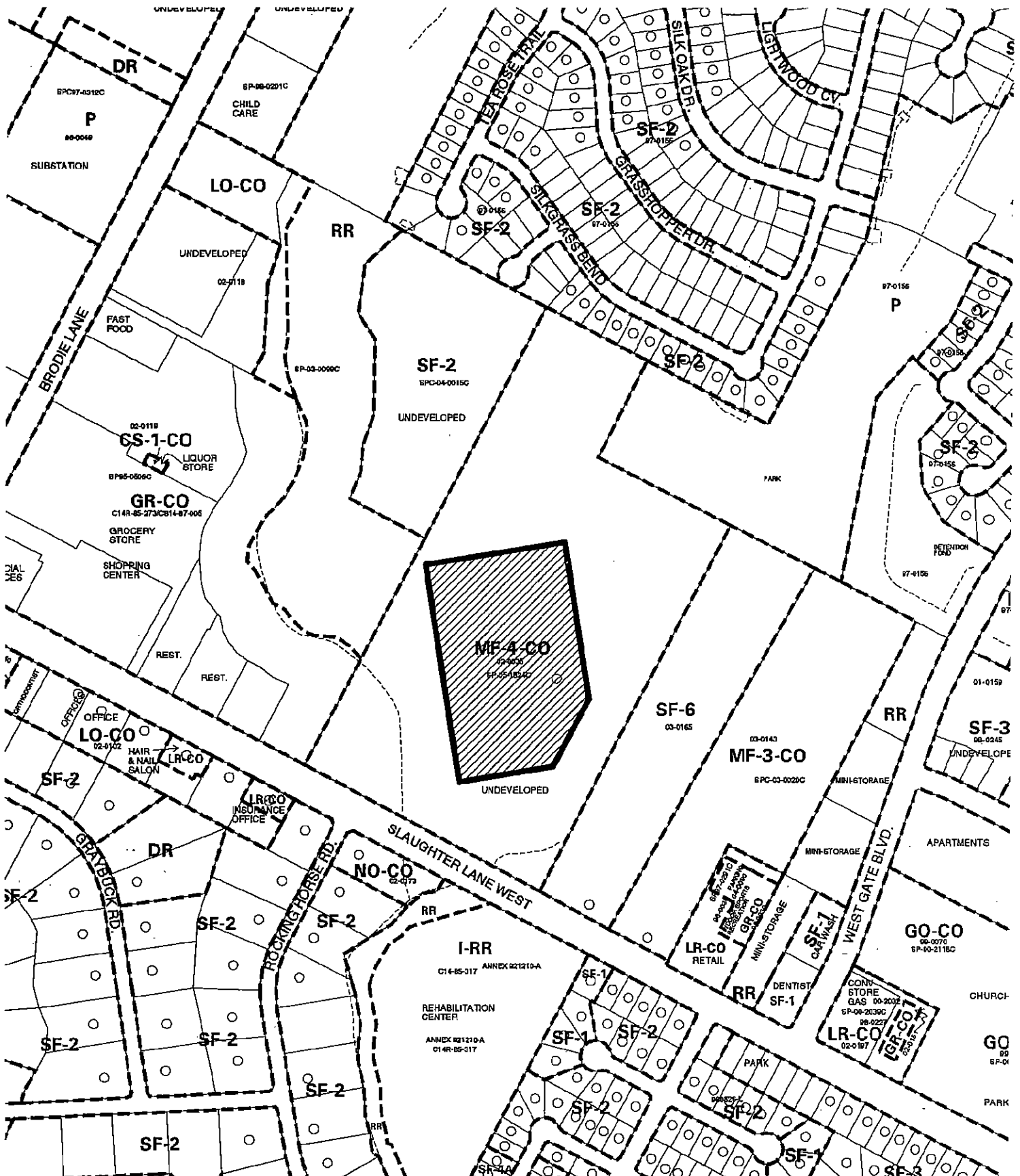
July 27, 2006

ORDINANCE READINGS: 1st January 12, 2006 2nd May 25, 2006 3rd

ORDINANCE NUMBER:

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

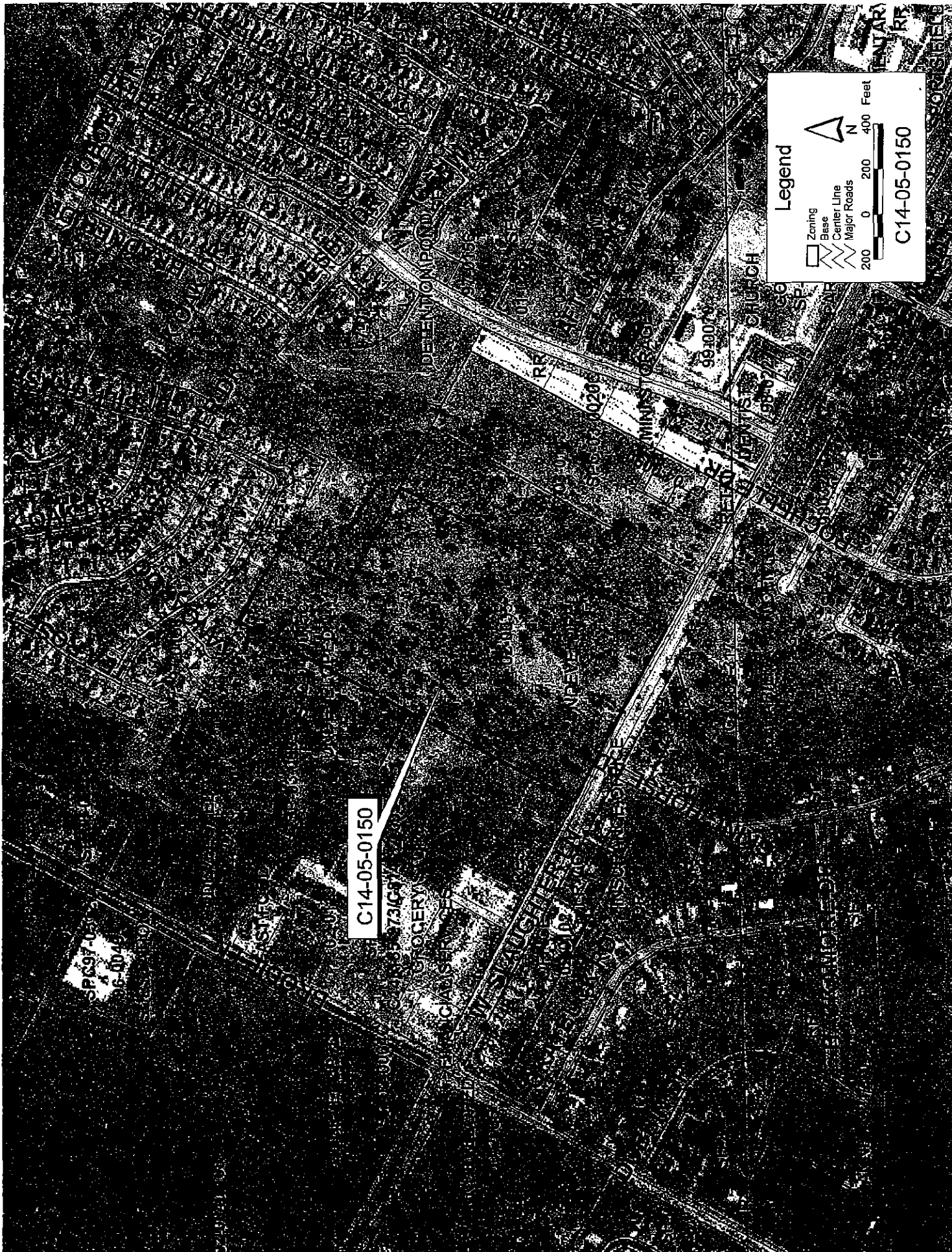
PHONE: 974-7719



ZONING

EXHIBIT A

CITY GRID
REFERENCE
NUMBER
D15



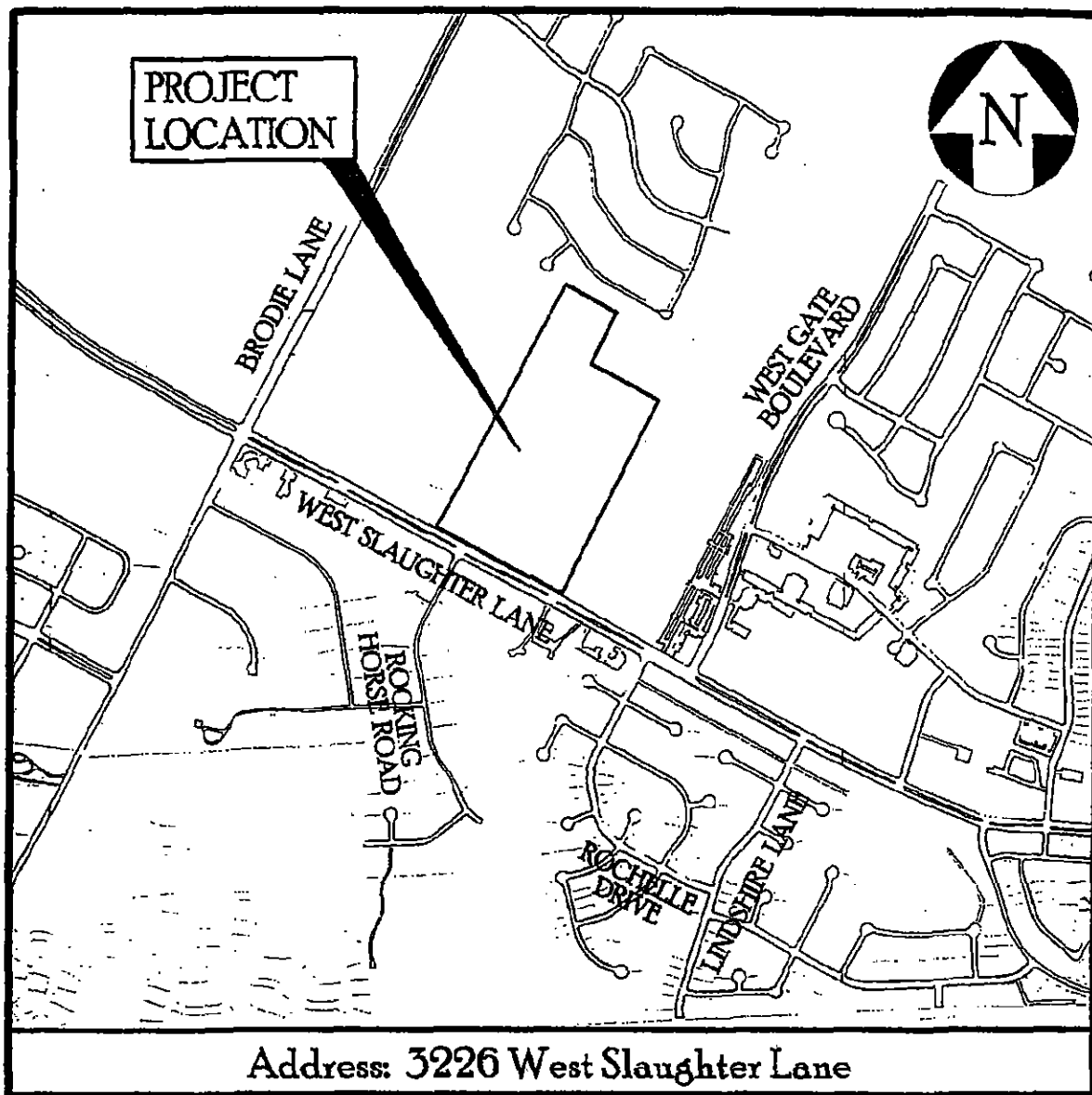
C14-05-0150

Legend

- Zoning
- Base
- Center Line
- Major Roads

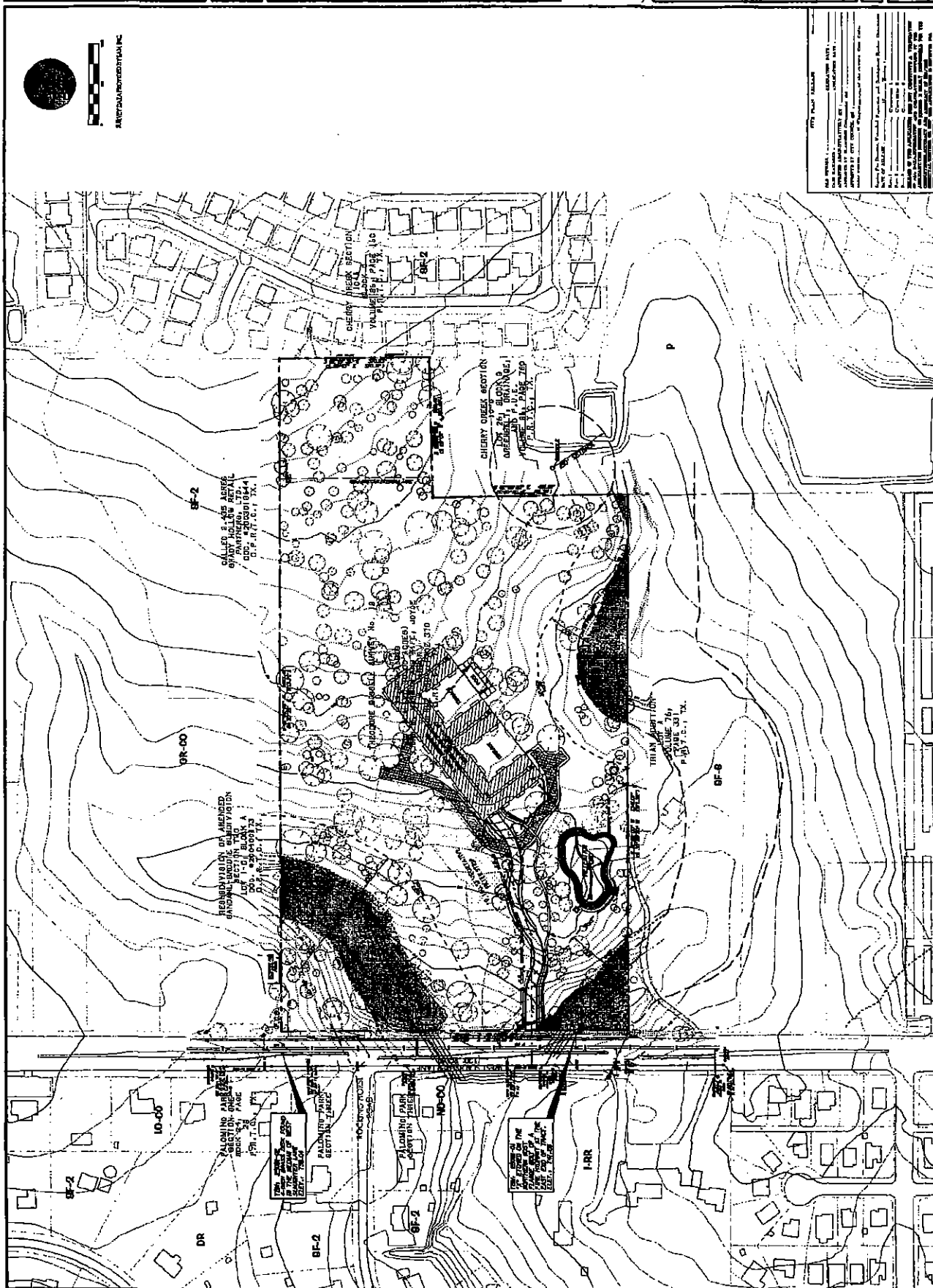
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C14-05-0150



FAIRFIELD RESIDENTIAL AT
WOODLAND PARK

EXHIBIT A-2
VICINITY MAP





ENVIRONMENTAL BOARD MOTION 051705-B3

Date: May 17, 2006

Subject: Fairfield Residential at Woodland Park

Motioned By: Julie Jenkins

Seconded By: Dr. Mary Gay Maxwell

Recommendation

The Environmental Board recommends **approval with conditions** of LDC Section: 25-8-483 1) to allow construction of a driveway and utilities in the Water Quality Transition Zone.

Staff Conditions:

1. Re-vegetation of any disturbed areas in the Critical Water Quality Zone and Water Quality Transition Zone will be according to 609S standards.
2. Tree mitigation will be with Class I natives at a ratio agreed upon by staff.
3. The applicant will meet Green Building standards of 1 star or higher.
4. The applicant will utilize Grow Green for any landscaping not associated with the pool area.
5. Third party inspection of site during initial excavation and throughout project.

Rationale

The applicant is SOS compliant (13% impervious cover).

Vote 5 0 0 4

For: Anderson, Ascot, Maxwell, Jenkins and Gilani

Against: None

Abstain: None

Absent: Moncada, Curra, Ahart and Dupnik

Approved By:

Dave Anderson P.E., CFM, Chair

DRAFT

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

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

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@ci.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

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@jaygohilrealty.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

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

Walsh, Wendy

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

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

10/3/2005

Walsh, Wendy

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

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

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

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

Orrin Shaid

Your Name (please print)

3206 Slaughter Lane West

Your address(es) affected by this application

9-30-05

Date

Signature

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

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

Harmon tract's height

Austin, TX 78767-8810 limitation.

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

Heidi Wolff
Your Name (please print)

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

Heidi Wolff
Signature

10-3-05
Date

Comments:

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.mccraken@ci.austin.tx.us; Thomas, Danny; Kim, 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

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 neighborhood for the 2002 negotiated compromise to be broken.

Ron Eggimann
9407 Lightwood Cove
Austin Texas 78748

11/10/2005

Walsh, Wendy

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
512.225.8868 | Phone
512.327.5661 | Fax
www.catapultsystems.com
www.inquisite.com

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11/14/2005

Walsh, Wendy

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

From: Lynda Keen [lynda_keen@yahoo.com]
Sent: Monday, November 14, 2005 3:26 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 semblance 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

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

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

Walsh, Wendy

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

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

11/16/2005

Walsh, Wendy

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

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

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

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

Walsh, Wendy

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

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@cherrycreekonbrodie.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

Walsh, Wendy

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

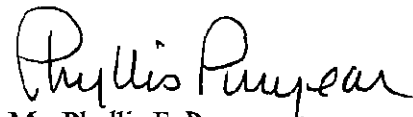
RE: Pending Zoning Case: C14-05-0150 November 17, 2005

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

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

From: Chris Cage [cw cage@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 [jlronk@gmail.com]
Sent: Thursday, November 17, 2005 12:53 AM
To: WillWynn@Ci.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

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

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

Mayor Will Wynn and City Council Members
City Hall, 301 W. 2nd 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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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

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

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

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

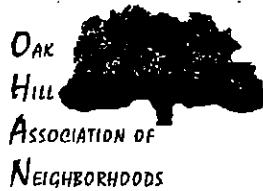
Whereas, the Fairfield Development group has stated in two meetings with the Cherry Creek on Brodie Lane Neighborhood Association that it can complete the proposed development within the 45 foot height allowed by the current zoning if it has to, and

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



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	04-2425-0419	CAGE CHRISTOPHER W & LYNN T	4,012.28	0.35%
2	04-2425-0420	WIDNER JAMES DARRELL & KATHERI	4,087.81	0.36%
3	04-2425-0421	BRICE MARVIN G & KAREN Y	4,433.67	0.39%
4	04-2425-0601	BARNEY HENRY L JR & DIANE C	9,156.30	0.81%
5	04-2425-0602	WEGMANN PERCY &	10,094.73	0.89%
6	04-2425-0603	EATON CRAIG DELLANA-ROBARTS	8,766.88	0.77%
7	04-2428-0226	DEANNA L SEBERGER MARY L &	1,995.22	0.18%
8	04-2428-0227	MICHAEL C WAGNER THEODORE	2,778.60	0.24%
9	04-2428-0228	& JOAN D	13,521.28	1.19%
10	04-2428-0229	DARGAHI PAYMAN & REGINA BUTTRO	8,869.07	0.78%
11	04-2625-0603	LEAHY RONALD & ROSALYN	1,746.65	0.15%
12	04-2625-0604	SANMATEO SALVADOR D & ARACELI	3,402.50	0.30%
13	04-2625-0701	TAYLOR SAMUEL E & ERICA D	8,225.33	0.72%
14	04-2625-0703	NAJJAR SAMER F	7,918.75	0.70%
15	04-2625-0706	CAMPBELL ALTA M SHAID ORRIN SR &	6,619.09	0.58%
16	04-2625-0736 & 0737	RUBY A	278,931.07	24.54%
17				0.00%
18				0.00%
21				0.00%
22				0.00%
23				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

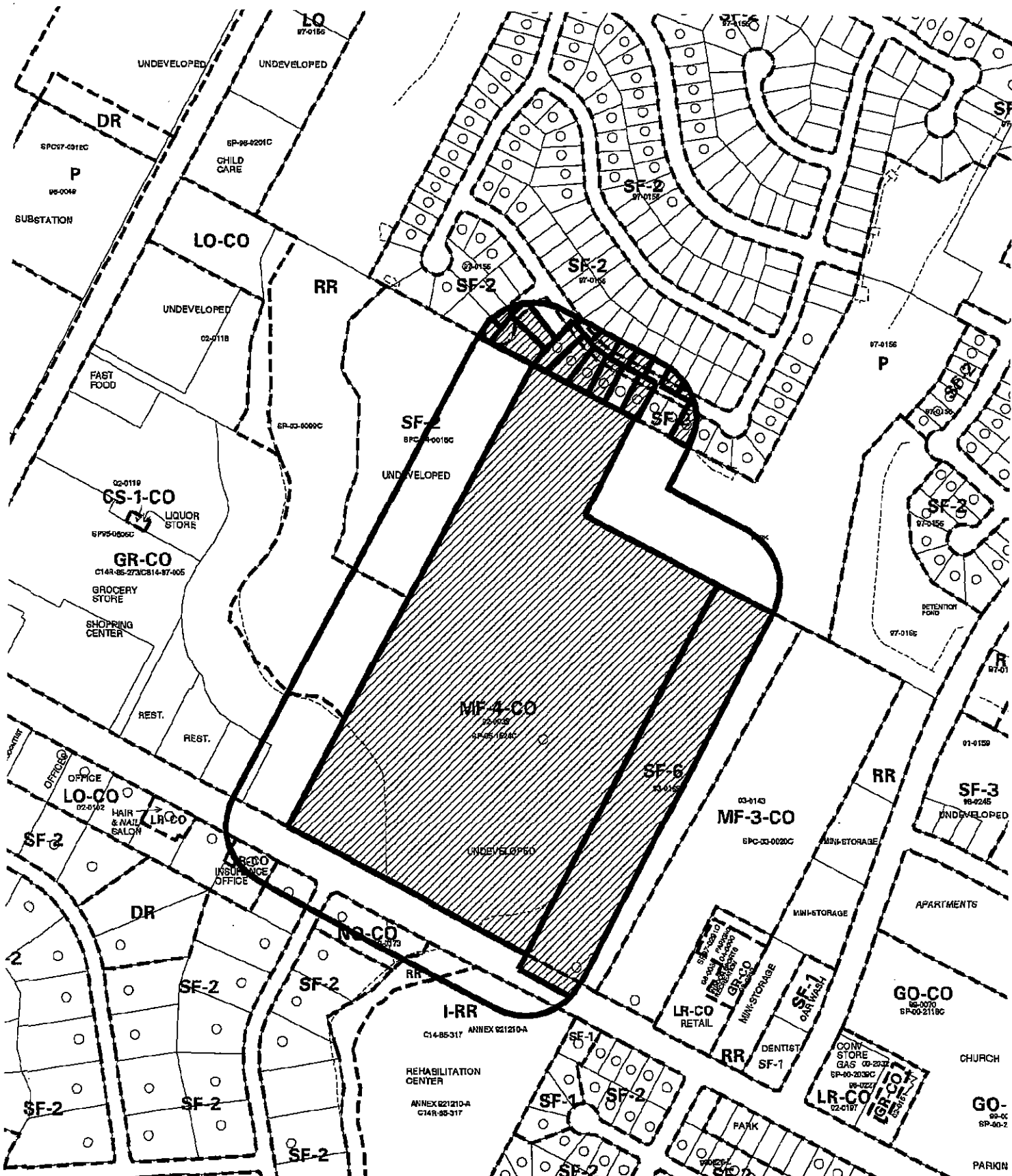
Stacy Meeks





Total Area of Petitioner:

374,559.25

Total %

32.95%



 1" = 400'	SUBJECT TRACT 	PETITIONS		CITY GRID REFERENCE NUMBER D15
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0150	DATE: 05-11	
	CASE MGR: W.WALSH	ADDRESS: 3226 W SLAUGHTER LN	INTLS: SM	
SUBJECT AREA (acres): 30				

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.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

970-8157-John
Larkin

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Erica Taylor</u>	ERICA TAYLOR	3303 Silkgrass Bend
<u>Samuel E. Taylor</u>	SAMUELE. TAYLOR	" " "
<u>Michael C. Seeger</u>	Michael C. Seeger	9606 Kangaroo Ln.
<u>Joan Wagner</u>	Joan Wagner	9605 Kangaroo Ln.
<u>Craig Eaton</u>	Craig Eaton	3305 Silkgrass Bnd
<u>Salvador San Mateo</u>	Salvador San Mateo	3230 Silkgrass Bnd.
<u>Dhyn Spradling</u>	Dhyn Spradling	3232 Silkgrass Bend
<u>J. Danell Widner</u>	J. Danell WIDNER	3302 Silkgrass Bend
<u>Julie Moore</u>	Julie Moore	3306 Silkgrass Bend

P E T I T I O N

File Number: CI4-05-0150

~~Beverly Wottrich~~ BEVOLYN WOTTRICH
3308 Silkgrass Bend

~~Ben Wegman~~ Percy Wegman 3307 Silkgrass Bend

~~Alta M. Campbell~~ Alta M. Campbell 3227 Silkgrass Bend

~~Susan Yuhas~~ Susan Yuhas 3227 Silkgrass Bend

~~Deanna Dell~~ Deanna Dellana 4406 Kangaroo Lane

~~Rosalyn Leahy~~ ROSALYN LEAHY 3228 SILKGRASS BEND

~~Chris Cage~~ CHRIS CAGE 3300 SILKGRASS BEND

~~Regina Dargahi~~ Regina Dargahi 9603 Kangaroo Lane 78748

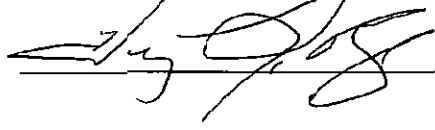
~~Marvin Brice~~ Marvin Brice 3304 Silkgrass Bend 78748

~~Orrin Shald~~ ORRIN SHALD 3206 SLAUGHTER LN

~~Sam Najjar~~ Sam Najjar 3233 Silkgrass Bud.

P E T I T I O N

File Number: C14-05-0150

 HENRY L. BARNEY JR 3309 SILKREEK FORD 78742

MEMORANDUM

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

FROM: Dora Anguiano, 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

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

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 17th 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. 52007

Email: john.larkin@amd.com

11/30/2005

Walsh, Wendy

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; Guernsey, 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

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/kla
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
RANCE
VE

SLAUGHTER LANE WEST

NO-CO

02-0173

RR

SLAUGHTER

SP-07-0291C
03-0035
PARKING
FOR SPORTS
FEATION
04-0090



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 & 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>
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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:

23,165.24

Total %

4.02%

Walsh, Wendy

From: thaycraft [thaycraft@austin.rr.com]
Sent: Wednesday, May 24, 2006 12:36 PM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Subject: Harmon Re-Zoning Request C14-05-0150

I respectfully ask that you reconsider the re-zoning request C14-05-0150. The land involved sits among single and multi-family homes not exceeding 3 stories in height. To preserve the value for the home owners and sense of community in the area, I request a lower maximum height be considered.

If you have any questions, you are welcome to contact me.

Thank you for taking a moment of your time to consider this.

Tom Haycraft
9329 Bradner Dr.
Austin, TX 78748
512-282-5962

5/24/2006

Walsh, Wendy

From: Theresa Buzek [tabuzek@hotmail.com]
Sent: Wednesday, May 24, 2006 12:47 PM
To: Walsh, Wendy
Subject: Opposition to Fairfield/Harmon Re-Zoning Request C14-05-0150

Please do NOT allow this re-zoning to occur!!

KEEP AUSTIN WEIRD by not allowing big development to take over our neighborhoods. We have enough apartment/condos in place, keep our family's space private.

As a voter your job is in our hands and we will remember your vote!!

Thank you!

Theresa Buzek

Tanglewood Oaks Homeowners Association member

Walsh, Wendy

From: Colleen Meyer [Colleen.Meyer@the401kcompany.com]
Sent: Wednesday, May 24, 2006 1:53 PM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Cc: tanglewoodoaks@hotmail.com
Subject: Harmon Re-Zoning Request C14-05-0150
Importance: High

Dear Mayor Wynn and City Council Members,

It is my understanding that this issue will come before you tomorrow for a second reading. As a seven year resident in the Tanglewood Oaks subdivision, I am emailing you in opposition to the Harmon Re-Zoning Request, C14-05-0150. You should be in receipt of the resolution passed by the Tanglewood Oaks Owners' Association in November 2005 which states specifically why we, as individuals and as neighbors, are opposed to this rezoning request. As a long time resident of Austin, I hope that the Council will put added weight to the thoughtful opinions of those of us who actually LIVE and have our HOMES in the area affected by this zoning request.

Please know that I do not oppose change in general. I have not opposed other rezoning requests, such as the one made a few years ago at Westgate and Aftonshire (pretty much in my back yard) or the one that allowed for the building of the rehabilitation center off Slaughter just west of Westgate, because some requests are valid and considerate of the neighborhoods that surround them. But I vehemently oppose zoning changes, such as this one, that ignore and actively work against the desires of neighborhoods for the sake of profits to a few developers and land owners. The land owner is selling to move away...what a selfish parting gift to the rest of us who live there to try to line their pockets by sacrificing our neighborhoods in the process. The proposed structures that would result from the requested zoning change would be completely out of character with the surrounding area and completely unnecessary. The current zoning allows for ample development that would not create such a sacrifice.

As an active (and voting) citizen, I implore you not to let them do this. Please listen to those of us who have a real, valid, ongoing commitment to our neighborhood and count on you, our representatives, to make decisions that are truly reflective of our wishes and the lifestyle that brought us to this neighborhood to begin with.

Thank you for your time and consideration.

Respectfully,

Colleen Meyer
2953 Lagerway Cove

5/24/2006

Walsh, Wendy

From: Nancy Richmond [nrichmond@kentor.com]
Sent: Wednesday, May 24, 2006 3:39 PM
To: Walsh, Wendy
Subject: Harmon Re-Zoning Request C14-05-0150

As a resident of the Tanglewood Oaks subdivision, located off Westgate Drive, behind the Harmon Tract – I would like to voice my strong opposition to the rezoning of this tract of land. I feel the 45 foot height limitation, which was negotiated in 2002, should stand as is. Please take the neighborhood wishes into consideration when voting tomorrow evening. Thank you.

Nancy Richmond
9336 Sanford Drive
Austin, Texas 78748

5/24/2006

Walsh, Wendy

From: Billdog9325@aol.com
Sent: Wednesday, May 24, 2006 3:46 PM
To: Walsh, Wendy
Subject: Stop the Harmon project on Slaughter near Brodie

Councilmember Walsh:

I live near the proposed Harmon development on Slaughter near Brodie. This is the **WRONG** neighborhood for tall buildings. Please oppose the project. It is against what Austin stands for.

It is sad that woods are being destroyed for roads and buildings; stupid development must be stopped.

The place for tall buildings is **NOT** here in the suburbs; it is **DOWNTOWN**.

Please stop the Harmon project.

Best regards!

----- *Bill Burton*

Phone: (512) 280-8469
Fax: (512) 300-0637

1. "Whatsoever ye would a man should do to you, do ye even so to them."~~~~~Jesus Christ, Matthew 12:12.
2. "Do unto others as others want to be done unto."~~~~~unknown
3. "Be kind."~~~~~unknown

Walsh, Wendy

From: Stacy Curtis [somatic@austin.rr.com]
Sent: Wednesday, May 24, 2006 8:37 PM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Subject: Harmon Re-Zoning Request C14-05-0150
Importance: High

Good evening Mr. Mayor and honorable members of the City Council,

We appreciate all that you do to help make Austin the great city that it is, and all that you are doing to help manage the current and future planned growth of the city.

However, we feel that the Harmon tract at 3226 West Slaughter Lane should NOT be rezoned to allow a 60' structure to be built. Such a structure is not only completely out of character for this area of South Austin, but it would also create privacy issues for those of us living in the single family residential housing areas surrounding the property.

In addition, the traffic patterns at the intersection of Brodie and Slaughter are becoming increasingly congested, and at times dangerous, due to the increased retail development in that area. Adding an additional 311 multifamily units in this area WILL increase traffic significantly, despite the assertion made on the summary sheet that "no additional right-of-way is needed at this time...". The fact that a traffic impact analysis was waived is also an issue. There is no way this type of development will not significantly impact traffic flow in this area!

Lastly, an agreement was reached between the City of Austin and the Cherry Creek on Brodie Lane Neighborhood Association (Case# C14-02-0035, November 2002) and we would like to see the City uphold its end of the agreement. Rezoning the Harmon property is in direct opposition to this agreement.

As members of the Tanglewood Oaks Owners Association, taxpayers, residents of the City of Austin, and voting members of the public, we wholeheartedly oppose the rezoning of the Harmon tract and ask that you deny the zoning change request at the City Council meeting on Thursday evening.

Thank you for your time.

Sincerely,
James and Stacy Curtis
9400 Bradner Drive
Austin, Texas 78748

Walsh, Wendy

From: Richard Bryan [rbryan@statesman.com]
Sent: Thursday, May 25, 2006 9:34 AM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Subject: RE: Opposition to Fairfield/Harmon Re-Zoning Request C14-05-0150

To all:

I am a resident of the Tanglewood Oaks neighborhood. I am adamantly opposed to the rezoning in the subject case. This development, with a maximum height of 65 feet will put upper story residents looking directly down into many of our home owners' yards and homes. This type of development will only degrade the value of our homes. Austin constantly battles with revenue problems, yet we continue to degrade the greatest source of income: property taxes. While many inner city communities are having property values driven up due to gentrification, far too many neighborhoods such as ours are having values eroded by irrational and unnecessary development such as the Fairfield/Harmon ranch re-zoning request. Single family homes are all that should be allowed here. However, I understand the value of the property to possible retail businesses also. Single story residential/retail is all that should be allowed at this site.

Sincerely,
Richard G. Bryan
9328 Sanford Dr
Austin, TX 78748
(512) 282-9029

5/25/2006

Walsh, Wendy

From: Aoife Longmore [aoife_l@yahoo.com]
Sent: Thursday, May 25, 2006 10:21 AM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Subject: Against: Harmon Re-Zoning Request C14-05-0150

As a homeowner in the Taglewood Oaks subdivision I wish to state my **opposition** to the zoning change proposed by Harmon (C14-05-0150) and up for discussion in council today, May 25. Reasons are as follows:

- The current MF-4 zoning with a specific height limit of 45 feet was approved in 2002 after arduous negotiation and compromise between the property owner and Cherry Creek on Brodie Lane Neighborhood Association (Case# C14-02-0035, November 2002).
- Having large multi-family units in this location is certainly not the ideal scenario for our rural/suburban area but a 60 foot structure will have the top floor condos/apartments looking down into our yards and homes.
- These apartments will also cause further infrastructure problems on Slaughter Lane and Brodie Lane where there is already too much traffic. We desperately need some city planning here for both real estate development and infrastructure before we make any more drastic changes to the character of this area.
- Staff approval of the zoning request was recommended earlier this year without regard to the negotiated compromise agreement embodied within the current zoning.

For this hearing, please take into account the compromise that was entered into in good faith in 2002 and the strong opposition of our neighborhoods to the zoning change request.

Thank you for your time.

Aoife Longmore
9213 Sanford Drive

Why keep checking for Mail? The all-new Yahoo! Mail Beta shows you when there are new messages.

Walsh, Wendy

From: Dorothy Smith [vliz5555@sbcglobal.net]
Sent: Thursday, May 25, 2006 10:37 AM
To: Walsh, Wendy
Subject: C14-05-0150 Zoning Request

Please deny the above request to change the zoning to a max of 65 ft in consideration of the existing homes which would be affected.

Thanks,
Liz Smith
9204 Linkmeadow Dr.
Austin, TX 78748
Tanglewood Oaks Owners Assoc.

5/25/2006

Walsh, Wendy

From: Larkin, John [john.larkin@amd.com]
Sent: Thursday, May 25, 2006 3:26 PM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby
Cc: Arellano, Richard; Curtis, Matt; Frazier, Sandra; Diaz, Elaine; Haines, Dina; Levinski, Robert; Mormon, Andy; Bailey, Rich; Gross, Karen; ccoblna@googlegroups.com; Phil Brown; Brian Judis; Guernsey, Greg; bruce@ohan.org; Walsh, Wendy
Subject: Harmon Ranch C14-05-0150 - John Larkin - Cherry Creek on Brodie
Importance: High
Follow Up Flag: Follow up
Due By: Wednesday, May 24, 2006 12:00 AM
Flag Status: Flagged

Greetings Mayor, Mayor Pro Tem, Council Members, and City Manager,

I am writing on behalf of our local community to reiterate our opposition to zoning request C14-05-0150. We reached a compromise agreement with the property owner and we believe the up-zoning we supported at that time (from rural residential to MF4 with a 45' height limit) is fair while complying with the neighborhood centric zoning that is predominate within our rural/suburban streetscape.

Key points to consider:

1. The local community Valid Petition opposing C14-05-0150 was certified at 32.95% by staff

The property owner subsequently pulled in the zoning request property lines to subvert the public's right to valid petition.

The intended use of the property did not change when the zoning area shrank. It is therefore appropriate for the Valid Petition to remain in force and approval of the pending request should require a council super majority.

2. The four neighborhoods surrounding the site in question are all opposed to the request (Cherry Creek on Brodie, Palomino Park, Tanglewood Oaks, and Tanglewood Forest)

3. The developer that precipitated the request, Fairfield, has decided against pursuing the project

4. All the surrounding properties have neighborhood zoning

5. OHAN submitted a resolution opposing C14-05-0150

6. ANC submitted a resolution opposing C14-05-0150

7. Denying the request is *the right thing to do*.

We realize you are faced with difficult decisions facing the City of Austin every day. We do not take our

5/30/2006

participation in the process lightly and we have developed principled and consistent positions as a local community. We work our tails off to become informed contributors and provide local community perspective and knowledge, avoiding the "just say no" paradigm in our engagements with potential neighbors and our city staff. We strive to be fair, realizing that property owners have a right to seek a return on their investment.

We negotiated a compromise with the Harmons in 2002-2003 and our support helped them gain the current zoning of MF4 CO with height restriction of 45'. The current Director of Neighborhood Planning and Zoning, Greg Guernsey, even facilitated/mediated the discussions. At the time, all parties agreed that the compromise was fair. No one got all of what they wanted but we were able to stand together in support of the zoning on final reading. Please do not dismiss the hard work that resulted in a fair compromise that (late) night lightly.

Support the existing agreement. Support citizen participation. Support the local community.

Sincerely,

John K. Larkin

President Cherry Creek on Brodie NA

9508 Tea Rose Trail

Austin, TX 78748

Cell (512) 970-8157

5/30/2006

Walsh, Wendy

From: John Larkin [jklarkin@austin.rr.com]
Sent: Tuesday, June 20, 2006 9:55 PM
To: Wynn, Will; betty.dunkerly@ci.austin.tx.us; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Futrell, Toby
Cc: sbalettie@austin.rr.com; LCMorrison@prodigy.net; Pascoe Susan; trumprop@juno.com; lklar@austin.rr.com; ccoblina@googlegroups.com; board@cherrycreekonbrodie.org; jklarkin@austin.rr.com; bjudis2000@yahoo.com; Walsh, Wendy; Guernsey, Greg; john.larkin@amd.com; 'Phil Brown'; 'Joan Wagner'; 'Bruce Perrin- Oak Hill Association of Neighborhoods'
Subject: C14-05-0150 - 3rd Reading - Postponement Request

Greetings Mayor, City Manager, Mayor Pro tem, and Council Members,

I am writing on behalf of the Cherry Creek, Palomino Park, Tanglewood Forest, and Tanglewood Oaks neighborhoods to respectfully request a postponement of third reading on C14-05-0150 to the July 27th City Council hearing. The local community needs time to review and understand the recent and significant changes to the original ordinance language as represented in current backup. We also need the time to meet with council members and staff to discuss the changes and associated impact to the originally contemplated and promoted project so that we may provide local community input and perspective to our elected officials.

Respectfully,

John K. Larkin
President
Cherry Creek on Brodie Neighborhood Association

Work: (512) 602-2007
Home: (512) 280-2066
Mobile: (512) 970-8157
Email: jklarkin@austin.rr.com
Email: john.larkin@amd.com

CC: Presidents of Tanglewood Oaks, Tanglewood Forest, Palomino Park, OHAN, ANC, and City Staff

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3226 WEST SLAUGHTER LANE FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY (MF-4-CO) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY (MF-4-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence moderate high density-conditional overlay (MF-4-CO) combining district to multifamily residence moderate high density-conditional overlay combining district on the property described in Zoning Case No. C14-05-0150, on file at the Neighborhood Planning and Zoning Department, as follows:

A 7.250 acre tract of land, more or less, out of the Theodore Bissell Survey No. 18 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 3226 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. For a building or structure that exceeds a height of 45 feet from ground level the following applies:
 - a) a 670 foot wide building setback shall be provided and maintained along the north property line adjacent to a residential zoned district; and
 - b) All residential development shall comply with Austin Energy Green Building Program for a minimum two-star rating.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate-high density (MF-4) base district and other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2006.
3

4
5 **PASSED AND APPROVED**

6
7
8
9 _____, 2006

§
§
§

10 _____
11 Will Wynn
12 Mayor
13

14 **APPROVED:** _____ **ATTEST:** _____

15 David Allan Smith
16 City Attorney

Shirley A. Gentry
City Clerk

7.250 Acre (315,794 sq. ft.)
Theodore Bissell Survey No. 18
Travis County, Texas

EXHIBIT A

FN4075R(REB)
November 23, 2005
SAM, Inc. Job No. 25335-01

DESCRIPTION OF A 7.250 ACRE (315,794 SQ. FT.) TRACT OF LAND BEING SITUATED IN THE THEODORE BISSELL SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 30.00 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO JOHN M. HARMON AND WIFE, JOYCE W. HARMON, AS RECORDED IN VOLUME 7589, PAGE 370 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.403 ACRE (148,224 SQ. FT.) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8-inch iron rod found for the most northerly corner of said 30.00 acre tract, same being the most easterly corner of a called 8.435 acre tract of land as described in a deed to Shady Hollow Retail Partners, Ltd. as described in Document No. 2003018644 of the Official Property Records of Travis County, Texas;

THENCE with the common line of said 30.00 acre tract and said 8.435 acre tract, S 27° 52' 08" W, a distance of 922.59 feet to a calculated point;

THENCE leaving said common line and crossing through the interior of said 30.00 acre tract, S 62° 07' 52" E, a distance of 43.13 feet to a calculated point for the northwest corner and the **POINT OF BEGINNING** of the tract described herein,

THENCE continuing through the interior of said 30.00 acre tract the following five (5) courses and distances:

- 1) N 80° 49' 11" E, a distance of 463.00 feet to a calculated point,
- 2) S 09° 10' 49" E, a distance of 514.67 feet to a calculated point, from which a 1/2-inch iron rod found for the most easterly corner of said 30.00 acre tract bears, S 62° 08' 00" E, a distance of 137.48 feet and N 27° 52' 00" E, a distance of 712.84 feet,
- 3) S 27° 52' 00" W, a distance of 250.58 feet to a calculated point,
- 4) S 80° 49' 11" W, a distance of 312.03 feet to a calculated point, and
- 5) N 09° 10' 49" W, a distance of 714.67 feet to the **POINT OF BEGINNING** and containing 7.250 acres (315,794 sq. ft.) of land more or less.

BEARING BASIS: Found two (2) 1/2" iron rods on the north right of way line of West Slaughter Lane and being the south line of the called 30.00 acre Harmon property shown hereon. Held called bearing of N 62°10'58" W (Volume 10753, Page 1651 R.P.R.T.C.TX.) and found actual distance to be 860.25'.

THE STATE OF TEXAS

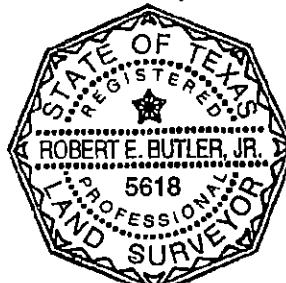
KNOW ALL MEN BY THESE PRESENTS:

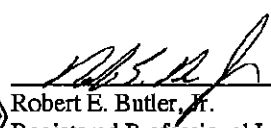
COUNTY OF TRAVIS

That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 23rd day of November 2005 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735



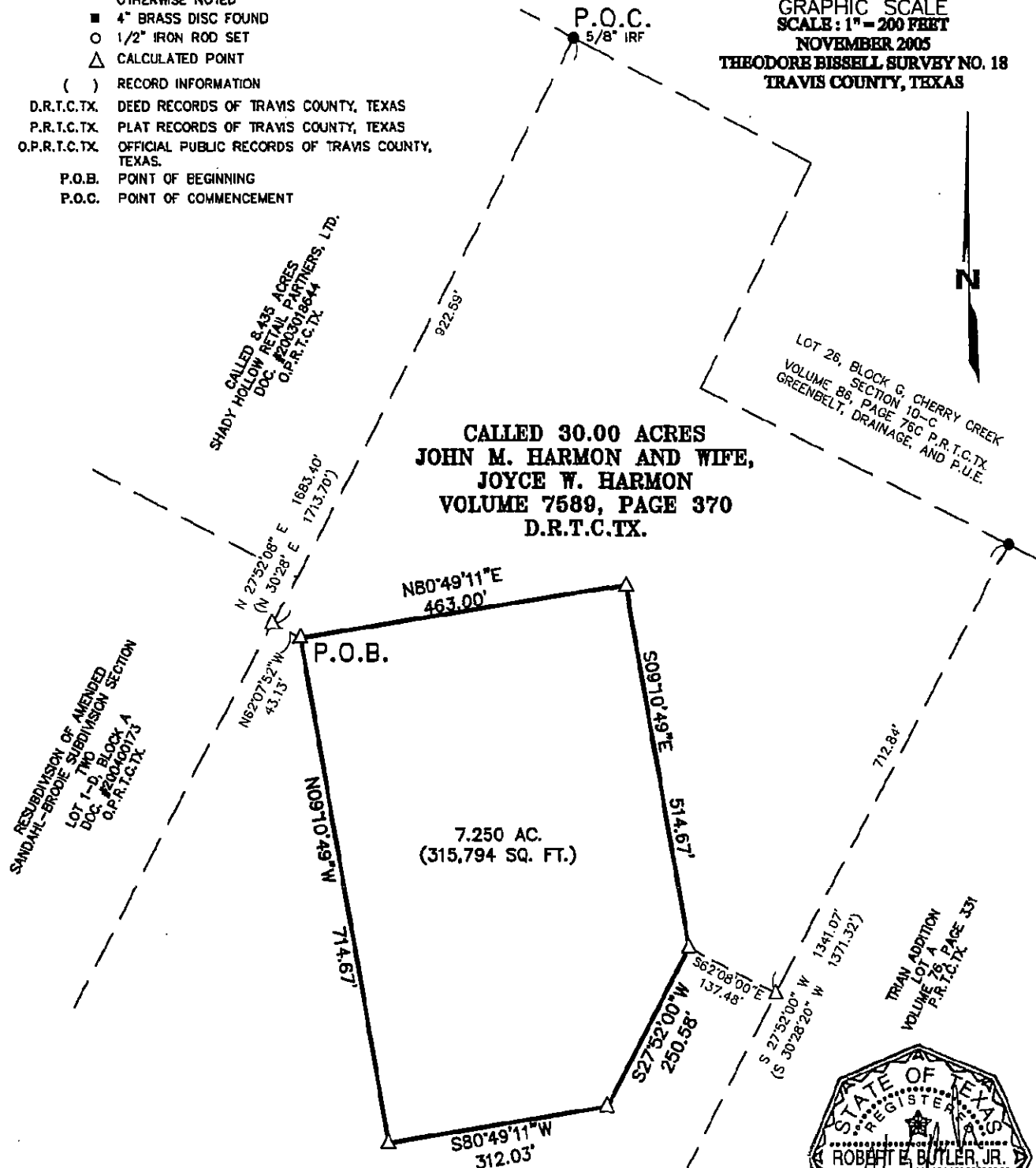

Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 - State of Texas

LEGEND

- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- 4" BRASS DISC FOUND
- 1/2" IRON ROD SET
- △ CALCULATED POINT
- () RECORD INFORMATION
- D.R.T.C.TX. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

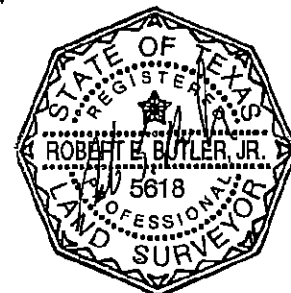
200' 100' 0' 200'

GRAPHIC SCALE
SCALE: 1" = 200 FEET
NOVEMBER 2005
THEODORE BISSELL SURVEY NO. 18
TRAVIS COUNTY, TEXAS



BEARING BASIS:

FOUND TWO (2) 1/2" IRON RODS ON THE NORTH RIGHT OF WAY LINE OF WEST SLAUGHTER LANE AND BEING THE SOUTH LINE OF THE CALLED 30.00 ACRE HARMON PROPERTY SHOWN HEREON. HELD CALLED BEARING OF N 62°10'58" W (VOLUME 10753, PAGE 1651 R.P.R.T.C.TX.) AND FOUND ACTUAL DISTANCE TO BE 860.25'.

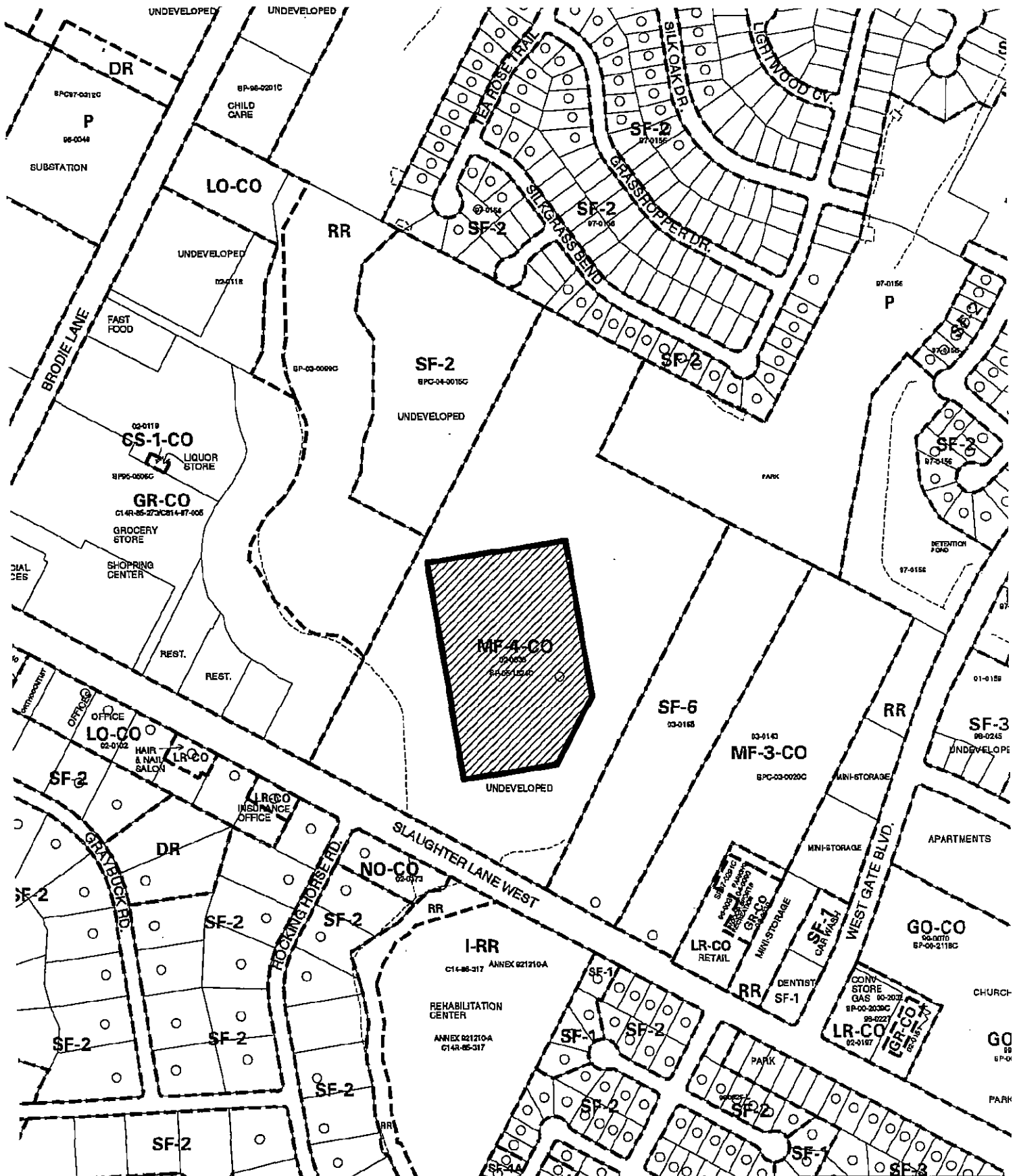


PROJECT:	HARMON TRACT
JOB NUMBER:	25333-01
DATE:	NOVEMBER 23, 2005
SURVEYOR:	REB
PARTY CHECK:	L. GALVAN
FIELDBOOK:	4167
FIELDNOTE:	FM4075R(205)
TECHNICAL:	REB
DRAWING:	25333-01.dwg
SCALE:	1"=200'



5506 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78756
(512) 447-0076
FAX (512) 526-5029
EMAIL: SAMS@SAMINC.AUS.COM

SKETCH TO
ACCOMPANY FIELD
NOTE No. 4075R
PAGE 2 OF 2



RESTRICTIVE COVENANT

OWNER: John M. Harmon and wife, Joyce W. Harmon

ADDRESS: 3226 West Slaughter Lane, Austin, Texas 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 29.399 acre tract of land, more or less, out of the Theodore Bissell Survey No. 18, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. Development of the Property shall comply with the following regulations:
 - a) the maximum impervious cover is 139,000 square feet;
 - b) the maximum impervious cover is 3.19 acres;
 - c) the maximum density is 6.2 dwelling units per acre; and
 - d) the maximum density is 182 dwelling units.
3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006.

OWNER:

John M. Harmon

Joyce W. Harmon

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by John M. Harmon.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2006, by Joyce W. Harmon.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

29.399 Acres
Theodore Bissell Survey No. 18
Travis County, Texas

EXHIBIT A

FN 3684(WGH)
April 15, 2005
SAM, Inc. Job No. 25081-01

DESCRIPTION OF A 29.399 ACRE TRACT OF LAND LOCATED IN THE THEODORE BISSELL SURVEY No. 18 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 30.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JOHN M. HARMON AND WIFE, JOYCE W. HARMON, RECORDED IN VOLUME 7589, PAGE 370 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found in the north right-of-way (ROW) line of West Slaughter Lane as dedicated in Volume 10753, Page 1651 of the Real Property Records of Travis County, Texas, being the southeast corner of Lot 1-D, Block A of the Resubdivision of Amended Sandahl-Brodie Subdivision Section Two, recorded under Document No. 200400173 of the Official Public Records of Travis County, Texas, and being in the west line of said called 30.00 acre tract, for the southwest corner hereof;

THENCE, leaving the said north ROW line with the east lines of said Resubdivision Plat and a called 8.435 acre tract of land described in a deed to Shady Hollow Retail Partners, Ltd., recorded under Document No. 2003018644 of the Official Public Records of Travis County, Texas, being the west line of said called 30.00 acre tract, N 27°52'08" E, passing a ½-inch iron rod found at 833.67 feet, in all a distance of 1683.40 feet to a 5/8-inch iron rod found being the northeast corner of the said called 8.435 acre tract, being in the south line of Cherry Creek Section 10-A, recorded in Volume 86, Page 16C of the Plat Records of Travis County, Texas, and being the northwest corner of said called 30.00 acre tract and the northwest corner hereof;

THENCE, with the common line between the said Cherry Creek Section 10-A and the said called 30.00 acre tract, S 62°28'31" E, passing a ½-inch iron rod found at 126.10 feet, passing a ½-inch iron rod found at 201.32 feet, passing a ½-inch iron rod found at 261.19 feet, passing a 1/2"-inch iron rod found at 321.28 feet, in all a distance of 370.53 feet to a 4-inch brass disc in concrete being in the south line of the said Section 10-A, being the western-most northwest corner of Cherry Creek Section 10-C, recorded in Volume 86, Page 76C of the Plat Records of Travis County, Texas, and being the northern-most northeast corner of said called 30.00 acre tract and the northern-most northeast corner hereof;

THENCE, with the common lines between the said Cherry Creek Section 10-C and the said called 30.00 acre tract the following two (2) courses and distances:

1. S 26°33'29" W, a distance of 350.66 feet to a ½-inch iron rod set with plastic "SAM" cap for an interior corner hereof, and
2. S 62°56'20" E, a distance of 481.69 feet to a ½-inch iron rod found in the south line of the said Section 10-C, being the northwest corner of Triana Addition Lot A, recorded in Volume 76, Page 331 of the Plat Records of Travis County, Texas, and being the eastern-most northeast corner of said called 30.00 acre tract and the eastern-most northeast corner hereof;

29.399 Acres
Theodore Bissell Survey No. 18
Travis County, Texas

FN 3684(WGH)
April 15, 2005
SAM, Inc. Job No. 25081-01

THENCE, with the common line between the said Trian Addition and the said called 30.00 acre tract, S 27°52'00" W, a distance of 1341.07 feet to a ½-inch iron rod found for the southwest corner of the said Trian Addition, being in the said north ROW line of West Slaughter Lane as dedicated in Volume 10753, Page 1651 of the Real Property Records of Travis County, Texas, and being the southeast corner hereof;

THENCE, with the said north ROW line, N 62°10'58" W, a distance of 860.25 feet to the **POINT OF BEGINNING**, containing 29.399 acres of land, more or less.

STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Michael R. Hatcher, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during March, 2005 and April, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 15th day of April, 2005 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


Michael R. Hatcher
Registered Professional Land Surveyor
No. 4259 – State of Texas

