Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-19
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1

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

REQUESTING DEPARTMENT:	Neighborhood Planning and Zoning	**DIRECTOR'S AUTHORIZATION:** Greg Guernsey

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RCA Serial#: 10456 Date: 12/01/05 Original: Yes
Disposition: Postponed~THU 12/01/2005

Published: Thu 11/10/2005
Adjusted version published:

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0150 **Z.P.C. DATE:** October 4, 2005
October 18, 2005

ADDRESS: 3226 West Slaughter Lane

OWNER & APPLICANT: John M. and Joyce W. Harmon **AGENT:** Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)

ZONING FROM: MF-4-CO **TO:** MF-4-CO **AREA:** 30 acres

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. RABABO – LEFT EARLY

ISSUES:

A valid petition of 32.95% has been filed by the adjacent property owners in opposition to this rezoning request.

The Cherry Creek on Brodie Neighborhood Association, Austin Neighborhoods Council, Tanglewood Forest Neighborhood Association and Tanglewood Oaks Owners Association

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
Site	I-RR	One single family residence
North	SF-2	Single family residences
South	LO-CO; LR-CO; SF-2; NO-CO; RR; I-RR	Offices; Hair and nail salon; Insurance office; Single family residences; Rehabilitation center
East	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)
West	SF-2-CO; RR; GR-CO; LO-CO	Undeveloped; Shopping center with restaurants, bank, grocery store and other retail uses

AREA STUDY: Not Applicable **TIA:** Waived

WATERSHED: Slaughter Creek – Barton Springs Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** Yes

NEIGHBORHOOD ORGANIZATIONS:

217 – Tanglewood Forest Neighborhood Association
219 – Palomino Park Homeowners Association
384 – Save Barton Creek Association
385 – Barton Springs Coalition
428 – Barton Springs / Edwards Aquifer Conservation District
465 – Cherry Creek on Brodie Neighborhood Association
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
918 – Davis Hills Estate HOA
943 – Save Our Springs Alliance
959 – Villages Neighborhood Association

997 – Tanglewood Oaks Owners Association

SCHOOLS:

Kocurek Elementary School Bailey Middle School Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0074	LO-CO to GR-CO	Recommended GR-CO with the CO for height limits, hooded lighting, trip limit, vegetative buffer, signage limits, prohibit drive-thru services. RC for rollback to LO-CO and hours of operation.	Scheduled for 10-17-05.
C14-04-0090	LR-CO to GR-CO	Recommended GR-CO with CO allows personal improvement services and all NO-CO uses	Approved GR-CO as ZAP recommended, with a Restrictive Covenant addressing IPM / Grow Green and coal-tar based sealants (8-26-04).
C14-02-0172	DR to GR	To Grant NO-CO with conditions of no additional impervious cover; prohibit access to Rocking Horse 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 not proposed.

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

ABUTTING STREETS:

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

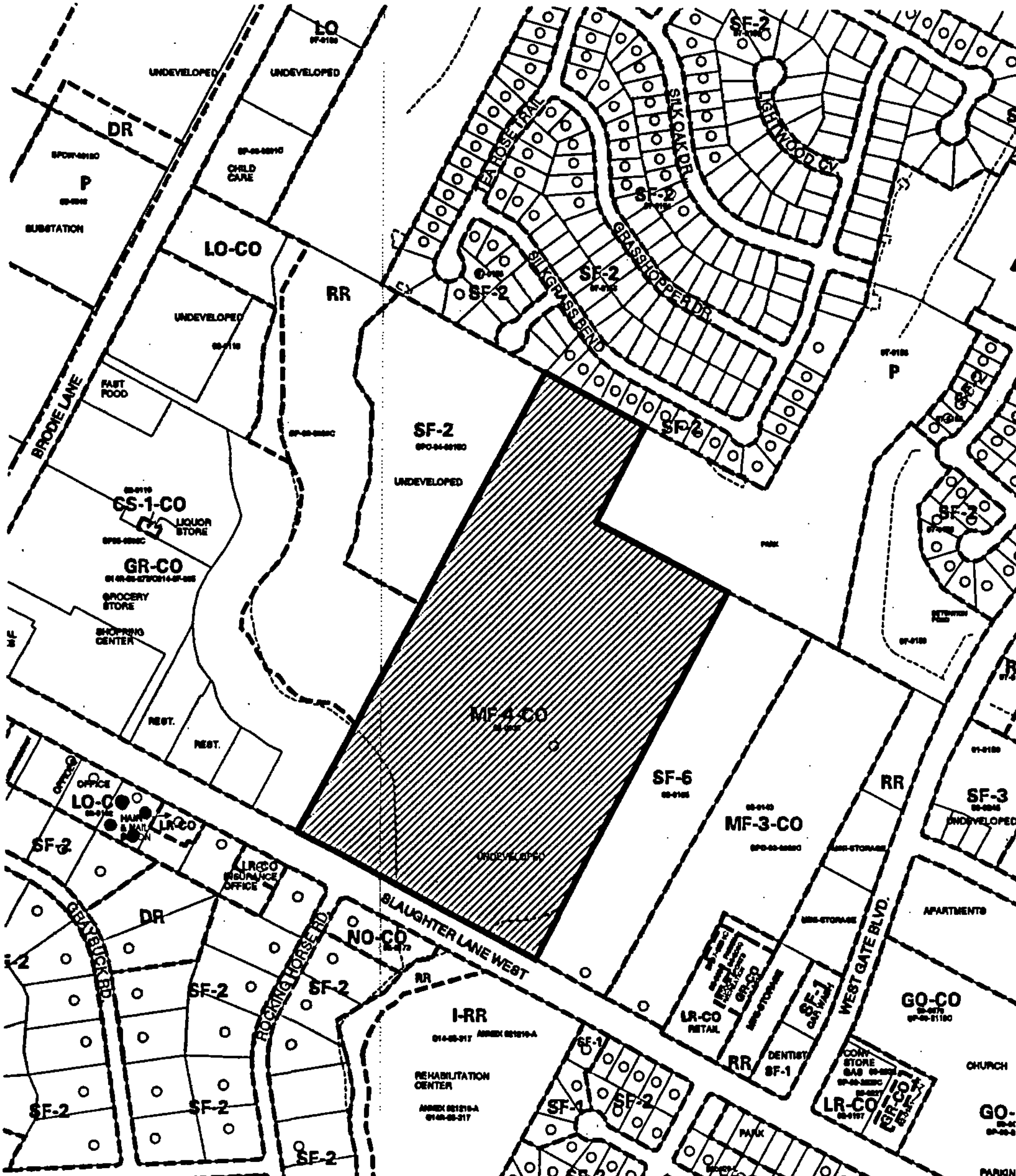
CITY COUNCIL DATE: November 17, 2005 **ACTION:** Approved a request for Postponement by the Applicant to December 1, 2005 (7-0).

December 1, 2005

ORDINANCE READINGS: 1st 2nd 3rd

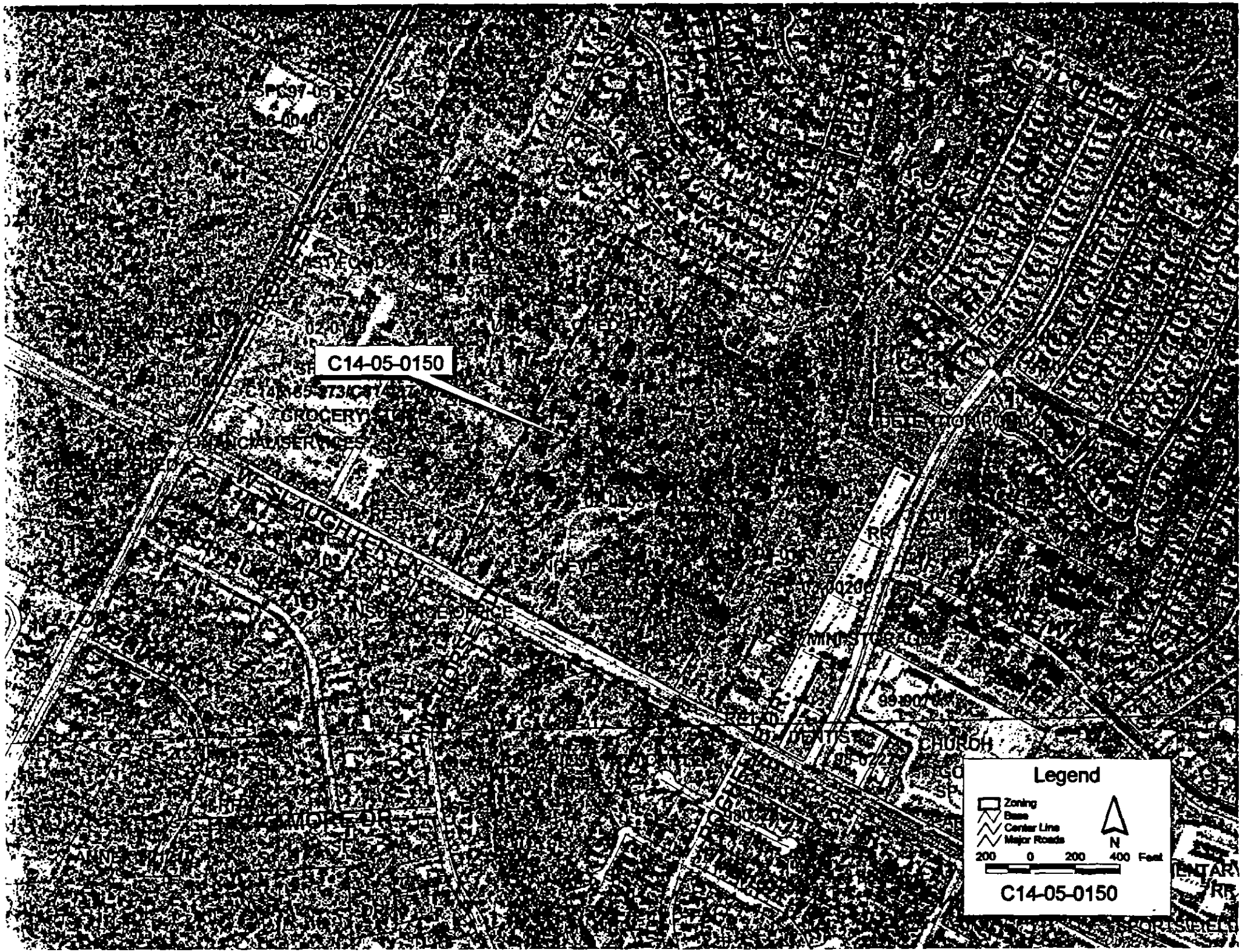
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh **PHONE:** 974-7719
e-mail: wendy.walsh@ci.austin.tx.us



N 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH	ZONING EXHIBIT A CASE #: C14-05-0150 ADDRESS: 3226 W SLAUGHTER LN DATE: 05-09 SUBJECT AREA (acres): 30 INTLS: SM

CITY GRID REFERENCE NUMBER
D15


C14-05-0150
Legend
Zoning
Base
Center Line
Major Roads
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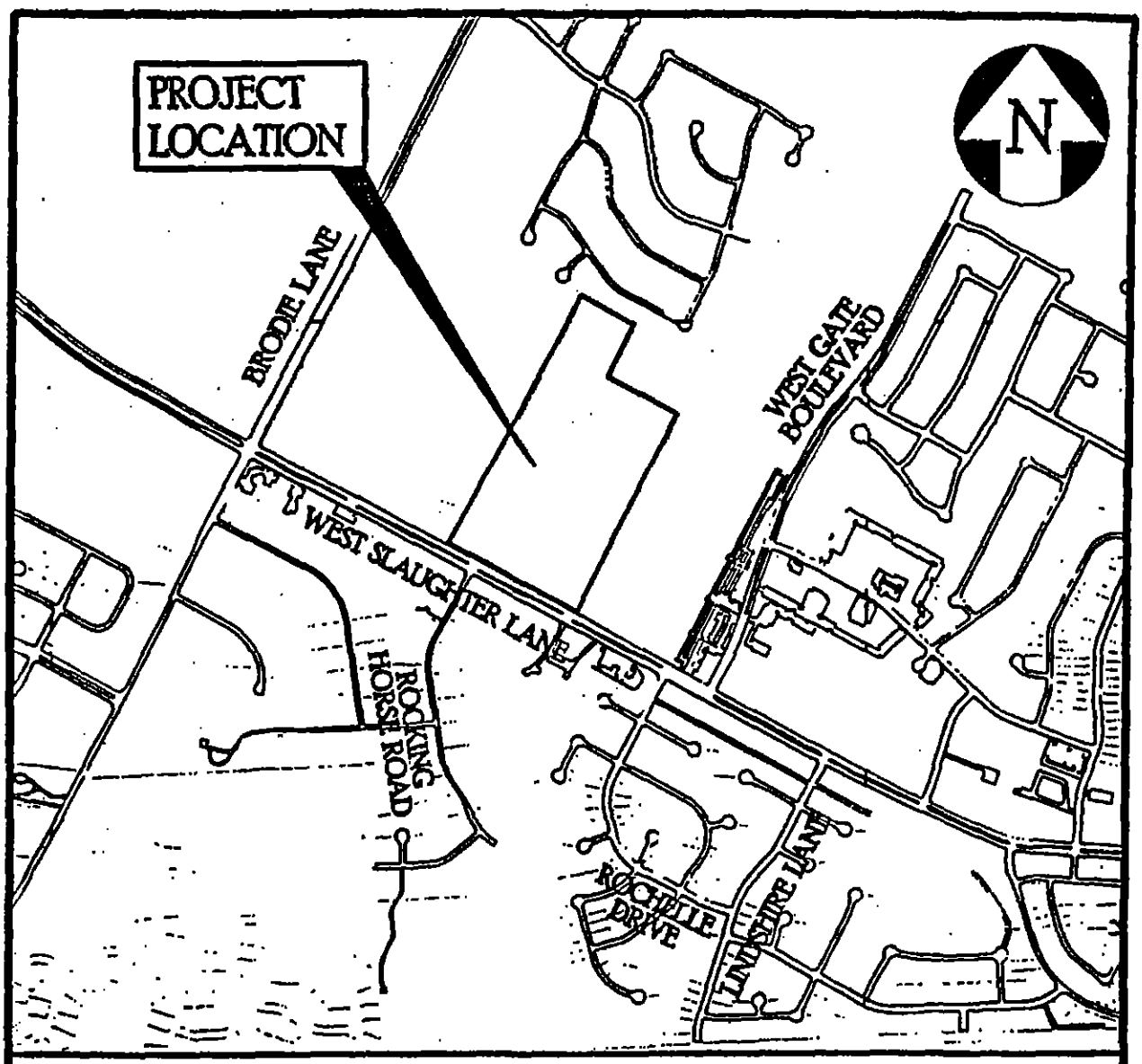
200 0 200 400 Feet
C14-05-0150



FAIRFIELD RESIDENTIAL AT
WOODLAND PARK

EXHIBIT A-2
VICINITY MAP

EXHIBIT B
SITE PLAN IN PROCESS

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; vmcglothan@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; vmcglothan@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

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; josephamartinez@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 heigh! t 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

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

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

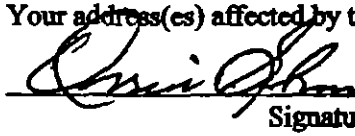
Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0150
Contact: Wendy Walsh, (512) 974-7719
Public Hearing:
October 4, 2005 Zoning and Platting Commission

☐ I am in favor
☒ I object

Orrin Shaid
Your Name *(please print)*

3206 Slaughter Lane West
Your address(es) affected by this application



Signature

9-30-05
Date

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

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

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0150
Contact: Wendy Walsh, (512) 974-7719
Public Hearing:
October 4, 2005 Zoning and Platting Commission

☐ I am in favor
☒ I object

Orrin Shaid III
Your Name *(please print)*

3204 Slaughter Lane West
Your address(es) affected by this application

Signature — 9/30/2005 Date

Comments: My property, like my grandparents property at 3206 Slaughter, adjoins the Harmon tract on the east.and is zoned SF-6. I believe that the number of units originally permitted at the time of rezoning the Harmon tract to SF-4 was unrealistic and unattainable; therefore a reduction in number of units now actually means nothing because they could not have been built anyway. An increase in allowable height to 60' on the Harmon tract would detrimentally affect my property because of a loss of privacy. I supported the Harmon's original rezoning request because of its 35' height limitation; however, I am opposed to any increase in the Harmon tract's height limitation.

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

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.

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

Case Number: C14-05-0150
Contact: Wendy Walsh, (512) 974-7719
Public Hearing:
October 4, 2005 Zoning and Platting Commission

☐ I am in favor
☒ I object

Heidi Wolff
Your Name *(please print)*

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

Heidi Wolff — 10-3-05
Signature — 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 you consideration.

Sincerely,
Margaret Stark

Walsh, Wendy

From: Ron Eggimann [REGGIMANN@dynamsys.com]
Sent: Thursday, November 10, 2005 12:26 PM
To: Walsh, Wendy
Subject: Zoning case C-14-05-0150

Zoning case C-14-05-0150

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

Ron Eggimann
9407 Lightwood Cove
Austin Texas 78748

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 belive there should be a moratorium on all zoning requests in our local community until city staff honors the community's long standing request for Neighborhood Planning.
Thank you for your attention.

Sincerely,
Rebecca Briley

3225 Silkgrass Bend
Austin, TX 78748

Walsh, Wendy

From: Mike Albe [Mike.Albe@catapultsystems.com]

Sent: Monday, November 14, 2005 1:02 PM

To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy

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

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

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

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

Thank you for your time,
Mike

Mike Albe
Controller
512.225.6868 | Phone
512.327.5661 | Fax
www.catapultsystems.com
www.inquisite.com

CATAPULT SYSTEMS INC. – INQUISITE INC.
ENABLING BUSINESS THROUGH TECHNOLOGY

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 semblence of privacy is expected and you look up to find that some structure is towering over your neighborhood. Would you not feel extremely exposed?
2. Imagine that you have previously reached an agreement with all interested parties that the structure is to be no higher than 45 ft. Later that agreement is broken. Would you not feel betrayed and taken advantage of by your impending neighbors and the very people you elected to office?
3. Imagine that the property owners suceed 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

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

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

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 forthe 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 propsed 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 you 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 sho! wn 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 reguarding 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

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,

Phyllis Puryear

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

Dear Ms. Walsh,

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

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

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

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

Sincerely,
Chris Cage
3300 Silkgrass Bend
Austin, TX 78748

Walsh, Wendy

From: laurie [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

Walsh, Wendy

From: Ben Prager [bap@ausdlg.com]
Sent: Thursday, November 17, 2005 2:02 PM
To: Wynn, Will; Alvarez, Raul; Dunkerley, Betty; McCracken, Brewster; Thomas, Danny; Kim, Jennifer; Leffingwell, Lee; Futrell, Toby; Walsh, Wendy
Cc: board@cherrycreekonbrodie.org
Subject: Rezoning: C14-04-0150

Dear Mayor Wynn and City Council Members,

I live in the Cherry Creek on Brodie neighborhood and want to let you know that I am strongly in opposition to the variance being considered for C14-04-0150 to raise the building height from 45' to 60'.

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

The 60' height desired by the developer is just not at all compatible with the surrounding neighborhoods and it is out of character for the Slaughter Lane area.

Thank you for your time and consideration.

Ben Prager
3323 Silkgrass Ben
Austin, TX 78748

Austin Neighborhoods Council

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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,

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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

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

PETITION

Case Number: **C14-05-0150** Date: Nov. 16, 2005

3226 W SLAUGHTER LANE

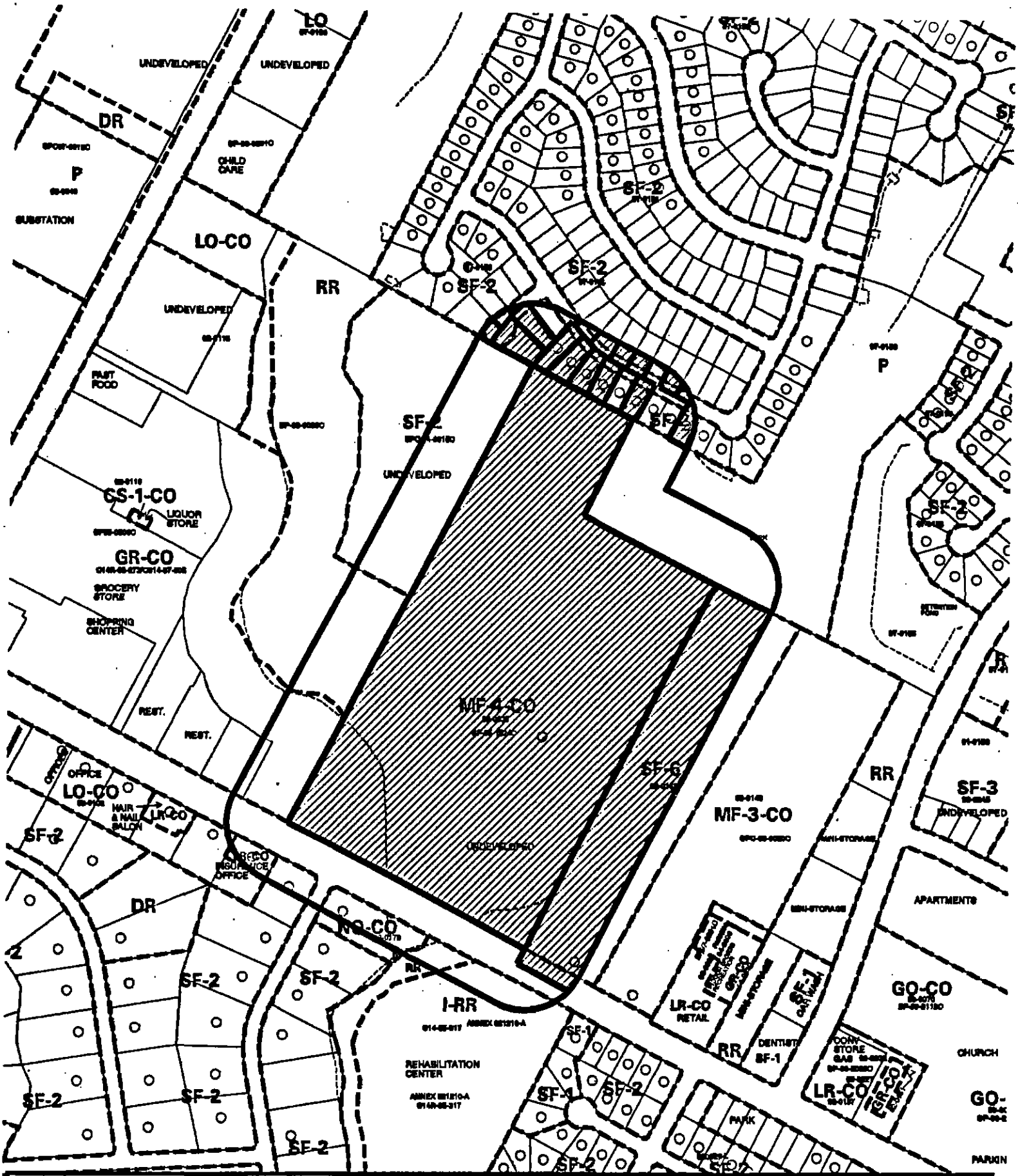
Total Area within 200' of subject tract: (sq. ft.) 1,136,642.20

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	8,766.88	0.77%
7	04-2428-0226	DELLANA-ROBARTS DEANNA L	1,995.22	0.18%
8	04-2428-0227	SEBERGER MARY L & MICHAEL C	2,778.60	0.24%
9	04-2428-0228	WAGNER THEODORE & 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	6,619.09	0.58%
16	04-2625-0736 & 0737	SHAID ORRIN SR & 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%



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

PETITION

Date: November 16, 2005

File Number: C14-05-0150

Address of
Rezoning Request: 3226 West Slaughter Lane
Austin, Texas

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change to the property's current zoning embodied in ordinance C14-02-0035 and approved by council in November 2002.

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

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

970-8157-John Larkin

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
Erica Taylor	ERICA Taylor	8303 Silkgrass Bend
Samuel E. Taylor	SAMUEL E. Taylor	" " "
Michael C. Schaefer	Michael C. Schaefer	9606 Kangaroo Ln.
Joan Wagner	Joan Wagner	9605 Kangaroo Ln
Craig Eaton	Craig Eaton	3305 Silkgrass Bnd
Salvador San Mateo	Salvador San Mateo	3230 Silkgrass Blvd.
Dilyn Spradling	Dilyn Spradling	3232 Silkgrass Bend
J. Darrell Wisner	J. Darrell WISNER	3302 Silkgrass Bend
Julie Moore	Julia Moore	3306 Silkgrass Bend

PETITION
File Number: C14-05-0150

Beevolyn Wottrich	BEVOLYN WOTTRICH	3308 Silkgrass Bend
	Percy Wagman	3307 Silkgrass Bend
Alta M. Campbell	Alta M. Campbell	3227 Silkgrass Bend
Susan Yuhas	Susan Yuhas	3227 Silkgrass Bend
Deanna Dellana	Deanna Dellana	9406 Kangaroo Lane
Rosalyn Leahy	ROSALYN LEAHY	3228 SILKGRASS BEN
Chris Cage	CHRIS CAGE	3300 SILKGRASS BEND
Regina Dargahi	Regina Dargahi	9603 Kangaroo Lane 78748
Marvin Brice	Marvin Brice	3304 Silkgrass Bend 78748
Orrin Shaid	ORRIN SHAID	3206 SLAUGHTER LN.
Sam Najjar	Sam Najjar	3233 Silkgrass Bud.

PETITION
File Number: C14-05-0150

Henry L. Barney Jr. 3309 Silkwood Ford 78704.

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 on 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:	**BAKER, JACKSON**
MOTION:	**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.

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 29.399 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. 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. A 300-foot wide vegetative buffer shall be provided and maintained along the north property line adjacent to the adjoining residential district. Improvements permitted within the buffer zone are limited to water quality facilities for the irrigation or re-irrigation of stormwater, landscaping, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

3. Development of the Property shall comply with the following regulations:

A. The minimum lot size is 8,000 square feet.

B. The minimum lot width is 50 feet.

C. The maximum density is 6.2 dwelling units per acre.

D. The maximum building coverage is 15 percent.

E. The maximum impervious cover is 15 percent.

F. The minimum setbacks are: 25 feet for front yard,
15 feet for street side yard,
5 feet for interior side yard, and
10 feet for rear yard.

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.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED:

§
§
_____, 2005 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

C14-05-0150

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 Trian 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;

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 of less.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

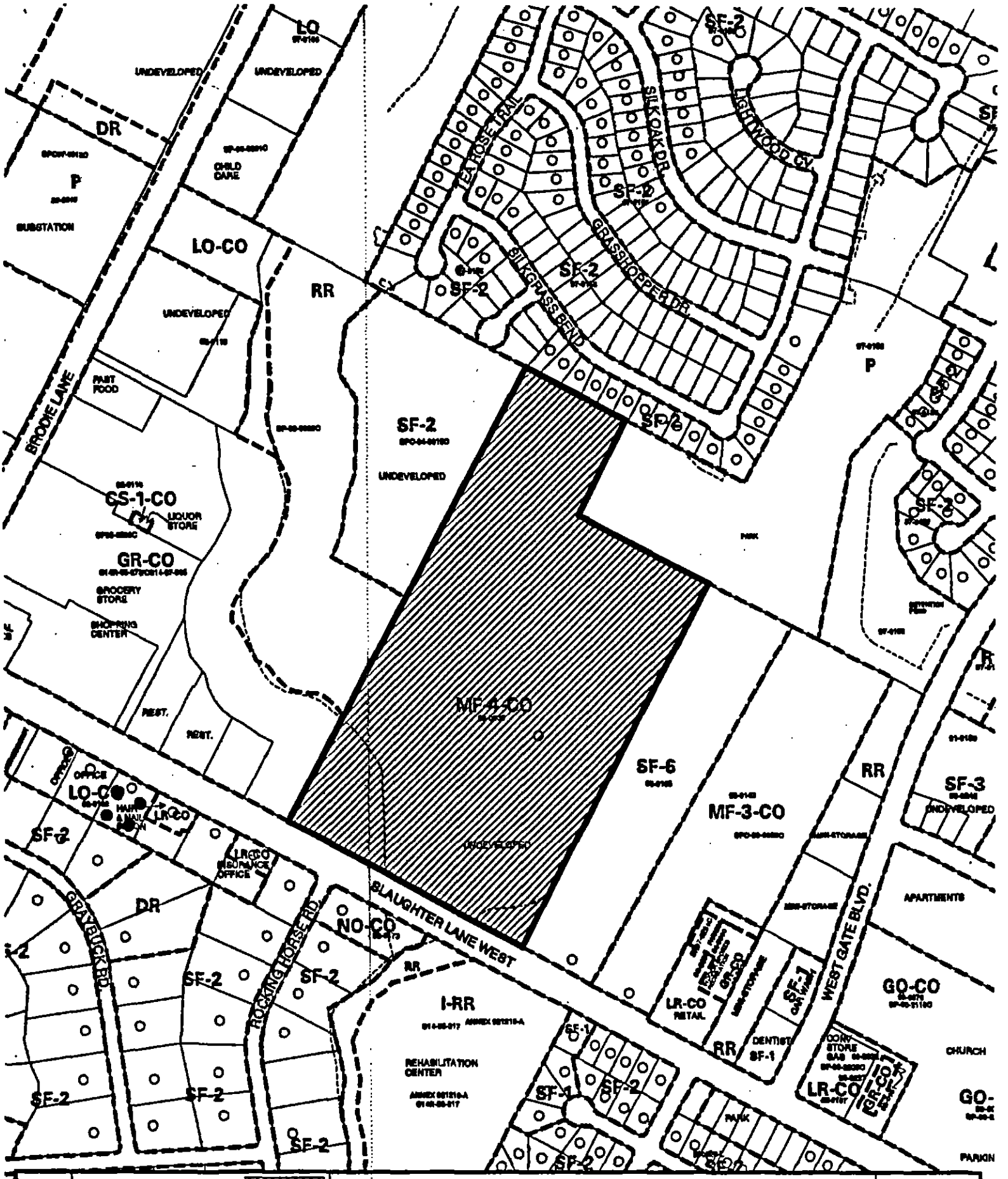
COUNTY OF TRAVIS

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



N

1" = 400'

BUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: W.WALSH

ZONING EXHIBIT B

CASE #: C14-05-0150

ADDRESS: 3226 W SLAUGHTER LN

DATE: 05-09

SUBJECT AREA (acres): 30

INTLS: SM

CITY GRID REFERENCE NUMBER

D15

Walsh, Wendy

From: MWhellan@gdhm.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