ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0006
Harper Park Residential

P.C. DATE: September 24, 2013
September 10, 2013
August 13, 2013
July 23, 2013

ADDRESS: 5816 Harper Park Drive

AREA: approx. 17.75 acres

OWNER: Harper Park Two, L.P. (Gail M. Whitfield)

APPLICANT: The Whitfield Company (Marcus Whitfield)

ZONING FROM: LO-CO-NP; Limited Office-Conditional Overlay-Neighborhood Plan

ZONING TO: LO-MU-CO-NP; Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan

NEIGHBORHOOD PLAN AREA: East Oak Hill
(Oak Hill Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

To grant LO-MU-CO-NP; Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan, with two new Conditions. Those conditions are:

- The maximum number of residential units on the property shall not exceed 80. This equates to a residential unit density per acre of approximately 4.51; and
- Development shall be limited to less than 2,000 vehicle trips per day

In addition, staff recommendation for approval is contingent on the following, which will be incorporated into the existing public restrictive covenant, in the related case C14R-86-077(RCA):

- Construction of Harper Park Drive to City standards, and its acceptance for maintenance, is required prior to the issuance of a certificate of occupancy on the property

PLANNING COMMISSION ACTION:

September 24, 2013 To grant staff recommendation of LO-MU-CO-NP with the following conditions:

1. No more than 76 residential units shall be constructed on the Property;
2. Development shall be limited to less than 2,000 vehicle trips per day; and
3. Construction of Harper Park Drive to City standards, and its acceptance for maintenance, is required prior to the issuance of a certificate of occupancy on the property.

In addition, the following conditions from the private restrictive covenant are to be added as Conditions:

4. The following uses are to be prohibited: Multifamily residential, duplex residential, two-family residential and vertical mixed-use building;
5. A minimum 50 foot building setback shall be maintained on the east and west sides of the site;
6. A 25 foot vegetative buffer and evergreen vegetation filling in sight lines must be maintained and/or installed along the east and west sides of the Property. No development, other than a wrought-iron fence, underground or overhead utilities, or storm water utilities may be allowed in the vegetative buffer;
7. All street lights on the Property must be low glare and no more than 15-feet in height;
8. All residential units shall have a maximum building height limit of 35 feet and 2 stories; and
9. All residential units built on the Property shall be single family and must have at least three sides of the façade built of masonry. Brick, rock, stucco, and hardiplank shall be considered masonry.

Additionally, the Commission adopted the following conditions:

10. An impervious cover limit of 35%;
11. Restoration of the vegetative buffer if utilities are installed; and
12. Posting of bond for the private restrictive covenant.

(Motion by J. Nortey; Second by A. Hernandez) 6-1-2 (Ayes: D. Anderson, R. Hatfield, J. Nortey, S. Oliver; A. Hernandez; Nay: J. Stevens; Absent: D. Chimenti, B. Roark)

Case Manager's Note: Item 2, the standard 2,000 vehicle trips per day limit without a TIA, was recommended by staff to the Planning Commission; this has since been determined by staff to be unnecessary, and has not been included in the draft zoning ordinance as a Conditional Overlay item. Whether the property is developed as office or multifamily residential or both, if the development intensity generates more than 2,000 trips per day then a TIA will be required with the site plan application. Item 3 will be incorporated into the associated Restrictive Covenant Amendment (C14R-86-077(RCA).

Items 1, 2, 4, 5, 8, 10 and a portion of 6 have been incorporated into the draft zoning ordinance as items in the Conditional Overlay (CO). The clause "No development, other than a wrought-iron fence, underground or overhead utilities, or storm water utilities may be allowed in the vegetative buffer" from number 6, as well as items 7 and 9 have been determined by Legal staff to be inappropriate in a CO or incorporated into a public Restrictive Covenant (or Amendment to). These items are appropriate in a private restrictive covenant, and in fact, were already recorded as such. The City of Austin was erroneously listed as the Grantee in that private agreement document, and City staff expects that this document will be terminated and new private restrictive covenant (between the owner and an adjacent neighborhood association) will be executed prior to Council action on the case.

Item 11 has been incorporated into a CO item that also incorporates Item 6. Item 12 is beyond the authority of the City to require.

PLANNING COMMISSION ACTION (cont):

September 10, 2013 Postponed to September 24, 2013 at the request of the applicant

August 13, 2013 Postponed to September 10, 2013 at the request of the Oak Acres Subdivision, with applicant concurrence

July 23, 2013. A postponement request from the Oak Acres Subdivision to August 27 was submitted. However, because the Planning Commission meeting was cancelled, the request for postponement was not considered.

CASE ISSUES:

Existing Conditional Overlay and Public Restrictive Covenant

At the time this property was rezoned in 1992, it was part of a larger 29-acre tract; that tract, along with 6 others, was part of an approximate 97-acre tract approved for rezoning by the Council in 1986. The rezoning ordinance was not finalized until 1992. There is no condition of the Conditional Overlay that applies specifically and only to the 29-acre tract, of which the current subject tract was a part. As applies to all 7 of the tracts subject to that zoning ordinance: *Development of Tracts 1 through 7 shall conform with all applicable provisions as set forth in the Boston Lane Guidelines, and shall be subject to site plan approval.*

In the 1980s, Boston Lane was envisioned to become an arterial (it's today's Southwest Parkway). It is unclear if the Boston Lane Guidelines were adopted by Council as an ordinance, or simply planning guidelines derived from a "Southwest Parkway Design Criteria" study conducted at that time. The 97-acre tract being rezoned at that time stretched between this proposed widened Boston Lane and US Hwy 290 W. A portion of Boston Lane appears to have existed in the early 1940s, based on Travis County gith-of-way acquisition maps, and City aerials from the mid-1960s show it extending more or less north from US Hwy 290 W, and then westward to the intersection with Vega/Patton Ranch Road, where Southwest Parkway is aligned today. There remains an approximate 2-mile stretch of Boston Lane, connecting Southwest Parkway and US Hwy 290 W, just west of Mo-Pac.

Today's Southwest Parkway is designated as a Hill Country Roadway in the City's Land Development Code. Property within 1000 feet of an identified Hill Country Roadway (which also includes parts of Loop 360, RM2222, and RM620, but not US Hwy 290 W) are subject to the requirements and design standards of the Hill Country Roadway ordinance. Because the current subject rezoning tract is more than 1000 feet south of Southwest Parkway, the Hill Country Roadway standards do not apply.

When the rezoning application was first filed in February 2013, an Amendment was filed for the existing public Restrictive Covenant. Adopted at the time the rezoning ordinance was finalized in 1992, the public RC specifies the following for the 29-acre tract, of which this 17-acre rezoning tract was a part:

The following conditions shall apply to Tract 6:

1) Any structure constructed on Tract 6 shall not have exterior facades constructed entirely of glass.
2) Any structure constructed on Tract 6 shall not exceed two stories or a height greater than 40 feet above ground level on Tract 6, whichever is less.

The rezoning request submitted in February was to rezone the property to a base district of MF-2, which allows for a maximum height of 3 stories or 40 feet. The proposed amendment to the public RC at that time would have amended the restriction from two stories or 40 feet,

whichever is less, to two stories or 40 feet, whichever is greater. Such an amendment is not proposed with the current rezoning request.

Additional Agreements, Conditions and Restrictions
At the present time the applicant is not proposing to amend any existing conditions of the Conditional Overlay (CO). Over the past several months the applicant has met with stakeholder groups, and agreement on several items have been reached. Staff believes that the applicant and stakeholder groups negotiated in good faith, with the expectation that any and all agreements would be incorporated into a CO attached to the zoning ordinance.

Staff recognizes the importance of agreements between an applicant and a neighborhood association or contact planning team. However, staff cannot recommend inclusion of an agreement in a Conditional Overlay if it is something the City does not regulate, require, or otherwise enforce. Typically, items recommended by staff for inclusion in a CO are items that are critical to the grant of rezoning; that is, the recommendation for a zoning change is contingent on the CO items.

Items of agreement between the applicant and another group that are outside the City's authority to regulate, such as aesthetic or design considerations, are typically memorialized in a private restrictive covenant. For those items that the City can or may regulate, but may involve certain triggers or contingencies that do not become effective the date the zoning ordinance is adopted (such as Transportation Impact Analysis provisions, or future hours of operation), are appropriately memorialized in a public restrictive covenant. Another important distinction between a private and public restrictive covenant (RC) is that the City is not a party to the former, nor is the City responsible for enforcement of its terms; a public RC involves the City as a party, and the City has the responsibility for enforcing its terms.

In this case, based on agreements with stakeholder groups, the applicant has identified several additional conditions as part of the rezoning request (see Exhibit E). Ongoing discussions have led to some revisions from earlier this summer. Staff is recommending the incorporation of one into a CO. Other items could be memorialized in a public or private restrictive covenant (RC), but staff is not recommending such at this time.

To be clear, staff is not opposed to incorporating these items into a CO or public RC if this is the desire of the Commission. Rather, staff's land use recommendation, to grant LO-MU on this existing LO tract, is not contingent on these conditions. Should the Commission specify conditions be incorporated into a CO or public RC as part of its recommendation, staff will do so to the fullest extent possible.

The limitation on the number of residential units, to 80, is supported by staff, and is recommended as a new Condition for incorporation into the CO. The applicant has also offered to prohibit the following uses that would be otherwise allowed under the Mixed Use combining district zoning:

Multifamily residential	Two-family Residential
Duplex Residential	Vertical Mixed Use Building

Neighborhood stakeholders support the prohibition of these uses, and would prefer that prohibition be incorporated into a CO. These uses may be prohibited through a CO, and the Commission has the discretion to do so. Staff is not recommending a CO prohibiting these

uses at this time. As an alternative means to document an agreement on prohibited uses, these restrictions may best be achieved through a private restrictive covenant.

The applicant has also negotiated certain setbacks and other requirements if the property is developed for residential uses under the requested LO-MU combining district scenario (see Exhibit F). Staff does not recommend inclusion of these setbacks in a CO or public RC for two, but related reasons. First, development of the property – as either office or residential use – must meet existing compatibility standards as the property abuts single-family residential. Adoption of these development standards implies that they are appropriate and sufficient to protect existing but less dense single-family residential developments. Second, the proposed setbacks are excessive, in staff's opinion. Excessive in the sense, the proposed 50 feet or 75 feet wide setback is double or triple the current distance requirement as compared with compatibility standards. Excessive in the sense that City setbacks prohibit structures but do allow for utility and other infrastructure improvements (with certain requirements); compatibility requirements prohibit driveways and parking within 25 feet of the property line; nevertheless, the setback and compatibility standards are not a blanket no-build zone that effectively renders the property unusable. And excessive in the sense that these conditions apply only to residential development of the property. In other words, staff cannot recommend requirements that are more stringent on residential next to residential than office next to residential.

Nevertheless, the owner and residents of the Oak Park subdivision are in agreement on these terms. An agreement signed by the owner and a number of residents (see Exhibit G) specifically states the owner will request the City incorporate as many of these terms as possible into a Conditional Overlay. To further demonstrate the commitment of the owner to the adjacent residents, the owner has already recorded the private RC attached to that agreement (in Document No. 2013168929). As noted previously, the owner is expected to terminate that document, since it erroneously listed the City of Austin as grantee, and replace it with a newly executed private RC between the owner and adjacent neighborhood.

Staff expects the owner and neighborhood stakeholders will ask the Commission to include terms or items of that agreement into a CO or public RC, as legal and appropriate (see Exhibit H). Again, staff is not opposed to doing so. Rather, it is staff's position that these conditions were not required for our land use recommendation, and have therefore not been recommended.

As noted above, the applicant is no longer proposing to amend existing conditions of the public RC. However, the applicant is proposing additional limitations to development of the site as part of the rezoning request, and is also aware City staff or officials may require other limitations or conditions to site development as part of granting the rezoning request.

Currently, staff has identified one item (i.e., construction of Harper Park Drive) for inclusion in the public RC (as opposed to inclusion within the CO). While the existence of an actual roadway to the site would seem a given, staff wants to ensure the roadway has been constructed and accepted prior to occupancy.

While a new and separate public RC could be drafted and executed as part of the rezoning case, the applicant would prefer to amend the existing RC, as necessary, rather than have another separate instrument document encumbering the property.

Petition
The application to rezone this property was filed on February 4, 2013. The request at that time was from LO-CO-NP to MF-2-CO-NP. A petition was submitted shortly thereafter on this case, and was determined to be valid, with an approximate 43% of eligible property owners (see Exhibit P). Although the rezoning application has been amended to request LO-MU-CO-NP, the petition remained valid because the original documents stated opposition to anything other than the existing LO-CO-NP zoning.

Owing to continued negotiations and subsequent agreements between the owner, future developer, and some neighborhood stakeholders, all 12 property owners in the Oak Park subdivision who had previously signed the petition have withdrawn their opposition to the proposal (see Exhibit Q). Staff is unaware of any change in petition status for the 8 property owners in Oak Acres subdivision. Consequently, the petition remains valid (as of September 18, 2013), but at the reduced percentage of 23.26% (see Exhibit R). Staff is unaware of any change to the petition as of October 11, 2003.

Stakeholder Correspondence
Correspondence staff has received in response to the proposal has been attached (see Exhibit C). A recent summary of the chronology of events leading to the Oak Acres Neighborhood Association's position on the proposal is also attached (see Exhibit D).

DEPARTMENT COMMENTS:
The subject tract is located west of Mo-Pac/Loop 1, north of US Hwy 290 West and south of Southwest Parkway (see Exhibit A and A-1). The tract is located between two existing residential subdivisions, east of the Oak Hill Elementary School. Oak Acres, which takes access from Oak Boulevard, was subdivided in 1948 (C8-1948-1871), with some additional resubdivisions between 1959 and 1961. This predominately single-family neighborhood is separated from US Hwy 290 W by a mix of commercial uses. Oak Park, which takes access through Oakclaire and Parkwood, was also subdivided in 1948 (C8-1948-1883), with additional resubdivisions from 1965 through 1970. This neighborhood is comprised of 27 duplexes and 73 single-family residences. As with Oak Acres, property between the residential uses and US Hwy 290 W, was platted either as part of these early resubdivisions, or in the mid-1980s. There is no residential along US Hwy 290 W.

The subject tract was platted as Harper Park Section Three (C8-85-100.02-1A) in 2008, based on a revised preliminary plan (C8-1985-100.02) and an original preliminary plan approved in 1985 (C8-85-100). The majority of Harper Park Drive, which has yet to be constructed, was dedicated with the plat for Harper Park Section Two, although part of the turnaround was dedicated with the plat covering the subject tract (see Exhibits S for plats). The property covered by the Section Two plat is to be developed as a hotel, and is currently in the site planning stage.

That original preliminary plan was comprised of approximately 98 acres, and envisioned Harper Park Drive extending from US Hwy 290 W to the future Southwest Parkway (then Boston Lane), as well as providing a separate and western connection to a future, extended, William Cannon Drive. The site was identified as approximately 30% office, 27% garden office, 15% multifamily, 7% retail, 10% for an athletic club, and the remainder as right-of-way. This plan was approved prior to annexation taking effect in December 1985 (through case C7A-85-028) or the assignment of zoning districts. Original zoning was proposed in 1986 (C14-86-077), and a first reading was conducted and approved by the Council later that year. However, the owner could not execute associated public restrictive covenants

governing right-of-way and other site development standards due to financial difficulties and an earlier bankruptcy. It wasn't until 1992 that a subsequent owner (a bank) executed the covenant documents and the zoning ordinance was adopted.

The tract is undeveloped, heavily treed (see Exhibit A-2), and slopes gently from north to south, west to east. There are no known environmental features to constrain development, but the tract does lie in the Barton Springs Zones.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-CO-NP	Undeveloped
North	SF-2-NP; GR-CO-NP	Single-family residential; Private Educational Facilities (St. Andrews Episcopal School)
South	GR-CO-NP; CS-1-CO-NP	Private Community Recreation (YMCA); Vacant (former liquor store/future Fine Arts Farm), Harper Park Right-of-Way; Undeveloped (future Hotel)
East	SF-2_NP	Single-family residential
West	SF-2-NP	Single-family residential

WATERSHED: Barton Creek Watershed – Barton Springs Zone
TIA: Not Required **AREA STUDY:** Oak Hill / OHCNP
DESIRED DEVELOPMENT ZONE: No **CAPITOL VIEW CORRIDOR:** No
HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Oak Hill Association of Neighborhoods	298
Save Barton Creek Assn.	384
City of Rollingwood	605
OHAN - 78735	705
OHAN - 78736	706
OHAN - 78737	707
OHAN - 78748	708
OHAN - 78739	709
OHAN - 78749	710
Austin Independent School District	742
Oak Hill Combined NPA	779
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Oak Acres Neighborhood Association	1056
League of Bicycling Voters	1075
Austin Parks Foundation	1113
Oak Hill Neighborhood Planning Contact Team	1166
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
Oak Hill Trails Association	1343
SEL Texas	1363
Beyond2ndNature	1409

SCHOOLS:
Austin Independent School District
Oak Hill Elementary School Small Middle School Austin High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
US Hwy. 290 (W)	Varies	FWY-6	Freeway	No	Yes (450)	Yes (171; 970)
Harper Park Drive	Varies	0' (Platted, not yet constructed)	Collector	No	No	No

The majority of the 70' wide right-of-way for Harper Park Drive (0.9 acres) was dedicated in 2007, in conjunction with the final plat of the 5-acre hotel site immediately south of the subject tract. About 0.2 acres of right-of-way, including a hammerhead-type turnaround, was dedicated with the final plat for the subject tract. Construction of the roadway will occur either with development of the hotel site or this site, whichever happens first.

ZONING CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
South of Southwest Parkway			
5906-6016 Southwest Parkway C14R-86-077	Approximately 97 acres of DR to GR-CO, GO-CO, LO-CO, MF-1-CO, & SF-6-CO	Recommended; 07/01/1986	Approved; 001/23/1992 (CO limits uses and lists dev. standards) Approved 03/27/2007; (CO limits access and lists dev. Standards. RC address discontinuation of school & water quality requirements)
SW Parkway at Vega St. Andrews High School C14-96-0161	MF-1-CO to GO-CO & LO-CO to GO-CO	Recommended; 02/18/1997	
5707 Southwest Parkway Encino Trace C14-06-0229	DR to LO and GO	Recommended GO-MU-CO & LO-MU-CO; 06/12/2007	Approved GO-MU-CO; 07/26/2007 (CO limits uses; RC for TIA, IMP plan, and landscaping)
North of US Hwy 290 (From East to West)			
5808 US Hwy 290 W C14R-86-046	DR & SF-2 to GR	Recommended; 05/05/1987	Approved; 07/02/1987 (RC specifies site dev standards)
6219 Oakclaire Rd COA W & WW C14-87-014	SF-2 to P	Recommended; 02/24/1987	Approved; 02/23/1989

YMCA/Southwest C14-92-0034	DR to GR	Recommended GR-CO; 11/17/1992	Approved GR-CO; 08/12/1993 (CO limits height & uses)
6030 US Hwy 290 W C14-02-0141	DR to GR	Recommended w/conditions; 09/24/2002	Approved; 11/07/2002 (CO limits vtd)
6036 US Hwy 290 W C14-88-0124	DR to GR and CS-1	Recommended w/conditions; 10/25/1988	Approved; 11/03/1988 (CO limits uses; RC for discontinuation of liquor sales)
6036 US Hwy 290 W (footprint) C14-95-0098	GR-CO to CS-1-CO	Recommended; 08/29/1995	Approved; 09/28/1995 (CO limits uses, ht., imp. cover)
6130 US Hwy 290 W C14-06-0058	DR to GR	Recommended GR w/conditions; 05/09/2006	Approved; 06/08/2006 (CO limits vtd)
6210 US Hwy 290 W C14-88-0139	DR to GR	Recommended w/conditions; 01/03/1989	Approved; 03/30/1989 (CO limits uses, signs)
6240 & 6254 US Hwy 290 W C14-94-0036	DR to GR-CO	Recommended GR-CO; 04/26/1994	Approved; 04/28/1994 (CO limits uses and FAR)
6240 US Hwy 290 W Oak Hill School C14H-00-2095	GR-CO to GR-H-CO	Recommended; 08/15/2000	Approved; 07/19/2001 (CO limits uses and vtd)
6266 US Hwy 290 W C14-93-0133	DR to GR-CO	Recommended GR-CO; 11/16/1993	Approved; 12/16/1993 (CO limits use and square feet)

CASE HISTORY:

As indicated above, this tract was part of a 29-acre tract, which itself was part of a 97-acre tract, proposed for rezoning shortly after annexation in the mid-1980s. That zoning case (C14R-86-077) was approved on first reading by Council in 1986, with the requirement that additional restrictions, in the form of a public restrictive covenant, and street deed be executed. The then owner could not execute the documents due to financial and legal constraints. Ultimately a bank acquired the property and this subsequent owner executed the covenants in 1992; the case was approved on final reading.

The Combined Oak Hill Neighborhood Plan (NP-2008-0025) was finalized in 2008. The subject tract, along with properties noted above, were appended with the "NP" or neighborhood plan combining district zoning as part of that process (C14-2008-0129). No additional conditions were added to the property as part of the neighborhood plan rezoning.

The rezonings granted in conjunction with the Neighborhood Plan also rezoned four lots on Oak Drive (5624-5634), adjacent to the subject rezoning tract, from DR to SF-2-NP. Rezonings also included a number of tracts along US Hwy 290 W that had not been zoned previously (from DR to GR-CO-NP). In addition, approximately 56 acres at the southwest

corner of Southwest Parkway at Vega (from DR to LR-MU-NP) and approximately 57 acres along Patton Ranch Road from DR to MF-1-NP.

AREA SITE PLANS:

5707 Southwest Parkway (Encino Trace / SP-2012-0008C)	Two 4-story Office Buildings; one 6-level Parking Garage
7018 William Cannon Drive (Rialto Park / SP-00-2369C)	Two 4-story Office Buildings; two 5-level Parking Garages
5625 Eiger Road (Lantana Lot 1, Block B / SP-2012-0195C)	One 2-story Office Building; Surface Parking
6030 US Hwy 290 W (Ahuja Site / SP-2011-0145CS)	One 1-story Office Building; Surface Parking
6000 US Hwy 290 W (Harper Park Hotel Tract / SP-2012-0118C)	One 4-story 118-Room Hotel; Surface Parking

CITY COUNCIL ACTION:

September 26, 2013 Postponed at the request of the Oak Acres Neighborhood Association. The applicant concurred with the request. (Consent Motion by Council Member Spelman; Second by Mayor Pro Tem Cole) 7-0.

August 22, 1008 Postponed at the request of staff

ORDINANCE READINGS: **1st** **2nd** **3rd**

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 974-7604
e-mail address: lee.heckman@austintexas.gov

STAFF RECOMMENDATION
To grant LO-MU-CO-NP; Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan, with two new Conditions. Those conditions are:

- The maximum number of residential units on the property shall not exceed 80. This equates to a residential unit density per acre of approximately 4.51; and
- Development shall be limited to less than 2,000 vehicle trips per day

In addition, staff recommendation for approval is contingent on the following, which will be incorporated into the existing public restrictive covenant, in the related case C14R-86-077(RCA):

- Construction of Harper Park Drive to City standards, and its acceptance for maintenance, is required prior to the issuance of a certificate of occupancy on the property

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)
The existing Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The requested Mixed Use (MU) combining district would allow office, retail, commercial, and residential uses to be combined in a single development. Within the districts that allow mixed use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district. There is no requirement that any mix of uses be developed.

Within the MU combining district, the following uses are allowed: vertical mixed use buildings (subject to Vertical Mixed Use building standards); commercial and civic uses that are permitted in the base district; townhouse, multifamily, single-family, single-family attached, small lot single-family, two-family, and condominium residential; as well as group residential and group homes (limited and general).

In a MU combining district that is combined with a (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is: a) 1,600 square feet, for an efficiency dwelling unit; b) 2,000 square feet, for a one bedroom dwelling unit; and c) 2,400 square feet, for a dwelling unit with two or more bedrooms.

At present, staff has been advised of two possible scenarios for the property's development: a condominium residential use with single-family detached units or a memory care facility. The applicant is actively engaged in pursuing the former. A memory care facility, unless it contained surgical or emergency-type facilities, is a convalescent services use and is allowed under the LO district zoning. However, the addition of the MU combining district would allow for development of the envisioned residential project.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

Development of the property as residential under the LO-MU designation would allow residential development between existing residential neighborhoods to the east and west. Furthermore, the proposed detached single-family nature of the project, though at a higher density than abutting single-family, is still compatible in nature and scale with adjacent single-family uses. Because the existing restrictive covenant is not proposed to be amended, structures will be limited to two stories or 40', whichever is less.

In addition, the applicant has proposed limiting the number of residential units to 80, resulting in a mathematical density of approximately 4.51 units per acre. The actual limits-of-construction density will be higher, of course, because the applicant has impervious cover restraints that exceed typical single-family zoning. The applicant has also proposed several limitations to, and requirements of, the residential development, such as homes constructed of masonry, low-glare street lights, and the provision of a vegetative buffer to further enhance the compatibility with existing residential uses. These additional standards would be documented through a private restrictive covenant.

Property to the north of the tract is the St. Andrews Episcopal School campus; at present, there are no campus improvements immediately abutting this tract. It appears the approximate 10 acres south of the School's ball field and north of the subject rezoning tract is open space, though there has been a trail around the perimeter of the space for years. To the south and east of Harper Park Drive a hotel is proposed, and a site plan is under review. To the west of Harper Park Drive are the existing Southwest Family YMCA outdoor pool and a former liquor store being redeveloped into a Biscuit Brothers Fine Arts Farm; both the YMCA facilities and the repurposed liquor store are on deep lots with ample, and heavily treed, separation from the rezoning tract.

The current zoning district of Limited Office (LO) was assigned to this property in 1992, although requested in 1986. The residential neighborhoods to the east and west were already established at the time the property was rezoned to office use. LO is still an appropriate use, given that it is intended for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods, and site development regulations and performance standards are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment. Given the tract's location between the St. Andrews campus and non-residential development along US Hwy 290 W, LO remains an appropriate land use.

Whether the property is developed as residential under the MU combining district or as an office use under the existing LO allowances, either use will be compatible with the surrounding neighborhoods and land uses.

Zoning should allow for a reasonable use of the property.

The property has been zoned LO for over twenty years. As evidenced by the lack of a site plan, there has been no attempt to date for development and use of the property as office. The addition of the MU combining district, whether for the envisioned condominium project or for some other allowed residential use, allows for flexibility and would allow for a reasonable use of the property.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

A Neighborhood Plan Amendment (NPA) application accompanies this rezoning request (NPA-2013- 0025.01). Staff and the Neighborhood Plan Contact Team recommend approval of the Future Land Use Map change from Office to Mixed-Use Office. The staff recommendation to rezone the property to LO-MU-CO-NP is contingent on the Planning Commission recommending, and City Council approving, the NPA.

If developed as a residential project, this may be considered classic infill; it's developing a new community between existing and established neighborhoods. Such infill projects are at the core of the Imagine Austin Comprehensive Plan's goal of creating a compact community. Additionally, if Austin is to develop a diversity of housing types and choices under the policy of creating complete communities that recognize diverse financial and lifestyle needs, then this type of residential construction is an appropriate addition to this community. At the same time, the detached single-family style development proposed can further the comprehensive plan's goal of family-friendly communities in which existing neighborhood character is protected.

If the property is developed under an allowed office use, one that serves the community's needs and/or provides opportunities for employment to community residents, this too furthers the compact and connected themes of Imagine Austin, which advocates for options to live, work, or receive services in close proximity.

EXISTING CONDITIONS & REVIEW COMMENTS

Site Characteristics

The site is currently undeveloped. There are many trees on site, but their health and status is unknown. A tree survey will likely be required during site plan review. Topographically, the parcel gently slopes from north to south and west to east. There are no known environmental features, and no known constraints to development, with the exception the property is located in the Barton Springs Zone.

Given an approved preliminary and final plat, but also the variety of potential uses of the site if the rezoning is granted, it is undeterminable at this time whether the "project" may be developed under previous watershed regulations or will be subject to current requirements, which include 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.

PDR Environmental Review

Wednesday, February 13, 2013

1) This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

2) According to flood plain maps, there is no flood plain within the project location. However, City of Austin GIS indicates Critical Water Quality Zones and Water Quality Transition Zones located within the site. Impervious cover is not permitted within the Critical Water Quality Zones or Water Quality Transition Zones per LDC Sections 25-8-482 and 25-8-483.

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

4) Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

5) 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.

PDR Site Plan Review

Revised Monday, July 1, 2013

SP 1.This site is subject to Subchapter E, the development regulations would be dependent upon the principal roadway. The application shows the site to be over 5 acres, which would be an internal circulation route for the principal roadway.
Additional comments will be made during site plan review.

SP 2. The site is subject to compatibility standards. Along the east and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

PDR Transportation Review

Friday, March 8, 2013

ZONING COMMENTS

TR1: If the requested zoning is granted, a conditional overlay should be included with the zoning ordinance to require the construction of Harper Park Drive during the site plan stage plus install a traffic signal at the intersection with US Hwy. 290 in order to provide safe all-weather access to this site.

TR2: No additional right-of-way is needed at this time since the right-of-way for Harper Park Drive was previously dedicated during the subdivision process but the road was not built.

TR3. 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]

TR4. US Hwy. 290 is classified in the Bicycle Plan as Bike Route No. 450. Harper Park Drive is not classified in the Bicycle Plan.

TR5. Capital Metro bus service (Routes No.171 and 970) is available along US Hwy. 290 (W). There is no Capital Metro bus service available along Harper Park Drive.

TR5. There are no existing sidewalks along US Hwy. 290 and Harper Park Drive.

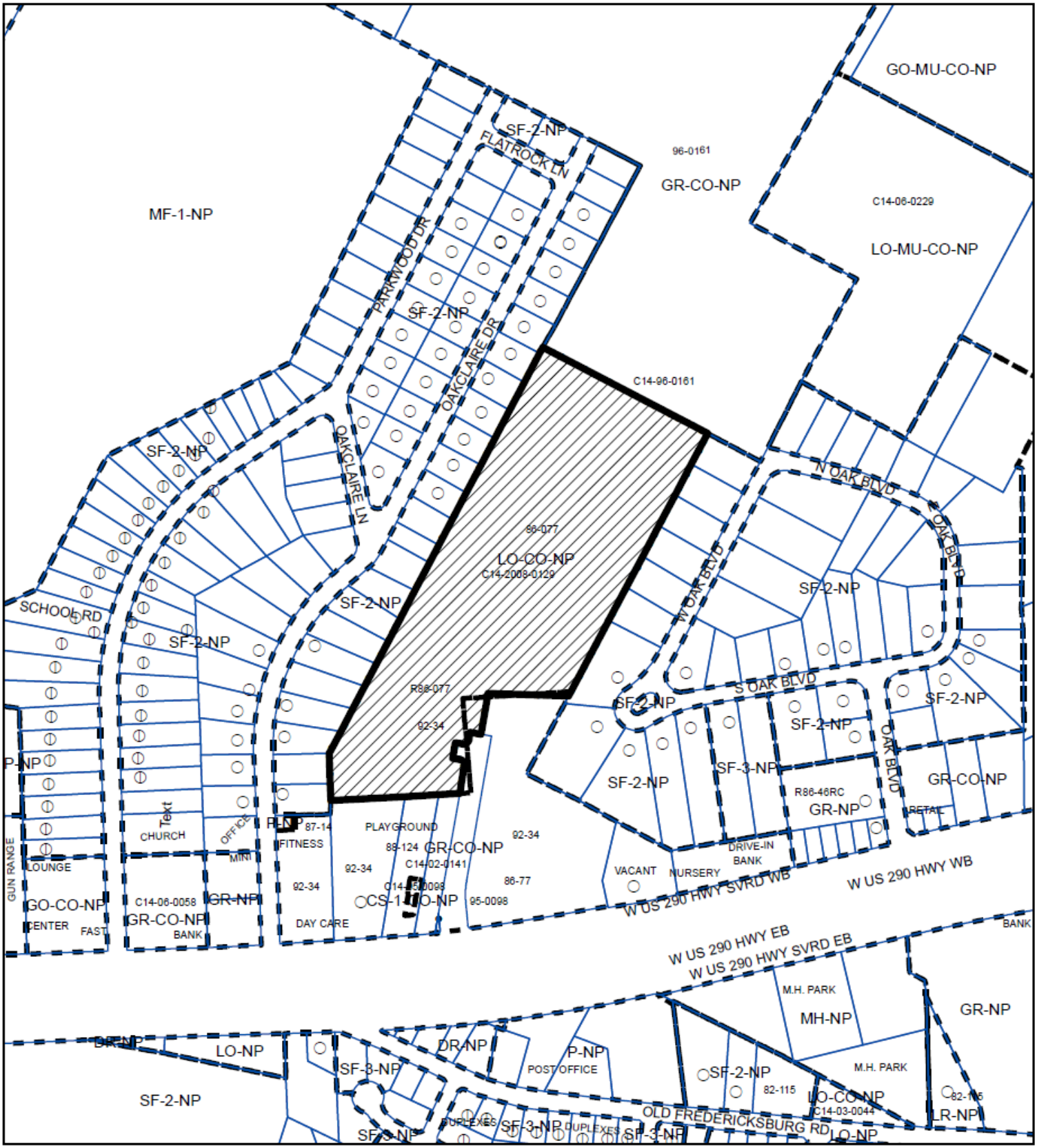
Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
US Hwy. 290 (W)	Varies	FWY-6	Freeway	66,000
Harper Park Drive	Varies	0’	Collector	N/A

Austin Water Utility Review

Tuesday, February 5, 2013

FYI: 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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, approval of water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE

ZONING CASE#: C14-2013-0006

1 " = 400 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A - Zoning Map

C14-2013-0006 / Harper Park Residential

Imagery: January 2012

Exhibit A - 1
Aerial & Zoning

0 200 400 800 Feet

1 inch = 400 feet

C14-2013-0006 / Harper Park Residential

Imagery: January 2012
Contours: 2003

Exhibit A - 2
Aerial with Contours

0 100 200 400 Feet

1 inch = 200 feet

PUBLIC HEARING INFORMATION

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R 07/17/13

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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www.austintexas.gov

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission
Aug 22, 2013, City Council

Monica Gaylord
Your Name (please print)

☒ I am in favor
☐ I object

5703 Oakclaire Dr 78735
Your address(es) affected by this application

Signature

7/15/13
Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 1

PUBLIC HEARING INFORMATION

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R 07/17/13

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Council may add the MIXED USE (MU) C
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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission
Aug 22, 2013, City Council

Maysell R. Ramsey
Your Name (please print)

☐ I am in favor
☑ I object

6007 Oakclaire Dr, Austin TX
Your address(es) affected by this application

Maysell R. Ramsey — 7/15/13
Signature — *Date*

Daytime Telephone: 512-892-0762

My name is Maysell R. Ramsey. I own and have lived at 6007 Oakclaire Dr., Austin, TX since construction of my home in 1967. My home is constructed over the Edwards Aquifer (confirmed through US Geological Survey). In January, 2013, sitting in my home I felt my brick floor rise and then settle back down. I was told that people in Arizona had experienced the same type occurrence when water was pumped from an aquifer. Also, on the north side of my home (facing west) is a sunken area occurring in recent years that is not the result of soil erosion contrary to Ms. Whitfield's comment on July 8, 2013.

Because of these reason's, I do not concur with these zoning changes.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 2

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

Karla Lambert Bynum
Your Name (please print)

☐ I am in favor
☒ I object

5645 Oak Blvd
Your address(es) affected by this application

Karla L. By
Signature

8/4/13
Date

Daytime Telephone: (512) 680-9682

Comments: We are very concerned about the significant negative impacts the proposed development will have, particularly from an environmental perspective (increased flooding, possible damage to neighborhood lakes, etc.) Additionally, this proposed high density development threatens the very nature of our rural, quiet and vegetation & wildlife - centered neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 3

PUBLIC HEARING INFORMATION

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R1815

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

Sheila Vivian + Suresh Alex Sriniwasan
Your Name (please print)

☐ I am in favor
☑ I object

5640 Oak Blvd W Austin, TX 78735
Your address(es) affected by this application

Sheila Vivian
Signature

8/1/13
Date

Daytime Telephone: 512.970.5340

Comments: Purchased land/house in 1999 when prority was zoned LO-CO-NP we do not support any changes to that Zoning. We object to changes in the Land use/zoning until the City Renders a decision Re: impervious cover restrictions (critical water Quality + transition) Sheila Vivian

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 4

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

GUENTHER OSWALD
Your Name (please print)

☐ I am in favor
☑ I object

5644 OAK BLD. AUSTIN
Your address(es) affected by this application

Guenther Oswald 8-14-13
Signature *Date*

Daytime Telephone: 512-892-0423

Comments: Way to many houses - to dense
Houses are to close together

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 5

PUBLIC HEARING INFORMATION

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

NANCY C. YORK
Your Name (please print)

☐ I am in favor
☒ I object

5636 OAK BLVD WEST
Your address(es) affected by this application

AUSTIN TEXAS 78735

Nancy C. York
Signature

8/4/13
Date

Daytime Telephone: 512-892-2062

Comments: My home is subject to runoff flooding during periods of rain and the owner and potential developers have not addressed the impact on my home due to the proposed development. Too, none of the conditions I agreed to at the Oakhill Neighborhood Contact Team meeting have been agreed to by the owners or developers - all of which I needed in order to support the Weekley development proposal (see letter of July 22nd to Ms. Rhoades) and zoning change. Finally, traffic due to 70-80 houses is would be so much greater than that created by an office complex within the LO-CO-NP zoning

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 6

PUBLIC HEARING INFORMATION

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R 815

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

Deloris Carroll
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5612-A Oak Blvd. South
Your address(es) affected by this application

Deloris Carroll — 8/4/13
Signature — *Date*

Daytime Telephone: 512-891-0585

Comments: I am opposed to the requested change. I am concerned about flooding when there is a hard rain.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 7

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

John Ryan
Your Name (please print)

☐ I am in favor
☒ I object

5612-B Oak Blvd South
Your address(es) affected by this application

John C Ryan
Signature

8/4/13
Date

Daytime Telephone: 512-422-0233

Comments: I am opposed to the requested zoning change because it has the potential to: 1) allow for commercial development in a rural suburban setting, 2) Allow for dense, vertical, or multi-family residential building that is out of keeping with the existing neighborhoods 3) threaten municipal water quality & worsen already unacceptable neighborhood flooding problems. This tract has multiple karst features that drain rainwater into the aquifer, and. See back...

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 8

should be considered a "Critical Water Quality Zone" and afforded all of the protection that implies.

Additionally, any more impervious cover will worsen flooding conditions affecting our home and several others in the neighborhood. We already have 2"-3" of water lapping at our front door and flooding our garage every time we have rain of more than a shower.

PUBLIC HEARING INFORMATION

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

DEWAIN COBB
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5611 OAK BLVD.
Your address(es) affected by this application

Dewain Cobb
Signature

AUGUST 4 2013
Date

Daytime Telephone: (512) 680-4030

Comments: SEE ATTACHED 5 PAGES OF COMMENTS

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 10

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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: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

Dawn Glasgow
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5648 Oak Blvd
Your address(es) affected by this application

Signature

08/04/2013
Date

Daytime Telephone: 512 921 2885

Comments: See attached.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 11

Dawn Glasgow
5648 Oak Blvd
Austin, TX 78735

August 4, 2013

Mr. Lee Heckman
City of Austin Planning and Development Review
505 Barton Springs Road, 5th Floor
Austin, TX 78704

RE: Case: C14-2013-0006 – Request for Rezoning

Dear Mr. Heckman:

I am writing to express my opposition to the proposed zoning change for the Harper Park Drive Property from LO to LO-MU. The City of Austin zoning principles indicate that:

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The proposed zoning change would have detrimental impacts to neighborhood character:

The proposed zoning change and planned development would require the developer to strip the land of existing trees, understory and wildlife for the sole purpose of dense development *for profit*. The current owner is not concerned with the detrimental impact to the existing neighborhoods as evidenced by the:

- Rejection of the neighbors' proposal to restrict development within 25 feet of the adjacent neighborhoods.
- Rejection of the neighbors' proposal to limit the number of houses to 72-75.
- Rejection of the impervious cover limitation of 15% in the Barton Creek Recharge Zone and plan to develop at 35% per the ruling of the Texas Supreme Court.

Although staff only makes comments regarding the current owner's plans for residential development, the proposed zoning change would allow many other uses, including retail, which would increase the traffic and further reduce the current wildlife. The current owner would not be limited to the current proposal should the zoning change be awarded.

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission

Although staff posits that the plans for the development of this property are consistent with Imagine Austin Comprehensive Plan's goal of "developing a diversity of housing types and choices under the policy of creating complete communities that recognize diverse financial and lifestyle needs," there is no condition or restriction that limits the developer to such a development. The proposal made to the neighborhood by the intended developer indicates home prices higher than the selling price of homes in the existing adjacent neighborhoods; therefore, the proposal for zoning change and intended development does not support this position.

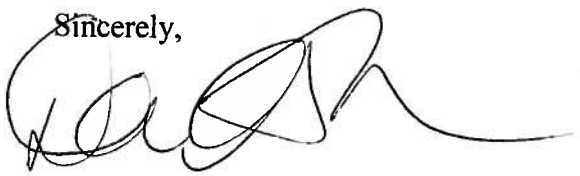
Zoning should allow for a reasonable use of the property.

City staff comments that the property has not been developed during the 20 years it has been zoned LO. The conclusion is that limited office is not a viable use of the property or it would already be developed. The lack of development to date is not sufficient evidence to warrant that conclusion. There are many reasons why that property has not been developed for office use: lengthy legal battle over the allowed impervious cover for the site, other office complexes built in the area over the past 10 years, the downturn in the local and national economy and most importantly, the owner's selling price which reflects her valuation of the property based on this zoning proposal.

The current owner purchased the property as LO and would like to be awarded the zoning change for the sole purpose of maximizing personal profit.

.

Sincerely,



Dawn Glasgow

PUBLIC HEARING INFORMATION

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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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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

John & Vicky Knox
Your Name (please print)

☐ I am in favor
☑ ~~Object~~

5632 OAK BLVD
Your address(es) affected by this application

Signature Date 8/4/2013

Daytime Telephone: 512-892-1266

Comments: See attached

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 14

CASE # C14-2013-0006
PLANNING COMMISSION AUG 13, 2013
CITY COUNSIL AUG 22, 2013

LEE HECKMAN

We bought our property in 1995. We bought with the knowledge that the property behind us (subject of this proposed zoning change) was zoned LO-CO. We were OK with that and purchased the property with this knowledge.

Several years ago, Gail Whitfield chose to buy the subject property and she also had the knowledge that it was zoned as LO-CO.

From discussion with long time residents of Oak Acres, many years ago there was a thoroughly negotiated, well thought out agreement between all parties (neighborhoods and land owner) to agree to this LO zoning with the Conditional Overlays that exist on this property to this day.

Furthermore, in 2010, the City of Austin, Oak Hill residents, and stake holders finalized a Neighborhood Plan/Future Land Use Map for Oak Hill East and West which again confirmed that this subject property should be zoned LO-CO.

Now, here we are, with Gail Whitfield, owner of the subject property, asking everyone to toss aside and negate the longstanding years of agreement on how this property should be zoned and the Neighborhood Plan. WE STRONGLY OBJECT TO THIS!!!

The following are other reasons why we object to the change in re-zoning and to the Neighborhood Plan:

LACK OF ADEQUATE PROTECTION FOR OUR NEIGHBORHOOD THROUGH PROPOSED CONDITIONAL OVERLAYS (COs) OR RESTRICTIVE COVENANTS (RCs)

Gail Whitfield and Weekly Homes are proposing a high density development that will be SQUISHED into the subject property between two incompatible neighborhoods - we have a rural feel, large lots, are highly vegetated, and through deed restriction are one story homes. The subject property is NOT in the city's desired development zone - high density building is neither desired nor appropriate!!

We had a neighborhood meeting with Whitfield and Weekly Homes where they agreed to, and stated, that we could get COs to assure vegetation buffers, the number of homes, set backs, lighting, flood control, etc. We agreed to proceed with conversations on zoning changes based on the belief that these COs would be put in place in order to protect our neighborhood. These conditions were agreed to at the OHAN meeting in July. To this date, Whitfield/Weekly will not put agreement to these COs in writing which makes us believe they have no honor, and no intention, to follow through with their statements. Additionally, we have learned the City of Austin does not recommend these COs for the type of protections we seek, but rather Restrictive Covenants. The fact is, the only way these RCs would possibly be enforced are through private and/or neighborhood lawsuits - no City protection. We do not have the means/deep pockets to fight this - so we would be thrown to the wolves in trying to protect our neighborhood and enforce the RCs.

THIS LAND IS VERY ENVIRONMENTALY SENSITIVE AND IS IN THE EDWARDS AQUIVER RECHARE ZONE. CAVES EXIST ON THIS PROPERTY.

It is not disputed that this land is environmentally sensitive. It is over the recharge zone. We object to the further consideration of this re-zoning/land use without the city rendering an opinion as to the watershed regulations and requirements, and until there has been a determination if it must comply with 15% impervious cover, or not?? Furthermore, there are Critical Water Quality Zones and Water Quality Transition Zones located on subject property. We object to changes until the city renders a decision regarding the impervious cover restrictions on the development site at the time of development.

Caves exist on the subject property. These caves should be investigated, mapped, and recorded by the City before any land use, zoning change or development begins. We want to protect these sensitive features, and believe the City shares this desire and responsibility.

FLOODING CONCERNS IN THE OAK ACRES NEIGHBORHOOD

During heavy rains, our neighborhood has water entering homes, as well as, deep standing water in yards, in drainage ditches and culverts along the road. Again, I re-emphasize, we are a rural neighborhood. We do not have the curbs and storm drains afforded a more modern, urbanized development. A major source of the water entering our neighborhood is from the Harper Tract/subject property which is up-elevation from us. We are very concerned that additional impervious cover on the subject property will increase the flooding problem in our neighborhood. The results of the Watershed Protection Plan's Flood Study should be known before any further consideration of zoning or land use changes are considered. (Last estimate was that this study will be released in Fall 2013). A dense development with 35% impervious cover could result in catastrophic consequences for our neighborhood during periods of heavy rainfall.

As longtime citizens of the City of Austin, we respectfully request you will consider the objections and concerns of our neighborhood and deny the changes to the zoning and neighborhood plan for this subject property.

John & Vicky Knox
5632 Oak Boulevard

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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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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission
Aug 22, 2013, City Council

Shirley London Martin
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5626 Oak Blvd
Your address(es) affected by this application

Shirley L. Martin — 8/3/13
Signature — *Date*

Daytime Telephone: 512-674-5127

Comments: see attached

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 17

CASE # C14-2013-0006
PLANNING COMMISSION AUG 13, 2013
CITY COUNSIL AUG 22, 2013
LEE HECKMAN

I am against this type of high density development being wedged into the land between two rural residential neighborhoods. It is not compatible next to our homes. Both of our neighborhoods (Oak Acres and Oak Park) only allow one story homes and there is a rural feel with lots of trees and natural vegetation.

We were willing to consider changes to the zoning only because we were told by Whitfield and Weekly Homes that they would put in Conditional Overlays that would protect our vegetation buffer, limit the number of homes, provide a good setback, etc. Since they will not put any of this in writing, I have no confidence they will abide by the conditions that were agreed to at the OHAN meeting. And just recently we found out that the city does not recommend CO's for these types of protection, so with the MU zoning it could be a nightmare to us homeowners what could end up on this property. We cannot go along with putting the restrictions in Restrictive Covenants because if Whitfield, or some other developer , does not abide by them, we do not have the $$$$$ to hire lawyers and fight them. Again, a nightmare for us homeowners who are just trying to protect the soul of our neighborhood, the nature around us, and one of the biggest investment in our lives – our homes.

Sincerely,

Shirley London Martin

PUBLIC HEARING INFORMATION

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: ~~Jul 23~~, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

Jesse Gevirtz
Your Name (please print)

☐ I am in favor
☑ I object

5639 Oak Blvd. 78735
Your address(es) affected by this application

Signature 8/3/2013 *Date*

Daytime Telephone: 512-891-9912

Comments: Concerns about this development include Environmental impact as well as quality of life impact for the surrounding neighborhoods. Flooding is an issue and also Water quality. This is the Edward's Aquifer recharge Zone + Must be protected by Law. This is too much Impervious Cover. Most importantly, Whitfield bought it as CO, and she can sell it as CO - we don't want to approve any changes.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 19

PUBLIC HEARING INFORMATION

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R 8/5

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

Paula Cox — LOT 41A Oak Acres Resub. Prop. ID 388564

Your Name (please print)

☐ I am in favor
☑ I object

5607 Oak Blvd, Austin, 78735

Your address(es) affected by this application

Paula Cox — 8/14/13

Signature — *Date*

Daytime Telephone: (512) 669-8551 or (512) 892-4331
or (after August 26th) (512) 617-0944

Comments:

I oppose the zoning change for numerous reasons, but the top 3 are:
1) lack of flood study/environmentally sensitive features study
2) loss of neighborhood character-we are losing green spaces at an alarming rate-I am not anti-growth, this is just not a good use of the space
3) traffic, especially with the new hotel adjacent will be a nightmare!

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 20

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission
Aug 22, 2013, City Council

Lisa & Chakib Chehadi
Your Name (please print)

☐ I am in favor
☒ I object

5620 Oak Blvd S. Austin TX 78735
Your address(es) affected by this application

Lisa Chehadi & [signature] 8-3-13
Signature *Date*

Daytime Telephone: 512-736-5023 (Lisa's Cell)

Comments: Our property is cut in half by the City of Austin easement. Currently during heavy rainfall water fills the 4-5 ft deep creek and comes within feet of our home. Our concern is that the proposed 75-80 homes, and road way to support the increased traffic, would required enough impervious cover that would put our home and safety in jeopardy. We do not feel the proposed water retention structure is sufficient enough to handle the run-off and protect those along the creek/ easement.

Please see attached photos.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 21

Exhibit C - 22

Exhibit C - 23

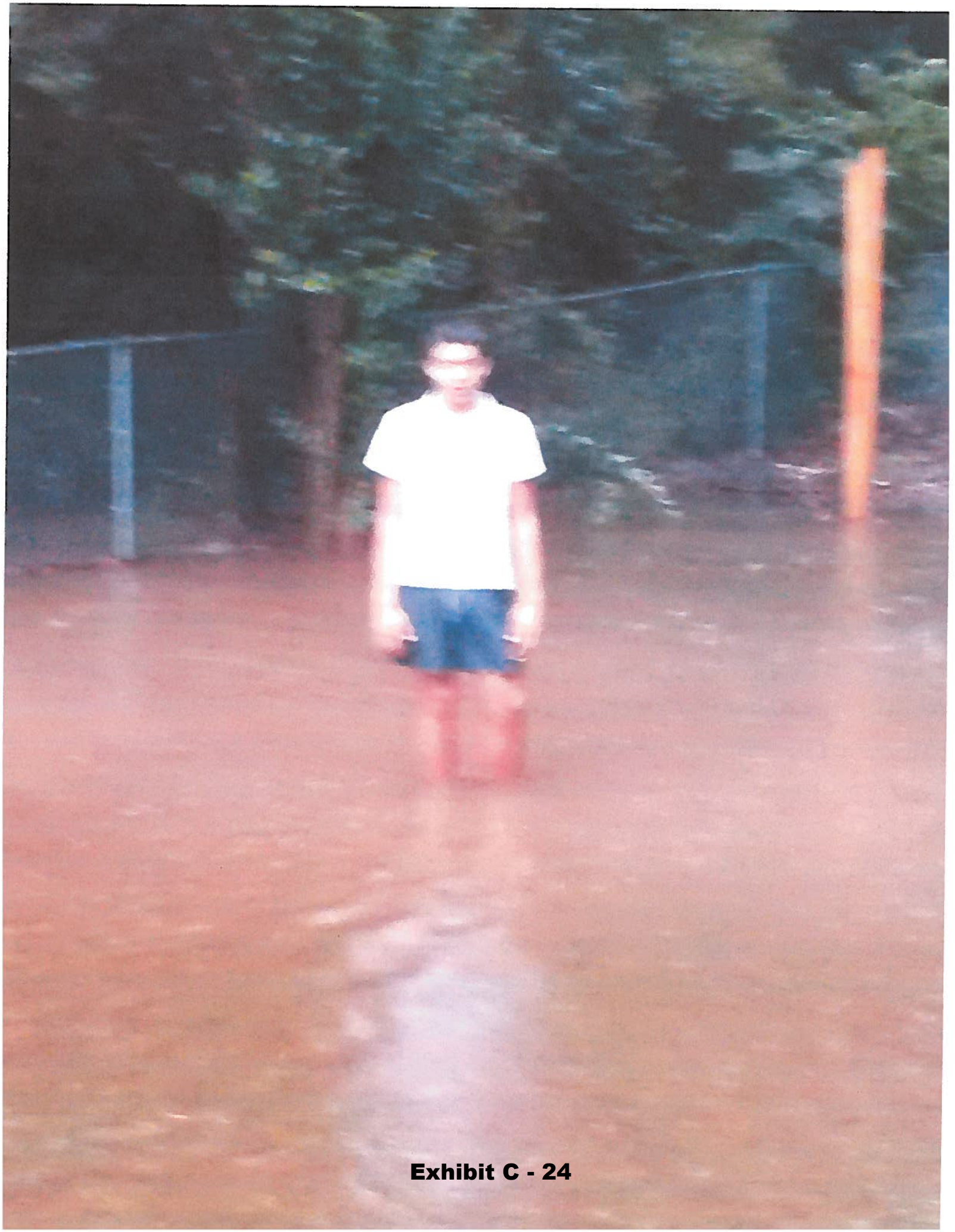

Exhibit C - 24

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 6 13
Aug 22, 2013, City Council

Kurt Feiste
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5634 OAK BLVD Austin, TX 78735
Your address(es) affected by this application

Kurt Feiste — 4 August 2013
Signature — *Date*

Daytime Telephone: 512 899 9684

Comments: For me to support the Zoning change I would need a more secure guaranteed that the number of units on the property would not exceed 76 units and that there would be NO improvements at all within 25' of my property line. I would be willing to relax the 25' requirement only in the case of allowing Fencing for single Family homes.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 25

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jul 23, 2013, Planning Commission Aug 13
Aug 22, 2013, City Council

Rooney Baker
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5638 Oak Blvd
Your address(es) affected by this application

Rodney Baker — 8-04-13
Signature — *Date*

Daytime Telephone: 512-431-9652

Comments: See Attached

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 26

CASE NUMBER: C14-2013-0006
Lee Heckman
Planning Commission Aug 13, 2013
City Council Aug 22, 2013

Reasons I do not support the proposed Land Use and Zoning Changes to the Harper Park Tract:

1. We were repeatedly told at meetings by city staff, Whitfield Group, and Weekly Homes that Conditional Overlays (COs) could be put into place to guarantee the protections we are seeking. The promise of COs was the single reason our neighborhood was willing to entertain changes to the land use / zoning. Only in late July did we learn that city staff does not recommend COs for the protections we seek, but rather, Restrictive Covenants (RCs) instead. Our neighborhood is not in favor of RCs, private or public. RCs do not ensure the same degree of compliance.

2. The Whitfield Group and David Weekly Homes have not agreed, verbally or in writing, to the recommendations voted upon by the Oak Hill contact team. The most recent legal draft by The Whitfield Group promotes private restrictive covenants for all the land use / zoning changes, again, not what was promised in any of our meetings.

3. Significant amounts of water enters residents houses during periods of heavy rain due to runoff coming across the proposed development site. We need to hear what the Watershed Protection Plan's flood study has to report, whenever it is ready. We would like to see the results of the study before we agree to any dense development which can legally cover the land at 35% impervious cover, according to city staff and the Whitfield Group. It is our fear that additional impervious cover will increase the likelihood of flooding.

4. At this time the city has not determined whether the project may be developed under previous watershed regulations or will be subject to current requirements, which include 15% impervious cover in the Recharge Zone , 20% impervious cover in the Barton Creek Watershed and 25% impervious cover in the Contributing zone. The Harper Park tract lies in the Recharge Zone. We dismiss any consideration of land use / zoning changes until the city renders a decision regarding the impervious cover restrictions on the development site at the time of development.

5. There is a general consensus among longstanding residents that there are two caves located on the proposed development site. We want to protect these environmentally sensitive features. I would like to see a city employee investigate and if confirmed, record the presence of caves before agreeing to any land use or zoning change.

6. City of Austin (GIS) indicates Critical Water Quality Zones and Water Quality Transition zones located within the site. Impervious cover is not permitted within the Critical Water Quality Zones or Water Quality Transition Zones per LDC Sections 25-8-482 and 25-8-483. I object to changes in the land use / zoning until the city renders a decision regarding the impervious cover restrictions on the development site at the time of development.

7. The proposed development, then, is incompatible with adjacent neighborhood standards in both density and height and will detrimentally impact the rural, highly vegetated, and one-story character of the adjacent neighborhoods. The Whitfield Group repeatedly pushes to build 80 homes on the site making for unacceptably dense development. When they approached our neighborhood they proposed 72-75 homes. At the Oak Hill Neighborhood Contact Team (OHNPACT) meeting The Whitfield Group and Weekly Homes proposed 80 homes. Our neighborhoods desired an uppermost limit of 72 (the number on the conceptual design presented). We reluctantly compromised with a 76 limit, yet the most recent written communication from The Whitfield Group again proposes as many as 80 homes. Such high building density means 2-3 houses behind every one home on Oak Acres Blvd. Oak Acres and Oak Park deed restrictions disallow anything above 1-story homes.

8. In approximately 2008 Whitfield Group sued the City of Austin, taking the case to the Texas Supreme Court, to get higher impervious cover (35%) grand fathered in from the prior preliminary plat. Since The Whitfield Group has this history of going around city zoning restrictions via costly legal means, legal means that our neighborhoods could not afford, I have little faith that The Whitfield Group will honor land use or zoning restrictions promised today. In the event that the development proposal on the table at present (David Weekly Homes) falls through, a very real possibility given so many unknowns (incomplete flood study, for ex.) we have no guarantee that the Whitfield Group will abide by any land use agreements that would be reached, e.g., a new buyer / developer proposes multi-family, duplex or vertical use.

9. This land is not in the city's desired development zone and thus such high density building is neither desired nor warranted.

Rodney Baker and Sandy Andrews
5638 Oak Blvd
Austin TX 78735

-CO
Conditional Overlay Combining District

Purpose: The purpose of the conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site. Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.

Application: A conditional overlay may be applied any base district to do the following:

- Prohibit permitted, conditional and/or accessory uses otherwise allowed in a base district.
- Make a permitted use a conditional use — L.O.?
- Decrease the density that may be constructed 72 HOMES
- Increase minimum lot size or minimum lot width requirements NO ATTACHED?
- Decrease maximum floor to area ratio (FAR)
- Decrease maximum building heights
- Increase minimum yard and setback requirements — 75 FT
- Establish buffering requirement (hedge, fence, undisturbed buffer along property lines)
- Decrease maximum building or impervious coverage requirements
- Limit the maximum square footage of building space
- Restrict access to adjacent roads and require specific design features to minimize the effects of traffic
- For a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E (Mixed Use Zoning Districts) of the Land Use Development Code.

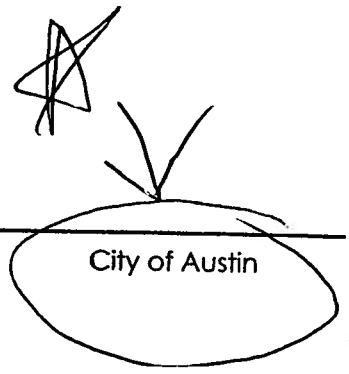


Exhibit C - 29

WITH OUT NO DEVELOPMENT OF ANY KIND FENCE CAN GO TO PROPERTY LINE & BUFFER CAN & WILL BE DESTROYED.

OAK ACRES WILL LOSE NATURAL BUFFER. TO BUILD @ PL WOULD DESTROY NATURAL HEAVY BUFFER THAT EXISTS

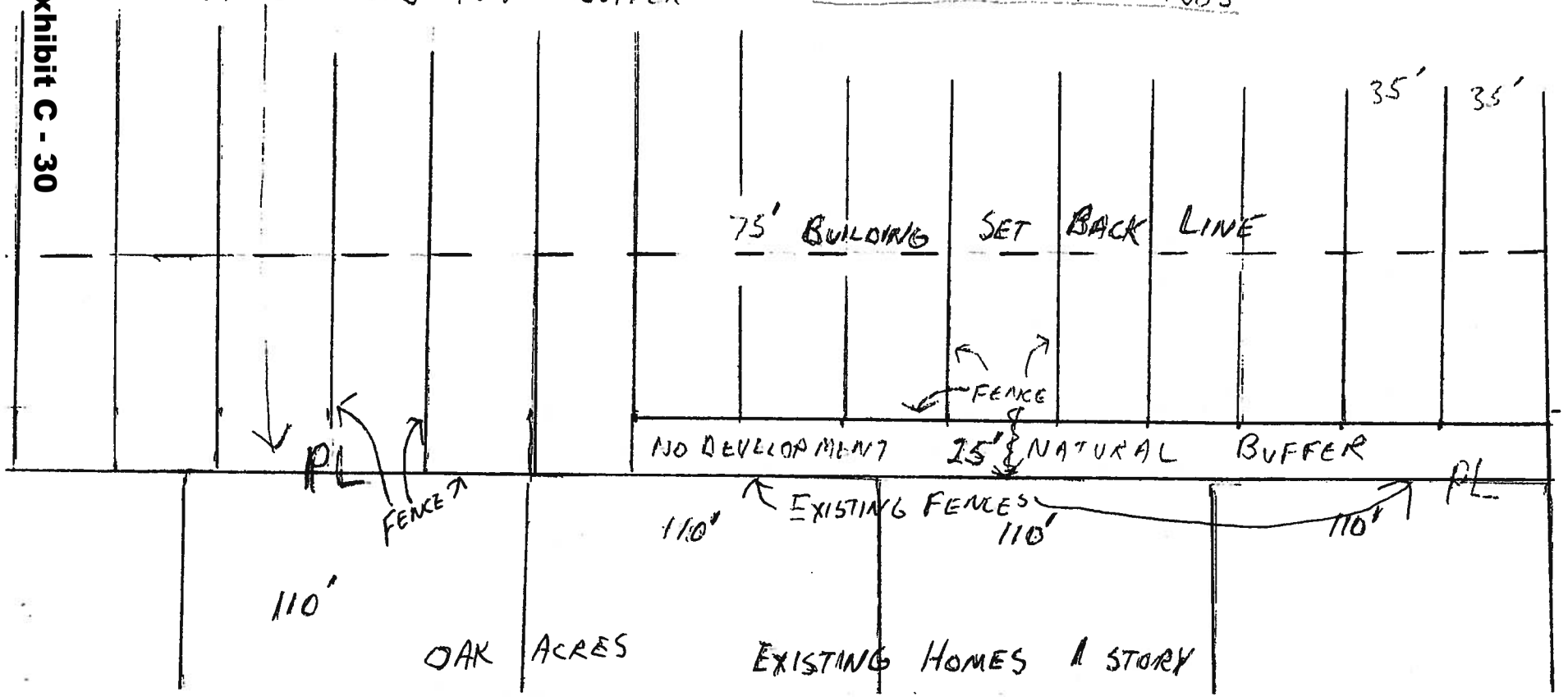
NO DEVELOPMENT OF ANY KIND IN 25' BUFFER WILL

1) INSURE THAT BUFFER STAYS NATURAL CONDO OWNERS CAN NOT ENTER.
2) SIGHT LINE OF CONDOS TO A MINIMUN.
3) THERE ARE ALREADY FENCES AROUND MOST OF PERIMETER. JUST BUILD ONE @ 25' SET BACK

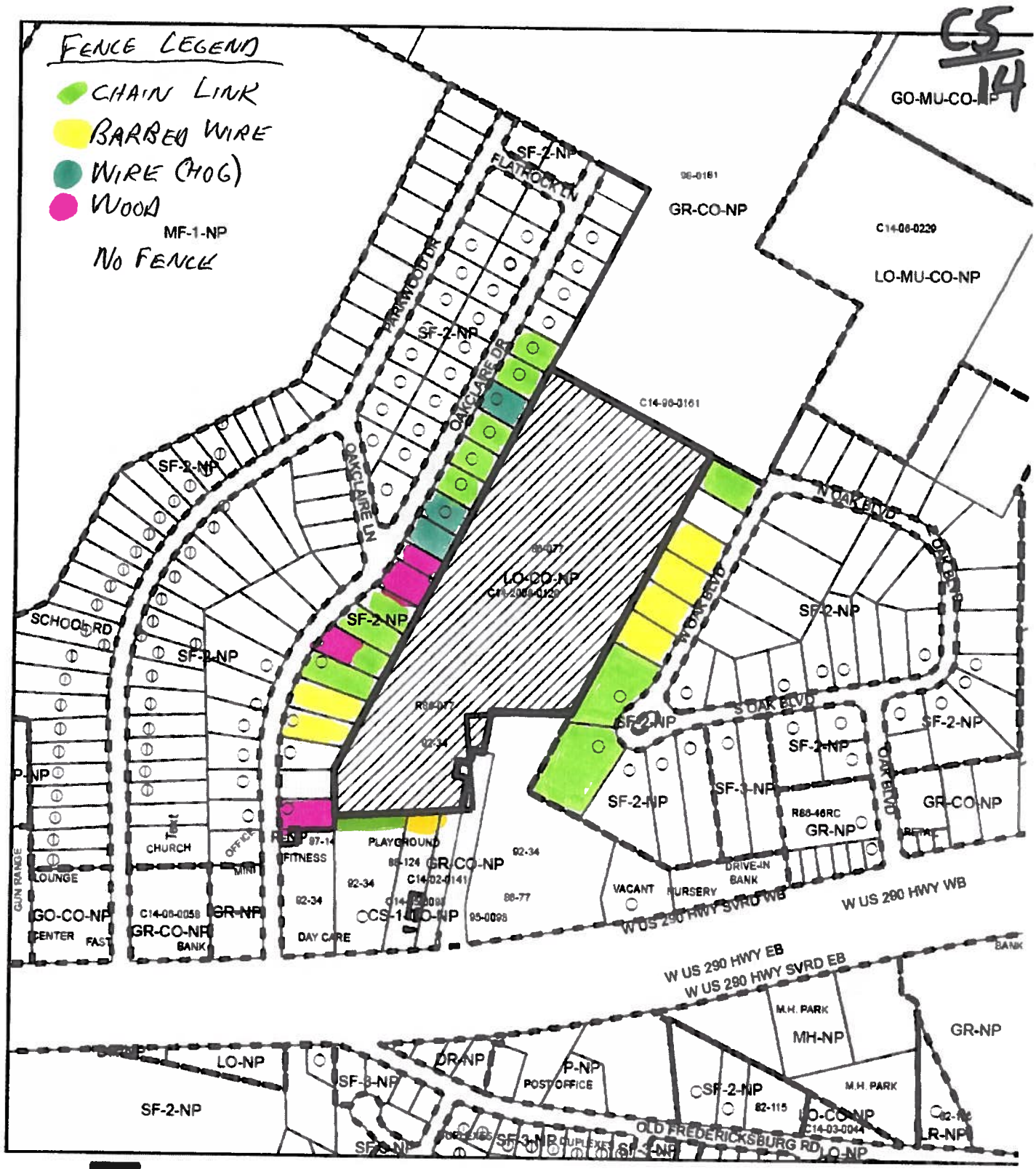
WITH OUT NO DEVELOPMENT OF ANY KIND IN 25' BUFFER

HARPER PARK CONDOS

Exhibit C - 30



1/2" = 25'



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A - Zoning Map

Exhibit C - 31

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested. R 8/5

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: **www.austintexas.gov/planning/.**

Exhibit C - 32

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
City of Austin
Planning and Development Review Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2013-0025.01
Contact: Maureen Meredith, 512-974-2695
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

☐ I am in favor
☒ I object

DENNIS COBB
Your Name *(please print)*

5611 OAK BLVD
Your address(es) affected by this application

Dennis Cobb — August 4 2013
Signature — Date

(512) 680-4033

Comments: SEE ATTACHED 5 PAGES OF COMMENTS

8/13/13

PLEASE READ THIS AND ASK YOURSELF:

WHAT WOULD I WANT THE OUTCOME OF THIS REZONING REQUEST AND PROPOSED AMENDMENT TO BE IF I LIVED IN THE OAK ACRES, THE OAK PARK, OR OTHER NEARBY NEIGHBORHOODS?

Case Number: C14-2013-0006
Case Number: NPA-2013-0025.01
Public Hearing: August 13, 2013 Planning Commission
Public Hearing: August 22, 2013 City Council

LEE HECKMAN

I have lived in Oak Acres for more than 40 years of Oak Acres' 65 years of existence, and I have seen the flooding of both neighborhoods get worse and worse year after year with virtually nothing being done by the City of Austin since we were annexed in the mid-1980s ! Quiet frankly, I could write a book about the history of broken promises regarding flooding, etc. the City has made to me and to others in both neighborhoods as well as the City's failures; so, it will be a real challenge to limit my comments to just a few paragraphs.

The regulation of the remaining Harper Park development is the City's last opportunity to address the flooding in Oak Acres and land east of Oak Acres without future extremely costly improvements in and around Oak Acres.

Numerous meetings with the County occurred regarding flooding in Oak Acres up until the County learned that annexation into the City of Austin was imminent. Then, meetings occurred with the City during the annexation process in which the discussions focused on flooding issues rather than Oak Acres' rare distinction of requesting annexation primarily for some protection from Developers ignoring deed restrictions of no commercialization, etc. since the early 1980s within Oak Acres.

The only significant flood control work the City has done in Oak Acres came as a result of Councilpersons Smoot Carl-Mitchell and the late Sally Shipman becoming personally involved when they learned that the City had done nothing regarding controlling the flooding after annexation. Due to a lack of discretionary funds, they were only able to provide very limited and temporary relief to only two of the worst flood-prone areas in Oak Acres. The City then promised flood control improvements when the City installed the sewer line; however, the City only installed the sewer lines years after failing to meet the

State's mandatory deadline when threatened with lawsuits. The City's promises of flood control measures (e.g., cleaning and regrading drainage ditches; installing approximately 5" thick pavement with an inverted crown on parts of South Oak Blvd., West Oak Blvd., North Oak Blvd., and East Oak Blvd. to divert flood waters crossing those streets; etc.) once again became big fat lies with only the thinnest layer of asphalt possible being installed over the existing pavement. It was so thin it could not even be qualified as "a lick and a promise" and soon became very rough streets with potholes.

The City is now making a study of Oak Park's and Oak Acres' flooding problems, and the latest that I heard is that it will not be completed until perhaps December. Therefore, no action on Harper Park's requests should be finalized until that study is completed, reviewed by those affected, and the City has corrected the flooding problems.

Oak Acres' primary flooding problems are a result of "*sheet flooding*" from this 17.75 acre proposed Harper Park Development and the ~70 acres former Harper Park property to the north now owned by St. Andrews School and whose City approved flood control measures have miserably failed for North Oak Blvd. property owners. The *sheet flooding* originates from developments and undeveloped property west and northwest of the Oak Park Subdivision and flows through Oak Park and the Harper Park tracts into Oak Acres all along the west property lines of Oak Acres, causing increasingly flooding issues to virtually all of Oak Acres. In the ~1985 Site Planning and Zoning of Harper Park's original ~99 acre tract, Harper Park Drive was planned, linking Highways 290/71 West and Southwest Parkway to the north. The street was to have storm drainage inlets and there were at least a couple of detention ponds along Oak Acres' western property lines. TXDOT planned and built the overpass at Hwys. 290/71 and Harper Park Drive based on those plans. The owners of Harper Park have ignored those plans, agreements, zoning, etc. and sold off portions of the original ~99 acres, contributing to the long traffic jams at the "Y" in Oak Hill, and now have boxed themselves in and want an even much more densely development on the remaining acreage.

At a ~$1,000,000 an acre, The Whitfield Group (TWG) now stands to make an unholy profit at the expense of hundreds of citizens in Oak Park, Oak Acres, and in surrounding areas by merely flipping this property! I would not be surprised that TWG is paying no more taxes

than most homeowners in Oak Acres, Oak Park, or even those on the Planning Commission or City Council. In my --- and others' opinion --- this TWG has been a horrible neighbor, especially, in regards to oak wilt propagation and immensely increasing the danger of a gigantic wildfire inside the City of Austin. This Developer has seemingly played dumb about both issues as well as the flooding and, to the best of my knowledge, has not done one single thing to address those problems since their being repeatedly brought to The Whitfield Group's attention. When TWG had the 17.75 acres surveyed, the surveyors cut oak limbs laden with oak wilt and comingled them with considerable amounts of other limbs and debris when clearing for the survey. A City arborist was called by neighbors several years ago to survey the oak wilt and is well aware of the dangers to both neighborhoods if the oak wilt remains and/or is improperly addressed. For example, now is the only time of the year that winds do not as greatly spread the oak wilt spores, etc. to neighboring properties, yet Developers will likely be doing just that this fall, winter, and/or spring when site construction preparation commences. The City will have to very closely monitor plans and the processes of dealing with the oak wilt or neighborhoods for miles around will be infected by this development. For the life of me, I cannot understand how the Austin Fire Department has ignored the piled brush through out the property and its danger of possibly destroying hundreds of homes and even taking lives (including their own fire fighters)!!!

In order to keep comments as brief as possible, I will list some additional issues with little or no comment:

A. This project's construction and final use traffic will add considerably to the already unacceptable long traffic problems from this site all the way to beyond the "Y" on the other side of Oak Hill.

B. I feel that David Weekley Homes will likely decide not to go through with its option to develop this property, largely because of the owners' apparent failure to fully acquaint Weekley of (A) two or more caves on the property, which I understood someone to say in one of the meetings that the openings were now being filled with debris, (B) the oak wilt problems, and (C) the long standing flooding issues which not only affect Oak Acres property owners but also Weekley having to elevate its own foundations more than normal.

C. This property IS NOT in the City of Austin's desired development zone;

furthermore, this high density of buildings is not warranted.

D. This property is directly over the recharge zone, and it is imperative that the City require the bare minimum of impervious cover. The City should not be changing zoning or land use before the City makes heavily researched decisions regarding site development impervious cover requirements at the time of development.

E. Because of the proposed high density of buildings, every home on Oak Acres' west property line will have 2 or 3 houses as back yard "neighbors". So, adequate fencing for privacy and to restrict people and animals from freely roaming through Oak Acres residential yards will be necessary. If those Oak Acres residents are forced to put up fences along the property line, it will cost each of them thousands of dollars to erect and maintain such fencing because of their large lot sizes.

F. It is my understanding that The Whitfield Group has yet to put into writing the recommendations and agreements reached in the July 8th Oak Hill NPCT meeting. Until that happens, no changing of zoning should occur.

G. I am against allowing the MIXED USE (MU) COMBINING DISTRICT because it would allow additional uses that are not compatible with the Oak Acres and Oak Park neighborhoods.

H. The neighborhood associations and individuals have spent hundreds of hours giving in and coming to terms with The Whitfield Group and David Weekley Homes, and no City actions should occur until those agreements are in writing and are enforceable by the City of Austin. The neighborhoods have been repeatedly told at various meetings by City Staff persons, The Whitfield Group, and David Weekley Homes that *Conditional Overlays* could be used to guarantee that they fulfill the agreements and thus protect our neighborhoods. Less than a month ago, City Staff flipped and now does not recommend using *Conditional Overlays*, but now are saying to use *Restrictive Covenants*.

My wife, Carolyn Parker who was on the City of Austin Planning Commission in the 1990s and was one of the founders of The Oak Hill Association of Neighborhoods (OHAN), disagrees with that for a number of reasons, including: (A) *Restrictive Covenants* do not even come close to ensuring the same degree of compliance as *Conditional Overlays*, and (B) *Restrictive*

Covenants, similar to deed restrictions which the City does not enforce, put the burden and costs of enforcing on financially strapped neighborhood associations and individual property owners.

It is our understanding that The Whitfield Group has a history of circumventing City zoning restrictions and impervious cover requirements and even sued the City of Austin in the Texas Supreme Court to get what it wanted. Furthermore, it is our understanding that David Weekley Homes is one of, if not, the largest contributor to that Court's judges and has also taken cases to that Court. What do you think the chances of Oak Acres and Oak Park acting alone can get justice on getting agreements enforced?

PLEASE, do not throw the hundreds of Oak Acres, Oak Park, and nearby neighborhood home owners to a couple of lions. Please stop this madness until at least the City resolves and corrects the decades old flooding problems, makes decisions about impervious cover, etc. by delaying Planning Commission approval and recommending City Council to also delay any approvals regarding Harper Park land and uses.

Thank you.

Dewain Cobb
5611 Oak Blvd.
(512) 680-4030

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 gr
zoning request, or rezone the land to a less int
than requested but in no case will it grant a m
zoning.

R 8/7/13

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

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

www.austintexas.gov

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: C14-2013-0006
Contact: Lee Heckman, 512-974-7604
Public Hearing: Aug 13, 2013, Planning Commission
Aug 22, 2013, City Council

Maysell R. Ramsey
Your Name (please print)

☐ I am in favor
☒ I object

6007 Oakclaire Dr. Austin TX 78735
Your address(es) affected by this application

Maysell R. Ramsey — 8/5/13
Signature *Date*

Daytime Telephone: 512-892-0762

My name is Maysell R. Ramsey. I own and have lived at 6007 Oakclaire Dr., Austin, TX since construction of my home in 1967. My home is constructed over the Edwards Aquifer (confirmed through US Geological Survey). In January, 2013, sitting in my home I felt my brick floor rise and then settle back down. I was told that people in Arizona had experienced the same type occurrence when water was pumped from an aquifer. Also, on the north side of my home (facing west) is a sunken area occurring in recent years that is not the result of soil erosion contrary to Ms. Whitfield's comment on July 8, 2013.

Because of these reason's, I do not concur with these zoning changes.

If you
City o

this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 38

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

August 6, 2013

Mr. Lee Heckman
Planning and Development Review Department
City of Austin
505 Barton Springs Rd
Austin, TX 78704

Dear Mr. Heckman:

Re: Case # C14-2013-0006

The YMCA of Austin-Southwest Family Branch has no concerns regarding the necessary zoning change to allow Harper Park to sell its property to a home builder. YMCA of Austin-Southwest Family Branch believes these changes match the needs of our neighborhood and interests of our community. The applicant has supported the YMCA in its effort to bring needed services to the neighborhood.

Sincerely,

Thom Parker

YMCA of Austin

YMCA of Austin
Corporate Office
1402 East Cesar Chavez, Austin, TX 78702 Tel: (512) 322-9622 Fax: (512) 457-1972 www.AustinYMCA.org

OAK ACRES NEIGHBORHOOD ASSOCIATION

Chronology of events concerning The

Whitfield Group's development proposal for Harper Park Tract, request for zoning / land use change, and Oak Acres (OA) response

Description of the subdivision: Oak Acres is a neighborhood in a rural setting. It consists of 43 homes, all one-story (deed restriction), all on 1/2-Acre or larger lots, on tree lined streets with no curb and gutters, no street lights, and no sidewalks.

1. **February 2013** Oak Acres met with The Whitfield Group (WG) and Alliance four or five times about zoning change. We were encouraged by city planning case manager, Maureen Meredith at Oak Hill Association of Neighborhoods (OHAN) meeting to listen to zoning proposal and get involved in the process. We did listen. We then conferred as a neighborhood and the following actions taken: (a) 100% of residents within 100 feet signed a legal petition (Exhibit A) and (b) 100% neighborhood wide signed a petition (Exhibit B), both to oppose the zoning change and project to build 300 plus apartments.

2. **June 2013** Whitfield Group and Ian Dietrich of David Weekly Homes makes presentation to build 72 condos (Exhibit C). During question and answer, a inquiry about fences was asked by an Oak Acres resident indicating a dislike of fences within or surrounding the Oak Acres neighborhood. Ian Dietrich of David Weekly Homes responded (paraphrase) "If you don't like fences that's okay. All we ask is that we might build a little 4 foot tall fence about 10 or 15 feet from the house so people could let their dogs out. We want to work with you." Oak Acres residents were offered reassurance that there would be no fences other than small, individual fences for each individual condo. In addition to the fence issue, there were additional concerns presented by Oak Acres residents about flooding, distance from property lines, native buffers, oak wilt, and the presence of caves on the Harper Park Tract.

R 09/05/13

3. At a follow up Oak Hill Neighborhood Planning Contact Team meeting, case manager Maureen Meredith of the city explained the zoning/ land use change and relayed that CONDITIONAL OVERLAYS (Exhibit D) could be used to protect our neighborhood concerns. We were lead to believe that the city would use and enforce these COs to protect our property interests. We find out later, however, that the city doesn't

recommend the use of COs but instead recommends the use of RESTRICTIVE COVENANTS (RCs). It is our understanding the city fears legal action if COs were enforced. A very important fact to remember: Had we known that COs would not be an option we would not have engaged in a dialog with the Whitfield Group and compromised on our stance against their proposed zoning / land use change. We entered into discussion only with the belief that COs would most certainly be in place.

4. **July 6, 2013** Oak Acres holds an emergency meeting to discuss the COs that could be put on the property to protect our neighborhood interests. Using the David Weekly site plan (Exhibit C), the Oak Acres neighborhood generated a list of our required COs (Exhibit E) with a plan to request these COs at the upcoming Oak Hill Neighborhood Planning Contact Team (OHNPCT) meeting. A vote was taken to approve the list of COs. The vote was 15-1 in favor of the proposed COs.

Key points on our request list were as follows:

1. No more than 72 homes
2. 75 foot setback from the Oak Acres side of property
3. 50 Foot buffer of native vegetation with no development of any kind* and a no-site line consisting of evergreen vegetation on Oak Acres side of property.
4. Develop and maintain a berm to adequately control water runoff to Oak Acres subdivision.
5. Plant trees/hedges at back of condos as shown on David Weekly drawing.
6. No windows on back of second story homes on Oak Acres side of Development.
7. All exterior lighting on development to be shielded down.
8. Street lights to be low glare, shielded down, not to exceed (15) feet in height.
9. Hip all second story roofs on back of homes facing Oak Acres as drawn on David Weekly first Draft.
10. Remove LO from land use.
11. Condos must be detatched (stand alone).

*Underscored here because it was underscored on the list distributed at the OHNPCT meeting and presented on an overhead projector (Exhibit E).

5. **July 8, 2013** At the Oak Hill Neighborhood Planning Contact Team meeting Oak Acres presents its case to the team. The Whitfield Group and David Weekly presents their case to the team. Oak Acres informs OHNPCT, The Whitfield Group, and David Weekly that we do not want any RCs, private or public. Our terms must be met with COs. We negotiate with The Whitfield Group and David Weekly, we compromised on several of our terms and an agreement was reached. Before the vote was taken by OHNPCT the president made sure all present were in agreement. Oak Acres stated their agreement with the compromise, Oak Park stated their agreement, The Whitfield Group stated their agreement, and David Weekly (Ian Dietrich) stated their agreement. The vote was taken and the agreement was passed. A letter summarizing the agreement was written by the president of OHNPCT (Exhibit F).

Please note that Oak Acres conceded on several points, including:

1. An increase from 72 to 76 homes
2. A 50 foot native vegetative buffer decreased to a 25 foot native vegetative buffer.
3. The request for a berm was dropped because Ian Dietrich of David Weekly Homes said a berm was unnecessary because they planned to gutter and drain all of the water runoff to the street (away from the condos) and that the berm would interfere with keeping the native vegetative buffer.
4. Rescinded on the request for no 2nd story windows on back of condos that backed up to the Oak Acres properties.
5. Rescinded on the request for hipped roofs.
6. Rescinded on the removal of LO from land use.

By presenting this list of concessions made by Oak Acres, we hope to show that Oak Acres did indeed work with the Whitfield Group in good faith. We gave up on a number of our concerns given the assurance that COs would protect our interests.

6. The OHNPCT letter (Exhibit F) was sent to the city case manager (Maureen Meredith). In response, Gail Whitfield of The Whitfield Group, upon reading the letter, asked the president of OHNPCT, Tom Thayer, to remove the words "no development of

any kind" from the text. Thayer unilaterally removed the specified words from the letter and sent a revised letter to the city. After reading the revisions as requested by Whitfield, members of OHNPCT debated the agreement and vote taken at the July 8th meeting. It was agreed that the letter should be changed back to the original draft, i.e., to the wording that all parties (the Whitfields, David Weekly, OHNPCT, Oak Acres, and Oak Park) agreed to. The deletion in wording by OHNPCT president from the original draft, in so doing accommodating the private request of the property owner, Gail Whitfield, was interpreted by neighborhood residents as a serious compromise in the delicate balance of trust achieved up to this point. Coming to the table to negotiate with the land owners and the developers on a project in the early stages of development requires considerable trust among all parties. This violation in trust, then, was strongly felt by Oak Acres residents.

7. **July 19, 2013** Ian Dietrich of David Weekly Homes went door to door handing out false and misleading information about the OHNPCT letter agreement. Dietrich copied and presented neighborhood residents the Whitfield-manipulated OHNPCT letter which left out the "no development of any kind" clause. In other words, Dietrich presented a version more in line with their development plans for the Harper Park Tract and not what was voted upon by the OHNPCT. This misrepresentation of the agreement was seen as a another major trust violation.

Important Note: The "no development of any kind" clause was critical to the residents to achieve the only barrier the two story condo residents looking down onto our one story homes. The deed restrictions for both Oak Acres and Oak Park stipulate NO TWO-STORY HOMES. Placing two story condos sandwiched between two ONE-STORY neighborhoods was felt as a major deviation from the compatibility of the adjoining neighborhoods. In addition, another incompatibility was evident: There would be three condos per every one neighborhood home, 35 foot lot lines compared to Oak Acres 110 feet lot lines (that back up to Harper Park). In this way, Harper Park is a very dense project compared to the two adjoining, rural subdivisions.

8. Oak Acres Neighborhood Association treasurer, Rodney Baker, on behalf of the neighborhood interests, submitted a written request for a delay for the Planning and Zoning meeting. The events of Paragraph 6 (the revision of the OHNPCT letter as requested by The Whitfield Group) and the events of Paragraph 7 (door to door hand out of false and misleading information by Ian Dietrich of David Weekly Homes) lead residents to believe that Oak Acres needed information and help from the city staff before proceeding any further in the negotiations.

9. Members of Oak Acres and Oak Park met with Lee Heckman of the City. Heckman was very helpful and provided answers to our questions. A vital piece of information learned was that the Whitfields had successfully sued the city which had the effect of returning the 1985 Preliminary Plat on Harper Park Tract as the official plat of record in 2008, i.e., grand fathering the 1985 plat of record. Apparently this legal action was taken to get around SOS rules, i.e, to get more generous (development friendly) impervious cover rules.

Also at the meeting we asked about the Harper Park Tract's location in the Recharge Zone, Barton Creek Watershed, Barton Creek zone, the Critical Water Quality Zone, and the Water Quality Transition Zones. Heckman did not know how the city would rule on impervious cover requirements for the proposed zoning / land use change. He also explained Mixed Use (MU) to us. We are fearful of MU because of the commercial, retail, and multi family uses. We also found out this property is not in the city's desired development zone.

11. The Whitfield Group continues to ask the Oak Acres Neighborhood for Private RCs despite being in full knowledge of our neighborhood stipulation that we would agree to COs, not RCs, given the minimal and/or no enforcement by the city of anything short of a CO.

12. David Weekly Homes and the Whitfield Group are persistently proposing to build a fence (bordering Harper Park) and drainage control in the 25 foot native vegetation

buffer despite the underscored "no development of any kind" clause as agreed to at the OHNPCT meeting.

13. Statements were submitted by 14 of the 18 homes in Oak Acres (within 500' of the Harper Park Tract) indicating objection to the zoning / land use change to LO-MU-CO-NP. Neighborhood residents are very fearful of flooding as we are located on the down hill side of the project. When it rains heavy, homes get significant amounts of water in them and yards are flooded upwards of three to four feet. Residents would like to see the results of the Watershed study (slated to be finalized soon) before considering any changes to the zoning / land use.

14. **Sept. 1, 2013** Oak Acres Neighborhood Association met and voted 27-0 to object to the zoning /land use change to LO-MU-CO-NP, i.e., to keep the petition (Exhibit A, Paragraph 1) in force.

In summary, our history of dealings with the Whitfield Group and David Weekly have resulted in significant loss of trust in a safe, mutually satisfactory negotiating process. We are fearful of letting go of our current zoning / land use protection of LO-CO-NP. Knowing the past history of the Whitfield Group's use of the legal system, we fear they might resort to legal maneuverings again no matter how the city rules. We're also fearful that the Texas Legislature might, at some point in the near future, overrule the city's zoning ruling.

We ask that readers be aware that in 1985 this land was in the county zoned LO-CO, an effect of the ruling the Whitfields sought and were awarded in 2008. When the Whitfields bought the tract in 2006 it was zoned LO-CO-NP. When all but 2 residents in Oak Acres bought their homes the Harper Tract was zoned LO-CO-NP. Residents bought with the understanding of the protections afforded by the LO-CO-NP zoning in place, including The Whitfield Group. In 2010 the city adopted NP FLUME without objection from The Whitfield Group. Given the reasoning that one accepts the zoning they knowingly purchase into, we neighborhood residents believe strongly that the zoning should remain as is, LO-CO-NP.

As of Sept.4, 2013 neither the Whitfield Group or David Weekly Homes have signed off on the OHNPCT letter they both agreed to. Oak Acres neighborhood, therefore, officially withdraws any and all support of the conditions stated in the OHNPCT letter as a result of the above summary of events.

Thank you ,

Bob Wiley, President Oak Acres Neighborhod Association

Sage Walker, Vice President Oak Acres Neighborhod Association

Rodney Baker, Treasurer, Oak Acres Neighborhod Association

EXHIBIT A + B

Date: Reference File: NPA-2013-0025.01

PETITION IN OPPOSITION TO REZONING OF THE HARPER PARK TRACT

We, the undersigned owners of property affected by the requested change to the Oak Hill Combined Neighborhood Plan as referenced above, do hereby protest any change to this plan and the FLUM which would zone the Harper Park Tract to any classification other than LO-CO-NP with the associated restricted covenants. Reasons for the protest are:

Public Safety, Traffic/Access Issues, Flooding, Environmental Concerns and change to a zoning negotiated with the city by both neighborhoods over 20 years ago that was reviewed and approved again in 2008 with the adoption of the Oak Hill Neighborhood Plan.

Signature	First Name	Last Name	Address
	William	Powers	5642 Oak Blvd Austin, TX 78735
	Alex	SRINIVASAN	5640 OAK Blvd West AUSTIN, TX 78735
	GUENTHER	OSWALD	5644 OAK. BLVD. AUSTIN, TX
	RODNEY	BAKER	5638 OAK BLVD AUSTIN TX. 78735
	Nancy C.	YORK	5636 OAK Blvd. W AUSTIN, TX 78735
	Kurt	Feiste	5634 Oak Blvd Austin, TX 78735
	John	Knox	5632 OAK Blvd Austin TX 78735
	Shirley	L. Martin	5626 OAK BLVD AUSTIN TX 78735
	DEWAIN	COBB	5611 OAK BLVD AUSTIN, TX 78735
	Jesse	GEVITZ	5639 Oak Blvd AUSTIN, TX 78735
	Deloris	Carroll	5612 A Oak Blvd. AUSTIN, TX 78735
	Anneke	Swanson	5600 Oak Blvd Austin, TX 78735
	D. +	P	5618 Oak Blvd

100' FEET

We, the undersigned owners of property affected by the requested change to the Oak Hill Combined Neighborhood Plan as referenced above, do hereby protest any change to this plan and the FLUM which would zone the Harper Park Tract to any classification other than LO-CO-NP with the associated restricted covenants. Reasons for the protest are:

Public Safety, Traffic/Access Issues, Flooding, Environmental Concerns and change to a zoning negotiated with the city by both neighborhoods over 20 years ago that was reviewed and approved again in 2008 with the adoption of the Oak Hill Neighborhood Plan.

Signature	First Name	Last Name	Address
Thad Engeling	Thad	Engeling	5664 Oak Blvd 78735
Tami Ryan	Tami	Ryan	5612 B. OAK Blvd 78735
Paula Cox	Paula	Cox	5607 Oak Blvd 78735
Michael Verzwyvelt	MICHAEL	VERZWYVELT	5610 OAK BLVD 78735
	AUSTIN MONTESSORI SCHOOL AGENT: DAWN GLASSOCK		5077 OAK BLVD AUSTIN TX 78735
Ronda Armington	Ronda	Armington	5666 Oak Blvd. Austin, Tx 78735
	JAMES	LEHMANN	5652 OAK BLVD 78735
Andrea Creamer	Andrea	creamer	5614 Oak Blvd Austin TX 78735
	Jorge	Contreras	5673 Oak Blvd Austin TX 78735
Lloyd B Thole	Lloyd	Thole	5670 Oak Blvd Austin, TX 78735
	FRANK	VERZWYVELT	5608 OAK BLVD AUSTIN TX 78735
Laurie Willis	Laurie	Willis	5604 Oak Blvd 78735 Austin
CHAKIS CHEHADA	CHAKIS	CHEHADA	5620 Oak BLVD Austin 78735
	ALLEN	HAMILTON	5650 OAK BLVD
Chase Walker	Chase	Walker	[illegible] 78735

We, the undersigned owners of property affected by the requested change to the Oak Hill Combined Neighborhood Plan as referenced above, do hereby protest any change to this plan and the FLUM which would zone the Harper Park Tract to any classification other than LO-CO-NP with the associated restricted covenants. Reasons for the protest are:

Public Safety, Traffic/Access Issues, Flooding, Environmental Concerns and change to a zoning negotiated with the city by both neighborhoods over 20 years ago that was reviewed and approved again in 2008 with the adoption of the Oak Hill Neighborhood Plan.

Signature	First Name	Last Name	Address
Katie Hanus	Katie	Hanus	5661 Oak Blvd Austin 7873
	Jordan	Shipley	5659 Oak Blvd Austin 78735
Robert K. Wilkes	Robert	Wilkes	5665 OAK BLVD AUSTIN, 7873
Sage Walker	Sage	Walker	5601 Oak Blvd Austin Tx 787
Jan Mullis	JAN	MULLIS	5605 Oak Blvd Austin TX 787
	Dawn	Glasgow	5648 Oak Blvd Austin, TX 787
Karla J. Bynum	Karla	Bynum	5645 Oak Blvd Austin, TX 7873
	BYRON	FRENCH	5635 Oak Blvd Austin, Tx 78735
	PHILIP	LaRocca	5668 OAK BLVD Austin, Tx 78735
John Yarber	John	Yarber	5666 Oak Blvd 78735
Veronique Mareen	VERONIQUE	MAREEN	5672 OAK BLVD 78735
	Stirling	Robertson	5624 Oak Blvd 78735
	JEFF	CROUCH	5656 OAK BLVD 78735
Gary R. Basham	GARY	BASHAM	5654 OAK BLVD 78735

EXHIBIT C

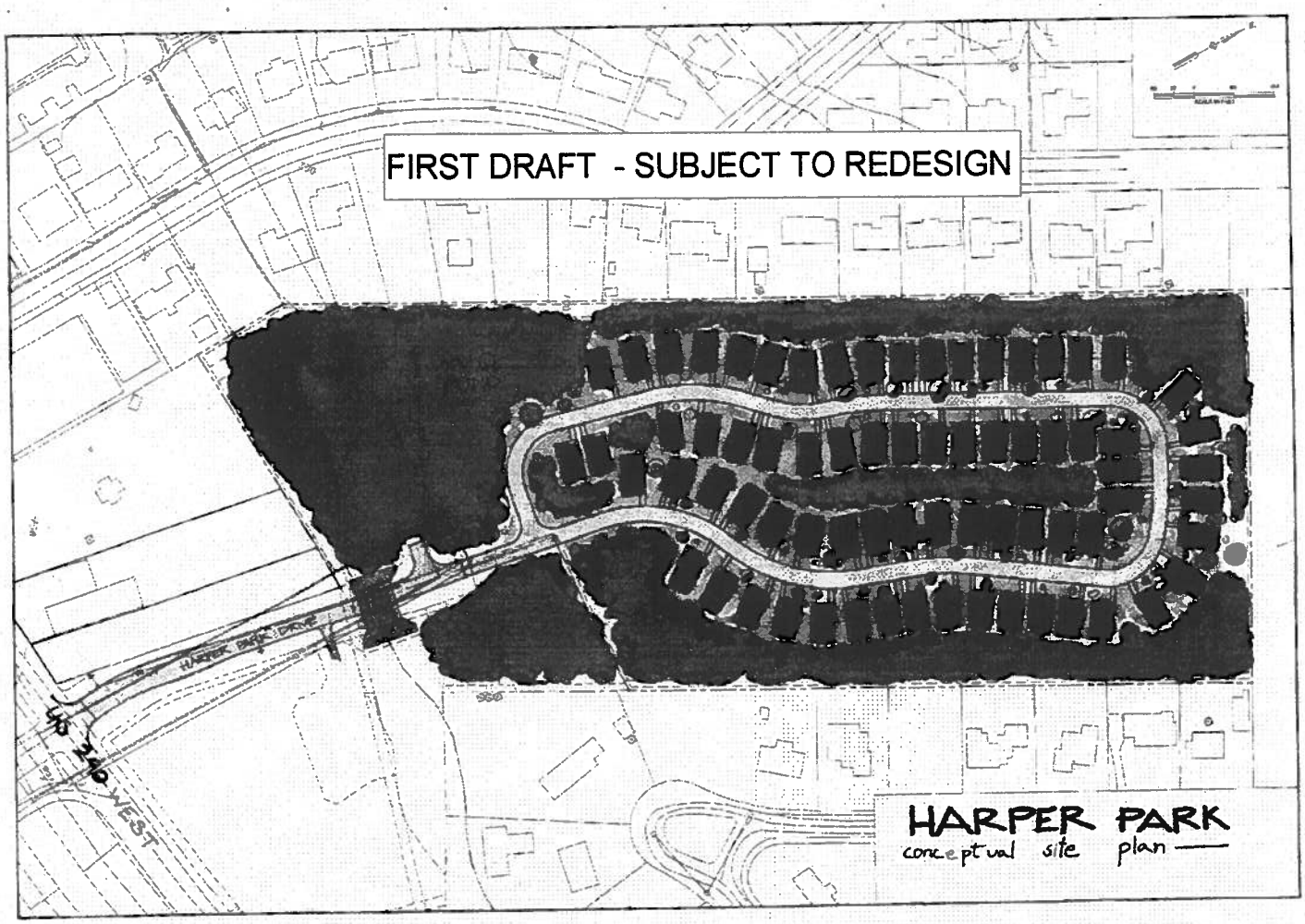

FIRST DRAFT - SUBJECT TO REDESIGN
HARPER PARK DRIVE
HARPER PARK
conceptual site plan

EXHIBIT D

-CO

Conditional Overlay Combining District

Purpose: The purpose of the conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site. Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.

Application: A conditional overlay may be applied any base district to do the following:

- Prohibit permitted, conditional and/or accessory uses otherwise allowed in a base district.
- Make a permitted use a conditional use — NO. ?
- Decrease the density that may be constructed 72 HOMES
- Increase minimum lot size or minimum lot width requirements NO ATTACHED?
- Decrease maximum floor to area ratio (FAR)
- Decrease maximum building heights
- Increase minimum yard and setback requirements - 75 FT
- Establish buffering requirement (hedge, fence, undisturbed buffer along property lines)
- Decrease maximum building or impervious coverage requirements
- Limit the maximum square footage of building space
- Restrict access to adjacent roads and require specific design features to minimize the effects of traffic
- For a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E (Mixed Use Zoning Districts) of the Land Use Development Code.

Oak Acres Neighborhood Association
Requested Conditional Overlays Regarding Rezoning Proposal for Harper Park Tract
July 8, 2013

1. No more than seventy-two (72) units of any kind are built on property with the following mixed uses to be excluded:
   - Multifamily residential
   - Duplex residential
   - Two family residential
   - Vertical Mixed Use
2. Seventy-five (75) foot setback on Oak Acres side of property.
3. Fifty (50) foot buffer of native vegetation with no development of any kind and a no site line consisting of evergreen vegetation on Oak Acres side of property.
4. Develop and maintain a berm to adequately control water runoff to Oak Acres subdivision.
5. Plant trees/hedges at back of condos as shown on David Weekly drawing.
6. No windows on back of second story homes on Oak Acres side of development.
7. All exterior lighting on development to be shielded down.
8. Street lights to be low glare, shielded down, not to exceed fifteen (15) feet in height.
9. Hip all second story roofs on back of homes facing Oak Acres as drawn on David Weekly first draft.
10. Remove LO from land use.

EXHIBIT E

EXHIBIT F

Tom Thayer, Chair
Brian Reis, Vice-Chair
Danielle Lepper, Secretary

July 22nd, 2013

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: NPA Case # NPA-2013-0025.01
5816 Harper Park Dr
Owners: Gail and Marcus Whitfield

On July 8th, 2013, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 5816 Harper Park Blvd. The applicant has requested a change in land use **from Office and Neighborhood Commercial to Mixed Use/Office**. The community meeting was held on July 8th, 2013.

July 8th, 2013, the OHNPCT voted in favor of the proposed change in land use with the following conditions: No more than 76 units with the following uses to be excluded: multifamily residential, duplex residential, two family residential, and vertical mixed use; 75 foot building setback on the Oak Acres (east) side of the property; 50 foot building setback on the Oak Park (west) side of the property; 25 foot native vegetation buffer with no development of any kind and evergreen vegetation filling in sight lines on the east and west sides of the property; plant trees/hedges at the back of the structures as shown in the David Weekly drawing; all exterior lighting on the property to be shielded down, and street lights to be low glare, shielded down, not to exceed 15 feet; the developer will develop and maintain a drainage control system to adequately control water runoff from the property and will maintain communication with the neighborhoods of Oak Park and Oak Acres during the site planning phase. No action or recommendation was made with respect to the proposed zoning change.

Please let me know if you have any questions.

incerely,

Tom Thayer
Chair, OHNPCT

Cc: Brian Reis – Vice Chair
Danielle Lepper – Secretary

June 28, 2013

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Rd
Austin, TX 78704

Re: Harper Park Residential; 5816 Harper Park Dr, Austin, TX 78735 (the "Property); Neighborhood Plan Amendment/Zoning Change and Restrictive Covenant Amendment (the "Amendment")

Dear Mr. Guernsey:

Reference is made to the Neighborhood Plan Amendment/Zoning Change and Restrictive Covenant Amendment submitted on January 30, 2013 for the above referenced Property. In response to meetings held with Neighborhood Association leaders, the Property Owner would like in to modify the requested Amendment from "LO-CO-NP" and "GR-CO-NP" to "LO-MU". Applicant is no longer requesting the change to "SF-6-CO-NP" and the request to change the restrictive covenant to allow for a three story building is withdrawn.

Uses allowed by Mixed Use that would be excluded from acceptable uses include:

- Multifamily residential
- Duplex residential
- Two family residential
- Vertical Mixed Use

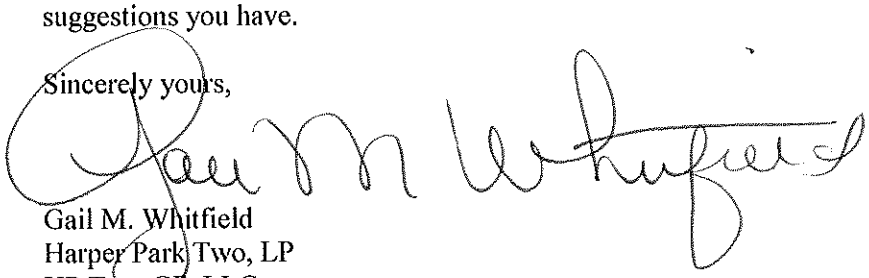
The following additional concessions will be included in the form of a Private Restrictive Covenant and/or by Conditional Overlay:

- Homes must be at least three-sides masonry;
- The community will have no greater than 80 homes;
- Homes will be two stories or less;
- A 25-foot buffer of native vegetation shall remain along the east and west sides of the site, limiting sightlines to Oak Park and Oak Acres neighborhoods;
- Low-glare street lights no taller than 15 feet to alleviate safety concerns.

With this request, we would also like to request the valid petition signed by the neighbors to be withdrawn.

We look forward to working with you and City staff on this project and would appreciate any input or suggestions you have.

Sincerely yours,



Gail M. Whitfield
Harper Park Two, LP
HP Two-GP, LLC
General Partner

Exhibit E - 1

September 5th, 2013

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Rd
Austin, TX 78704

Re: Harper Park Residential; 5816 Harper Park Dr, Austin, TX 78735 (the "Property); Neighborhood Plan Amendment/Zoning Change and Restrictive Covenant Amendment (the "Amendment")

Dear Mr. Guernsey:

Reference is made to the Neighborhood Plan Amendment/Zoning Change and Restrictive Covenant Amendment submitted on January 30, 2013 for the above referenced Property. The Property Owner has modified the requested Amendment to "LO-MU" (previously "SF-6") except multifamily residential, duplex residential, and two family residential will not be allowed. After numerous meetings and discussion with the adjacent neighborhoods, we have also agreed to the following restrictions related to a residential development of the property:

1. All homes built on the Property shall be single family and must have at least three sides of the façade built of masonry. Brick, rock, stucco, and hardiplank shall be considered masonry for the purposes of this covenant;

2. All homes shall be limited to two stories in height or less;

3. All homes shall have a building height limit of 35-feet;

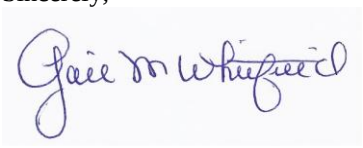
4. A 25-foot vegetative buffer and evergreen vegetation filling in sight lines must be maintained and/or installed along the east and west sides of the Property. No development, other than underground or overhead utilities, a privacy fence, or storm water utilities may be allowed in the vegetative buffer. Care to maintain the vegetative buffer shall be taken during and after construction. Any disturbance of living vegetation in the buffer during construction shall be replaced with substantially similar vegetation prior to issuance of Certificate of Occupancy and actual occupancy of the Property;

5. A minimum 50-foot building setback shall be maintained on the east and west sides of the site;

6. All street lights on the Property must be low glare and no more than 15-feet in height;

7. No more than 76 units shall be constructed on the Property, with the following uses to be excluded: multifamily residential, duplex residential, two-family residential, and vertical mixed use.

Sincerely,



Gail M. Whitfield
Harper Park Two, LP
HP Two-GP, LLC
General Partner

Potential Conditions, Public Restictions, or Private Restrictions

Neighborhood Stakeholders Concern	Applicant Response	Staff Recommendation	Staff Comment	May Be Regulated Through		
				Conditional Overlay	Public Restrictive Covenant	Private Restrictive Covenant
No more than 76 homes	Agreed	Staff can support 80-unit residential maximum	Specification of maximum number of units or units/acre not required for rezoning	X		X
No Multifamily, Duplex or Two Family residential	Agreed	Staff does not support use prohibition	Not an inappropriate land use	X		X (Best Option)
No vertical mixed use	Agreed	Staff does not support use prohibition	Not an inappropriate land use	Unsure; document launguage would likely reference primary use only		X (Best Option)
75 foot building set back on Oak Acres (east), 50 feet on West side (Oak Park)	Agreed to 50' building setback	Staff does not support excessive building setback for proposed residential use	Excedes setback and compatibility requirements (1)	X		X (Best Option)
50 foot vegetative buffer on Oak Acres East side; On Oak Park no development of any kind	Agree to 25' Vegetative Buffer; Disagree to "No Development of Any Kind"	Staff does not support excessive buffer or no-development prohibition for proposed residential use	Excedes setback and compatibility requirements (1)	X		X (Best Option)
Plant trees / hedges at back of condos	Agreed to work with neighbors on plan	Staff does not support	Redundant; commercial landscaping & screening requirements apply (2)		Specific Location(s) & Area(s) Must be Defined	X (Best Option)
All exterior lighting on development to be sheilded down	Agreed	Staff does not support	Redundant; commercial lighting requirements apply (3)	X	X	X (Best Option)

Exhibit F - 1

Street lights to be low glare, sheilded down and no more than 15 ft tall	Agreed	Staff does not support	Redundant; commercial lighting requirements apply (3)	Height Could be Specified	Need to Specify or Identify Low-Glare; Height Can be Specified	X (Best Option)
Flooding	Development will be in accordance with TCEQ and City of Austin Guidelines per the LDC	N/A	Provisions that address drainage, detention, and flooding concerns are elsewhere in the LDC and part of the subdivision, site planning, or building permit stages of development.	n/a	X	n/a
No more than 2-story homes; Maximum height of 35'	Agreed	Staff does not support prohibition	Redundant; Current Public RC already restricts to 2-story.	Height Must also be Specified		X

* The site, whether developed as office or residential under LO-MU, is subject to commercial design standards and compatibility standards.

(1) Along the east and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

(2) A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment,

- Screening is required at the property line for a townhouse, condominium, multiple family, group, or mobile home use if abutting a

(3) Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

AGREEMENT

WHEREAS, HARPER PARK TWO, L.P. (Owner) is the owner of a tract of land described as Lot One (1), HARPER PARK SECTION THREE, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 200800229, Official Public Records of Travis County, Texas (Property);

WHEREAS, Owner proposes to amend the current zoning on the Property to permit development of the Property as a single family condominium project and has filed an application with the City of Austin to rezone the Property to LO-MU-CO-NP,

WHEREAS, certain owners of homes in the Oak Park Subdivision and adjacent to the Property (Oak Park Neighbors) have signed a petition opposing Owner's rezoning request;

WHEREAS, Owner has agreed to limit the development of Property and the undersigned Oak Park Neighbors have agreed to withdraw their objections to Owner's rezoning request;

NOW, THEREFORE, the parties hereto agree as follows:

1. Owner agrees to execute the attached Restrictive Covenant and file such executed document in the Deed Records of Travis County, Texas.
2. As a part of its effort to obtain rezoning of the Property, Owner agrees to request the City of Austin to incorporate as many of the covenants contained in the Restrictive Covenant into a Conditional Overlay or a Public Restrictive Covenant as the City of Austin shall deem advisable and legally permissible.
3. On Owner's notification of the execution of the attached Restrictive Covenant and the filing such executed document in the Deed Records of Travis County, Texas, the undersigned Oak Park Neighbors shall inform the City of Austin that they wish to withdraw their objections to Owner's rezoning request.
4. If any person or entity shall violate or attempt to violate the provisions of the attached Restrictive Covenant, Oak Park Subdivision property owners, jointly or individually, may prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Restrictive Covenant, to prevent the person or entity from such actions, and to collect damages and costs incurred in such prosecution, including without limitation, attorney's fees for such actions. Prior to instigating such proceedings, the parties agree to negotiate their differences directly and in good faith for a period of no less than thirty (30) days after receiving written notification of the existence of a dispute. If the dispute is not resolved within thirty (30) days after written notification of the existence of a dispute, the parties agree to submit their dispute to a licensed attorney that is an experienced mediator and is located in Travis County, Texas to work with them to resolve their differences utilizing non-binding mediation. This mediation is a compromise negotiation for purposes of Rule 408 of the Federal Rules of Evidence and Texas Rules of Evidence and is an alternative dispute resolution procedure subject to Section 154.073 of the Texas Civil Practice & Remedies Code. Owner shall bear the costs of

mediation. If after non-binding mediation occurs, the dispute is not resolved, the parties are free to exercise all other legal and equitable rights.

EXECUTED this the 6th day of September, 2013.

OWNER:
HARPER PARK TWO, L.P.,
A Texas limited partnership

By: Marcus Whitfield
Gail M. Whitfield, Its Manager Authorized Agent of the General Partner

Oak Park Neighbors

John W. Causey

Sandra L. Causey

Kenneth L. Ratton

Patricia C. Kirksey

Cynthia K. McFarland

Maysell R. Ramsey

Dina Miralle

Bradley D. Sharp

Peggy Joyce Randolph

Stanley J. Yordey

Ralph B. Weston

Mary Lynne Rogers-Reebel

Maria Lopez Wagley

Damon Wagley

Marisa

Cathleen Michelle Riely

Brett David Schwab

Zoning Case No. C14-2013-0006

RESTRICTIVE COVENANT

STATE OF TEXAS §

COUNTY OF TRAVIS §

GRANTOR/OWNER: HARPER PARK TWO, L.P.

ADDRESS: C/o: Gail M. Whitfield
901 S Mopac Bld 1 Ste 160
Austin, TX 78746

GRANTEES: The City of Austin, a home rule city of the State of Texas, and Oak Park Subdivision property owners

CONSIDERATION: Ten and No/100 Dollars ($10.00) and other good and valuable consideration in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledge and accepted by Owner.

PROPERTY: Lot One (1), HARPER PARK SECTION THREE, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 200800229, Official Public Records of Travis County, Texas.

WHEREAS, the Owner of the Property and certain of the Oak Park Subdivision property owners have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property for the consideration in hand paid by such Oak Park Subdivision property owners, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant (the "Restrictive Covenant"). The covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns. Owner agrees to request the City of Austin to incorporate as many of these covenants into a Conditional Overlay or a Public Restrictive Covenant as the City of Austin shall deem advisable and legally permissible.

1. All homes built on the Property shall be single family and must have at least three sides of the façade built of masonry. Brick, rock, stucco, and hardiplank shall be considered masonry for the purposes of this covenant;

2. All homes shall be limited to two stories in height or less;

3. All homes shall have a building height limit of 35 feet;

4. A 25-foot vegetative buffer and evergreen vegetation filling in sight lines must be maintained and/or installed along the east and west sides of the Property. No development, other than a wrought-iron fence of the type depicted in Exhibit A hereto, underground or overhead utilities, or storm water utilities may be allowed in the vegetative buffer. Care to maintain the vegetative buffer shall be taken during and after construction. Any disturbance of living vegetation in the buffer during construction shall be replaced with substantially similar vegetation prior to issuance of Certificate of Occupancy and actual occupancy of the Property;

5. A minimum 50-foot building setback shall be maintained on the east and west sides of the site;

6. All street lights on the Property must be low glare and no more than 15-feet in height;

7. No more than 76 units shall be constructed on the Property, with the following uses to be excluded: multifamily residential, duplex residential, two-family residential, and vertical mixed use.

If any person or entity shall violate or attempt to violate this Agreement and covenant, it shall be lawful for the City of Austin, Texas, Oak Park Subdivision property owners, jointly or individually, to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement or covenant, to prevent the person or entity from such actions, and to collect damages and costs incurred in such prosecution, including without limitation, attorney's fees for such actions.

If any part of this Agreement or covenant is declared invalid, by judgment or Court order, the same shall in no way affect any of the other provisions of this Agreement and such remaining portions of this Agreement shall remain in full effect.

This Agreement may be modified, amended or terminated only by joint action of the Owner of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination and the City of Austin, Texas, and Oak Park Subdivision Association or any successor entity.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 6th day of September, 2013.

GRANTOR/OWNER:
HARPER PARK TWO, L.P.,
A Texas limited partnership

By: Marcus Whitfield
Gail M. Whitfield, Its Manager
Authorized Agent of the General Partner

THE STATE OF TEXAS
County of Travis

Before me, the undersigned authority, on this day personally appeared ~~Gail M. Whitfield~~ Marcus Whitfield, known to me to be the person whose name is subscribed to the above and foregoing Restrictive Covenant.

Sworn to and subscribed before me by the said ~~Gail M. Whitfield~~ Marcus Whitfield this 6 day of September, 2013, to certify which, witness my hand and seal of office.

Name (printed) _____
NOTARY PUBLIC, STATE OF TEXAS
My Commission expires: ___

SARA KIMBERLY HUBBARD
Notary Public, State of Texas
My Commission Expires
December 10, 2016

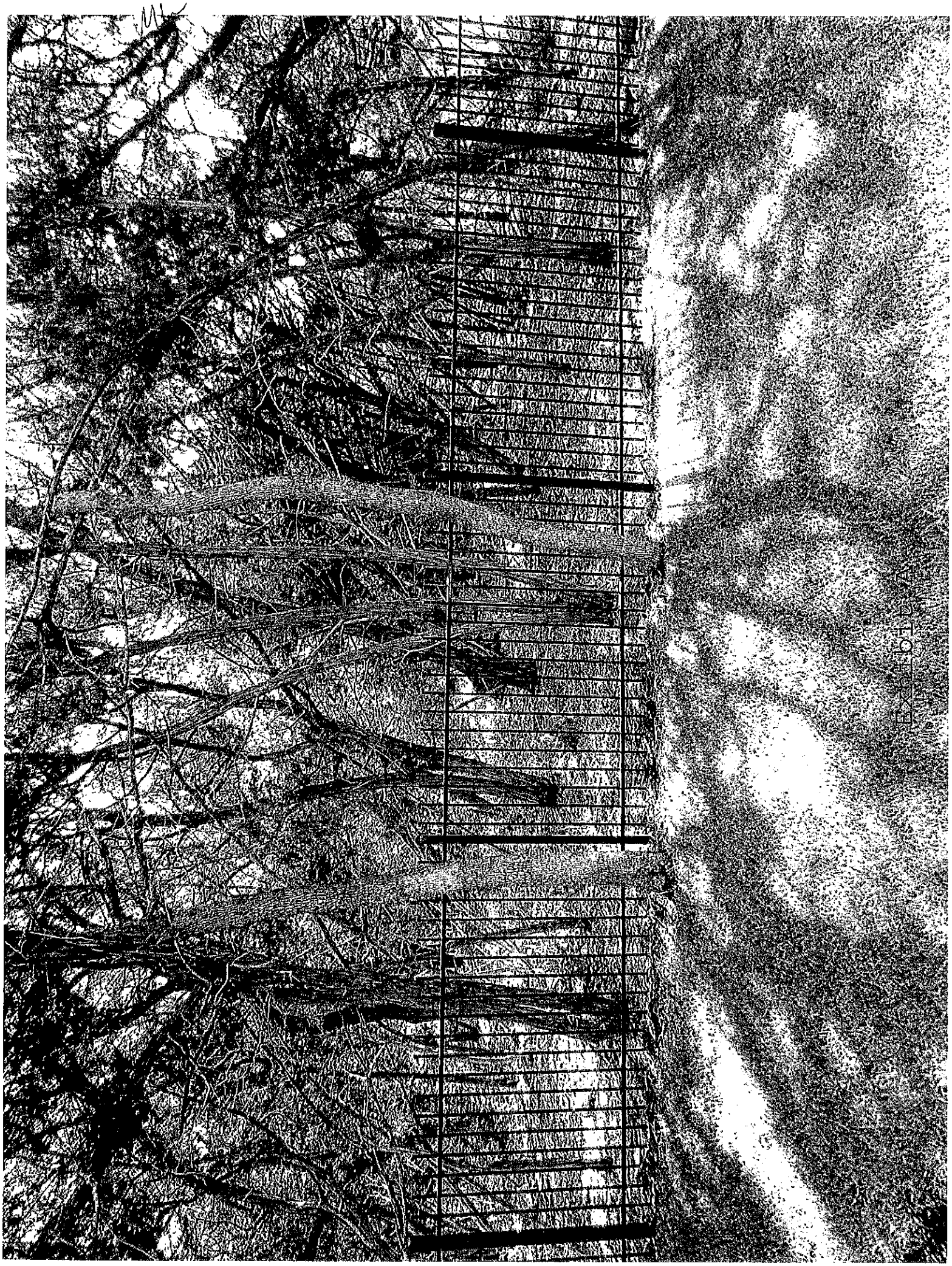


Exhibit G - 6

September 18, 2013

Re: Zoning Case C14-2013-0006

Mr. Heckman

The Oak Park Neighborhood, on behalf of the homeowners in Oak Park who are within 200' of the land referenced in the zoning case above, has entered into an agreement and private restricted covenant with the owner of the Harper Park Tract. The private restricted covenant has been recorded with the Travis County clerk. In the agreement the owner agrees to support the neighborhood's request to have the conditions agreed to put into a conditional overlay or public restricted covenant as added assurance that the agreed to items will be adhered to without the need for litigation.

Therefore the Oak Park Neighborhood requests that the planning commission agree with Oak Park and the owners of the property and direct city staff to incorporate the following items into a conditional overlay or public restricted covenant:

1. No more than 76 units shall be constructed on the Property

2. The following uses are to be excluded: multifamily residential, duplex residential, two-family residential and vertical mixed use.

3. A minimum 50 foot building setback shall be maintained on the east and west sides of the site

4. A 25 foot vegetative buffer and evergreen vegetation filling in sight lines must be maintained and/or installed along the east and west sides of the Property. No development, other than a wrought-iron fence, underground or overhead utilities, or storm water utilities may be allowed in the vegetative buffer.

5. All street lights on the Property must be low glare and no more than 15-feet in height

6. All homes shall have a building height limit of 35 feet and be limited to two stories in height or less

7. All homes built on the Property shall be single family and must have at least three sides of the facade built of masonry. Brick, rock, stucco, and hardiplank shall be considered masonry.

Sincerely,

Sandi Causey, Treasurer
Latresa Powell, President
Oak Park Subdivision Association

Exhibit H

PETITION

Case Number: **C14-2013-0006** Date: 2/26/2013

Total Square Footage of Buffer: 947718.39

Percentage of Square Footage Owned by Petitioners Within Buffer: 43.20%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0406300446	6030 W U S HY 290 78735	AHUJA BHUPEN	no	20377.48	0.00%
2	0406300428	5638 W OAK BLVD 78735	BAKER RODNEY C & SANDY L ANDRE SANDY L ANDREWS	yes	22273.17	2.35%
3	0406300414	6011 OAKCLAIRE DR 78735	BEERS WALTER EDWARD & JUDITH ANN BEERS	no	17347.13	0.00%
4	0406300444	5805 OAKCLAIRE DR 78735	CARTER CHARLES ALFRED	no	17954.33	0.00%
5	0406300410	6105 OAKCLAIRE DR 78735	CAUSEY JOHN W & SANDRA L	yes	18152.86	1.92%
6	0406300448	OAKCLAIRE DR 78735	CITY OF AUSTIN % REAL ESTATE DIVISION	no	2173.42	0.00%
7	0406300408	OAKCLAIRE DR 78735	COOPER MINOO	no	18665.92	0.00%
8	0406300430	5634 W OAK BLVD 78735	FEISTE KURT ALAN	yes	21859.26	2.31%

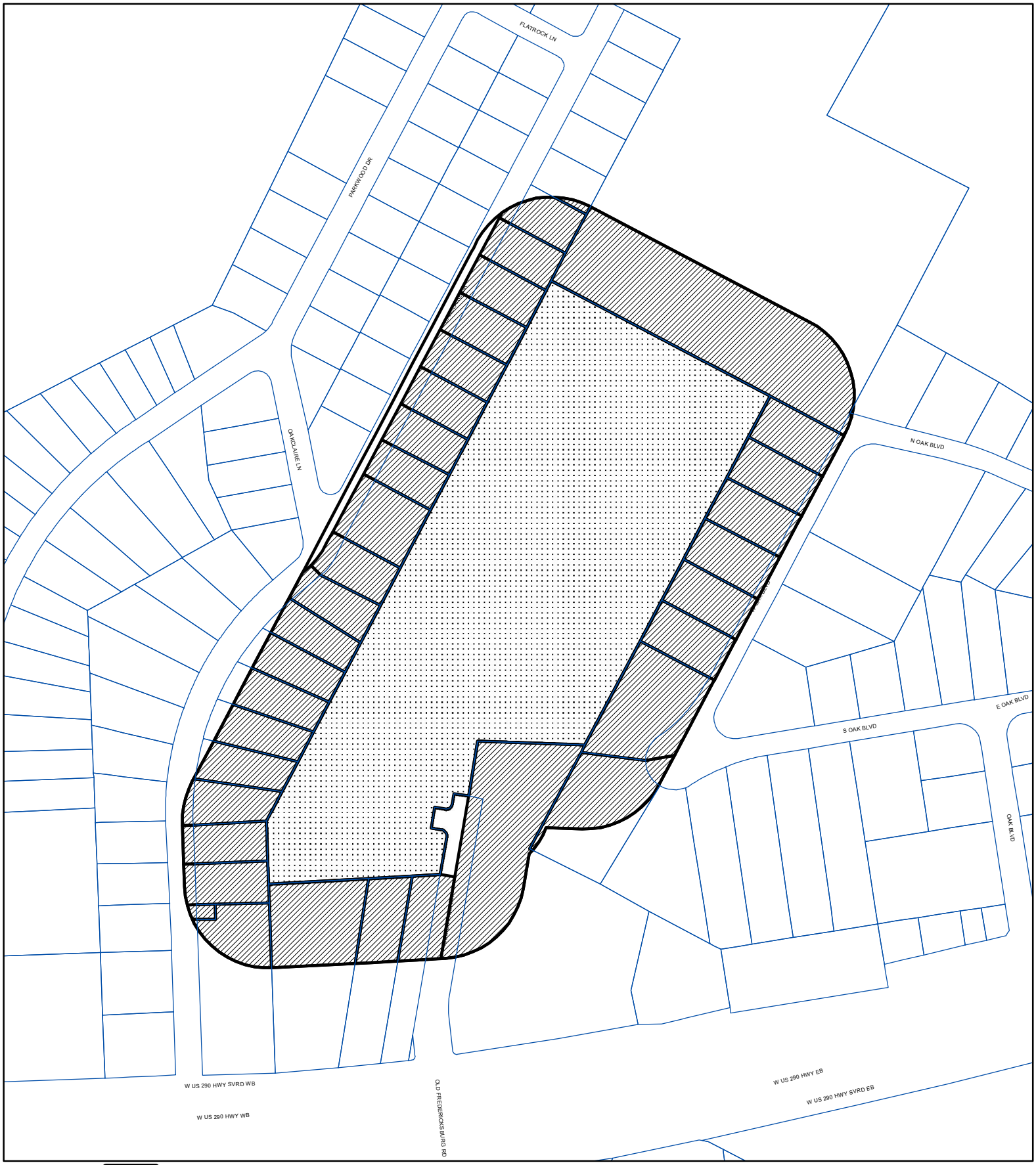
Exhibit P - 1

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
9	0406280725	5648 N OAK BLVD 78735	GLASGOW DAWN DELISE & ANDREW L ANDREW LEON GLASGOW	no	67.84	0.00%
10	0406300449	6000 W U S HY 290 78735	HARPER PARK TWO LP	no	91369.38	0.00%
11	0406300415	6009 OAKCLAIRE DR 78735	HOCKER EARLINE NORWOOD	no	18342.11	0.00%
12	0404300502	5709 OAKCLAIRE DR 78735	JOWERS LULA LUCEIL REVOCABLE TRUST 2005	no	1189.55	0.00%
13	0406300412	6101 OAKCLAIRE DR 78735	KIRKSEY KEN R & PATRICIA C	yes	17764.07	1.87%
14	0406300431	5632 W OAK BLVD 78735	KNOX JOHN M & VICTORIA K	yes	51807.69	5.47%
15	0406300442	5901 OAKCLAIRE DR 78735	KOENIG WENDELL	no	17982.22	0.00%
16	0406300413	6013 OAKCLAIRE DR 78735	LEE ROBERT D	no	17550.21	0.00%
17	0406300432	5626 W OAK BLVD 78735	MARTIN SHIRLEY L	no	36885.05	0.00%
18	0406300419	6001 OAKCLAIRE DR 78735	MCFARLAND CYNTHIA KAY	yes	16967.46	1.79%
19	0406300409	6107 OAKCLAIRE DR 78735	MIRALLE DINA & BRADLEY D SHARP	yes	19644.23	2.07%
20	0406280726	5644 OAK BLVD 78735	OSWALD GUENTHER	yes	21952.75	2.32%
21	0406300447	6036 W U S HY 290 78735	PETROPOULOS PANAGIOTIS % CHRIS PETROPOULOS	no	20522.11	0.00%
22	0406300411	6103 OAKCLAIRE DR 78735	PIETSCH JUDITH S FAMILY TRUST	no	17843.51	0.00%
23	0406300437	5642 W OAK BLVD 78735	POWERS CATHERINE CUTBIRTH & WILLIAM DALY	yes	21656.29	2.29%
24	0406300416	6007 OAKCLAIRE DR 78735	RAMSEY MAYSELL R	yes	18872.46	1.99%
25	0406300418	6003 OAKCLAIRE DR 78735	RANDOLPH PEGGY JOYCE	yes	28134.19	2.97%

Exhibit P - 2

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
26	0406300421	5905 OAKCLAIRE DR 78735	RATTON KENNETH L & CYNTHIA RUBIO-RATTON	yes	18021.60	1.90%
27	0406300407	6201 OAKCLAIRE DR 78735	REEBEL GAIL E & MARY LYNNE ROG MARY LYNNE ROGERS-REEBEL	yes	19585.27	2.07%
28	0406300445	5803 OAKCLAIRE DR 78735	RIELY CATHLEEN MICHELLE & BRETT DAVID SCHWAB	yes	17826.98	1.88%
29	0406300427	5640 W OAK BLVD 78735	SRINIVASAN SURESH ALEXANDER & SHEILA GWENDOLEN VIVIAN	yes	22068.03	2.33%
30	0407370218	5901 SOUTHWEST PKWY 78735	ST ANDREWS EPISCOPAL SCHOOL INC % LUCY NAZRO	no	148779.32	0.00%
31	0406300420	5909 OAKCLAIRE DR 78735	WAGLEY MARISA LOPEZ & DAMON	yes	17338.49	1.83%
32	0406300443	5807 OAKCLAIRE DR 78735	WESTON RALPH B & NANCY K	yes	17987.58	1.90%
33	0404300501	5801 OAKCLAIRE DR 78735	YORDY STANLEY J % DOROTHY LUMB	yes	15487.99	1.63%
34	0406300429	5636 W OAK BLVD 78735	YORK NANCY C	yes	21982.80	2.32%
35	0406300405	6048 W U S HY 290 78735	YOUNG MENS CHRISTIAN ASSOCIATI ATTN LARRY SMITH	no	43749.43	0.00%
36	0406300406	6219 OAKCLAIRE DR 78735	YOUNG MENS CHRISTIAN ASSOCIATION OF AUSTIN	no	20399.17	0.00%
						Total %
						43.20%

Exhibit P - 3



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2013-0006

CITY OF AUSTIN FOUNDED 1839

Exhibit P - 4

C14-2013-0006 / Harper Park Residential / Petition

NOTE: This illustrative map is for educational and informational purposes only. No warranty is made regarding the completeness and accuracy of any data depicted or represented hereon. Drafted by LAH on 03/12/2013.

Petitioning Properties
(Annotated PDR Staff Map)

0 100 200 400 Feet

1 inch = 200 feet

Exhibit P - 5

September 13, 2013

Re: Zoning Case No. C14-2013-0006, Harper Park

Mr. Heckman

Attached is the page of signatures of those residing in Oak Park Subdivision who request that their names be withdrawn from the petition protesting the above referenced zoning case.

Sandi Causey

Exhibit Q - 1

Zoning Case No. C14-2013-0006

The undersigned property owners on Oakclaire Drive, having previously executed a petition in opposition to the rezoning application in Zoning Case No. C14-2013-0006 hereby withdraw their opposition to the proposed rezoning.

Executed as of the 2 day of September 2013.

TCAD ID	St No	Owner(s)	%
406300410	6105	CAUSEY JOHN W & SANDRA L	1.92
406300412	6101	KIRKSEY KEN R & PATRICIA C	1.87
406300419	6001	MCFARLAND CYNTHIA KAY	1.79
406300409	6107	MIRALLE DINA & BRADLEY D SHARP	2.07
406300416	6007	RAMSEY MAYSELL R	1.99
406300418	6003	RANDOLPH PEGGY JOYCE	2.97
406300421	5905	RATTON KENNETH L & CYNTHIA RUBIO-RATTON	1.90
406300407	6201	REEBEL GAIL E & MARY LYNNE ROGERS-REEBEL	2.07
406300445	5803	RIELY CATHLEEN MICHELLE & BRETT DAVID SCHWAB	1.88
406300420	5909	WAGLEY MARISA LOPEZ & DAMON	1.83
406300443	5807	WESTON RALPH B & NANCY K	1.90
406300501	5801	YORDY STANLEY J	1.63
		TOTAL	23.82

John W. Causey

Sandra L. Causey

Kenneth L. Ratton

Patricia C. Kirksey

Cynthia K. McFarland

Maysell R. Ramsey

Dina Miralle

Bradley D. Sharp

Peggy Joyce Randolph

Stanley J. Yordy

Ralph B. Weston

Mary Lynne Rogers-Reebel

Maria Lopez Wagley

Damon Wagley

Marisa

Cathleen Michelle Riely

Brett David Schwab

Exhibit Q - 2

PETITION

Case Number: **C14-2013-0006** Date: 9/13/2013

Total Square Footage of Buffer: 947718.39

Percentage of Square Footage Owned by Petitioners Within Buffer: 23.26%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

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6	0406300448	OAKCLAIRE DR 78735	CITY OF AUSTIN % REAL ESTATE DIVISION	no	2173.42	0.00%
7	0406300408	OAKCLAIRE DR 78735	COOPER MINOO	no	18665.92	0.00%
8	0406300430	5634 W OAK BLVD 78735	FEISTE KURT ALAN	yes	21859.26	2.31%

Exhibit R - 1

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16	0406300413	6013 OAKCLAIRE DR 78735	LEE ROBERT D	no	17550.21	0.00%
17	0406300432	5626 W OAK BLVD 78735	MARTIN SHIRLEY L	yes	36885.05	3.89%
18	0406300419	6001 OAKCLAIRE DR 78735	MCFARLAND CYNTHIA KAY	no	16967.46	0.00%
19	0406300409	6107 OAKCLAIRE DR 78735	MIRALLE DINA & BRADLEY D SHARP	no	19644.23	0.00%
20	0406280726	5644 OAK BLVD 78735	OSWALD GUENTHER	yes	21952.75	2.32%
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22	0406300411	6103 OAKCLAIRE DR 78735	PIETSCH JUDITH S FAMILY TRUST	no	17843.51	0.00%
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Exhibit R - 2

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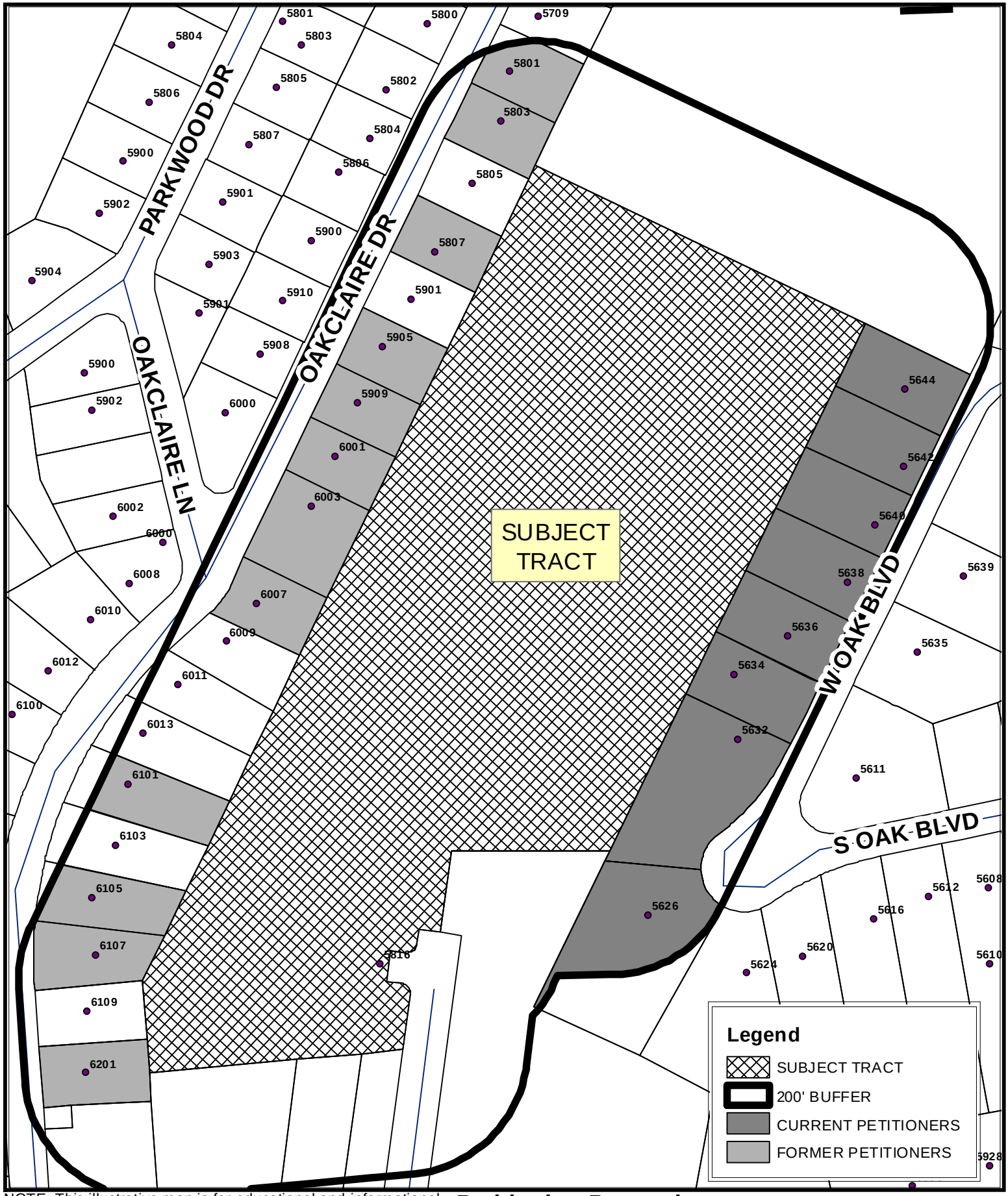
						Total %
						23.26%

Exhibit R - 3

C14-2013-0006 / Harper Park Residential



NOTE: This illustrative map is for educational and informational purposes only. No warranty is made regarding the completeness and accuracy of any data depicted or represented hereon.
Drafted by LAH on 09/13/2013.

Petitioning Properties (PDR Annotated Map)

1 inch = 200 feet

0 100 200 400 Feet

Exhibit R - 4

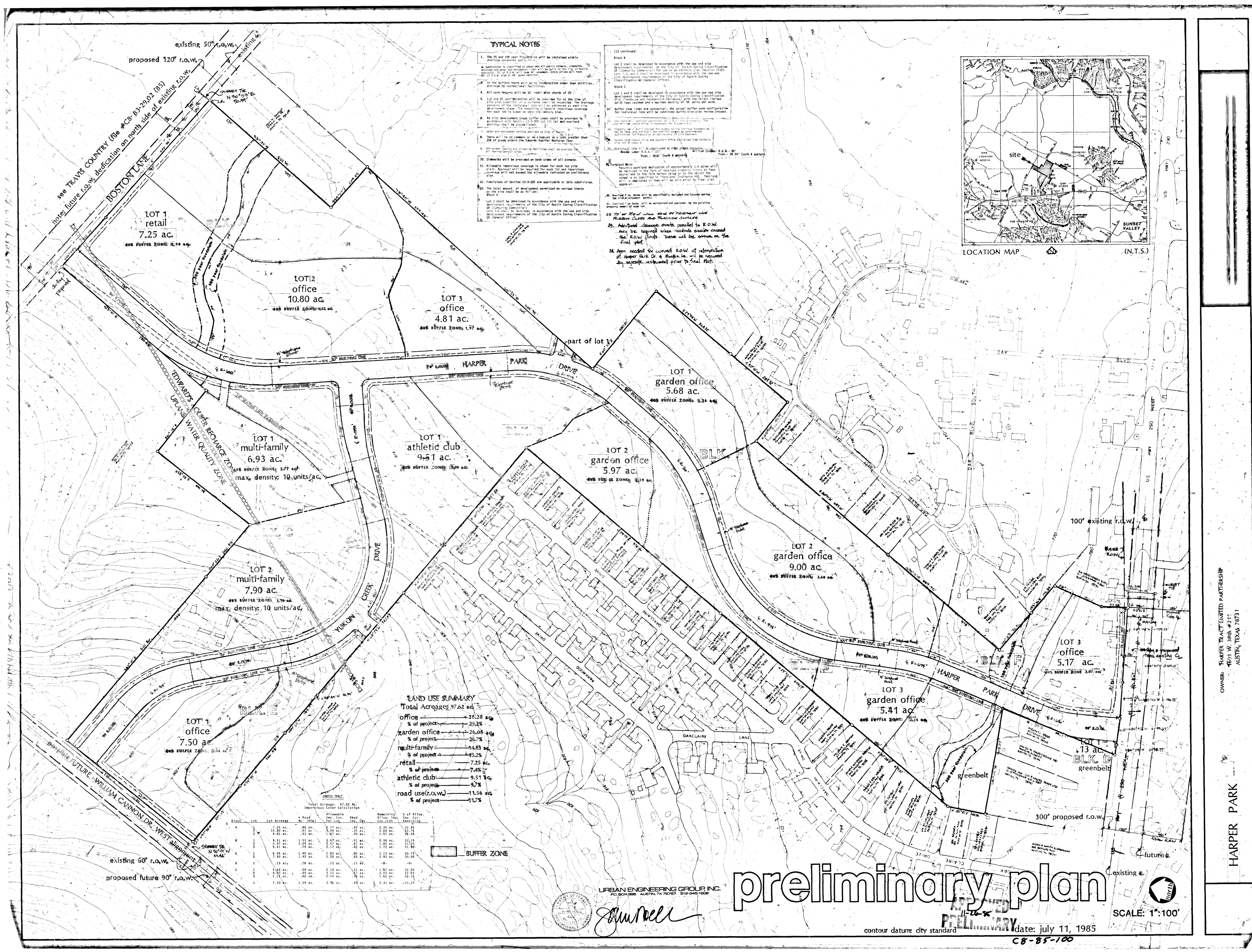
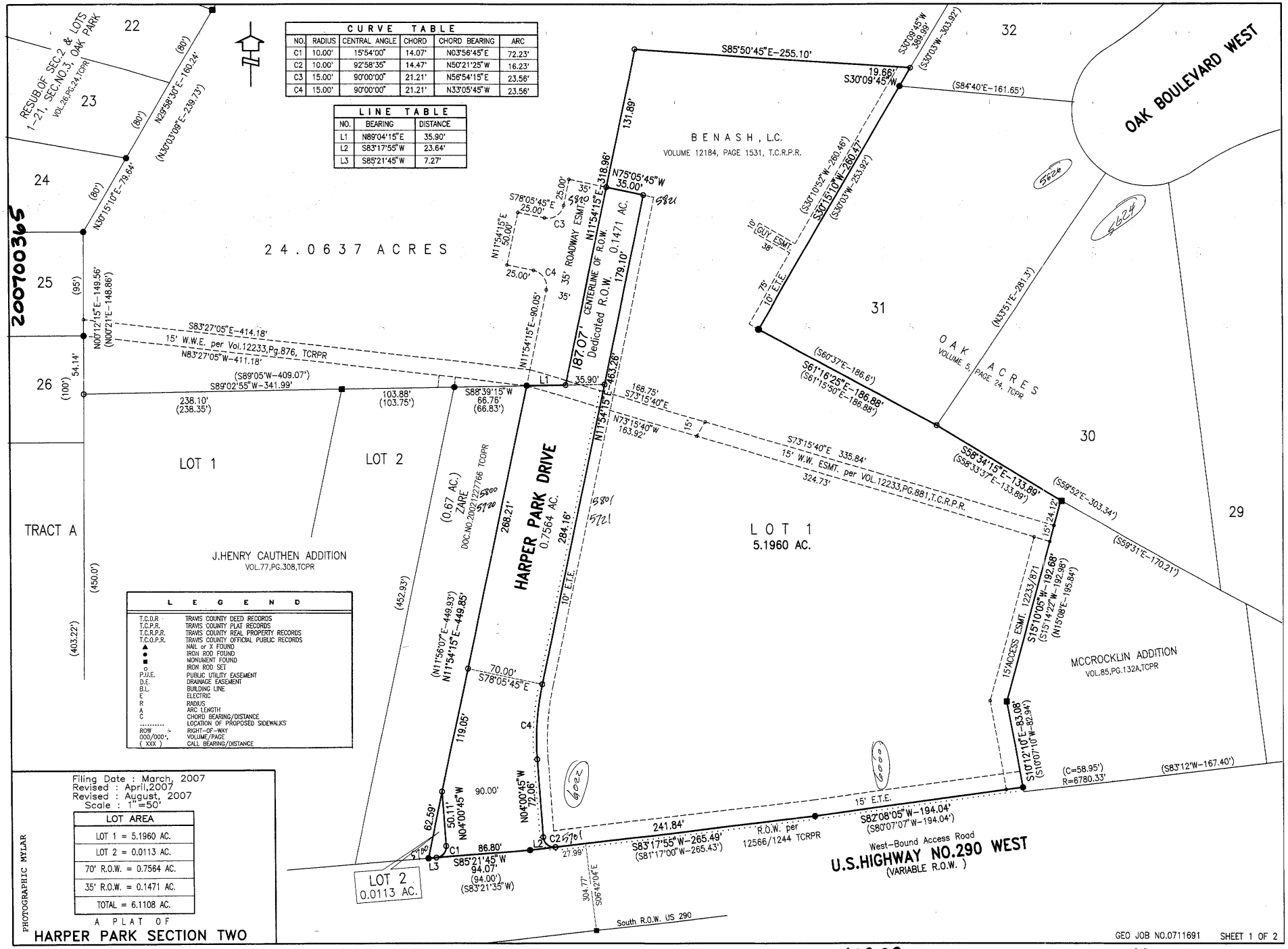

TYPICAL NOTES
LOCATION MAP
(N.T.S.)
site
SUNSET VALLEY
existing 50' r.o.w.
proposed 120' r.o.w.
see TRAVIS COUNTRY (file #C8-83-29.02 (85))
notes future r.o.w. dedication on north side of existing r.o.w.
BOSTON LANE
LOT 1
retail
7.25 ac.
LOT 2
office
10.80 ac.
LOT 3
office
4.81 ac.
part of lot 16
HARPER PARK DRIVE
LOT 1
garden office
5.68 ac.
LOT 1
multi-family
6.93 ac.
max. density: 10 units/ac.
EDWARDS AQUIFER RECHARGE ZONE
UPLAND WATER QUALITY ZONE
LOT 1
athletic club
9.51 ac.
LOT 2
garden office
5.97 ac.
BLK F
LOT 2
multi-family
7.90 ac.
max. density: 10 units/ac.
YUKON CREEK DRIVE
LOT 2
garden office
9.00 ac.
100' existing r.o.w.
LOT 3
office
5.17 ac.
LOT 1
office
7.50 ac.
BLK E
LAND USE SUMMARY
Total Acreage: 97.62 ac.
office 28.28 ac.
% of project 29.2%
garden office 26.06 ac.
% of project 26.7%
multi-family 14.83 ac.
% of project 15.2%
retail 7.25 ac.
% of project 7.4%
athletic club 9.51 ac.
% of project 9.7%
road use (r.o.w.) 11.56 ac.
% of project 11.7%
LOT 3
garden office
5.41 ac.
OAKCLAIRE LANE
greenbelt
LOT 1
.13 ac.
BLK D
300' proposed r.o.w.
possible FUTURE WILLIAM CANNON DR. WEST alignment
existing 60' r.o.w.
proposed future 90' r.o.w.
BUFFER ZONE
URBAN ENGINEERING GROUP INC.
P.O. BOX 896 AUSTIN, TX 78767 512-346-1806
preliminary plan
APPROVED PRELIMINARY
north
SCALE: 1":100'
contour datum: city standard
date: july 11, 1985
C8-85-100
OWNER: HARPER TRACT LIMITED PARTNERSHIP
AUSTIN, TEXAS 78731
HARPER PARK

Exhibit S - 1



13329

C8-85-100.01.2A

Exhibit S - 2

200700365

General Notes:

1. No lot in this subdivision shall be occupied until connection to the City of Austin water and wastewater system.

2. The landowner is responsible for providing the water and wastewater utility improvements, offsite main extensions, systems upgrades, utility relocation and abandonment to serve each lot of the subdivision. Water and wastewater systems serving this subdivision shall be designed and installed in accordance with the City of Austin Standard. Plans and specifications shall be submitted to the City of Austin Water Utility Department for review along with the appropriate Engineering Review fees.

3. Facilities for off-street loading and unloading shall be provided for all non-residential sites.

4. All streets, drainage, sidewalks, water and wastewater lines, and erosion controls shall be constructed and installed to applicable City of Austin standards.

5. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods in accordance with the 1 year, 5 year, and 25 year storm, per Subdivision Ordinance Chapter 13-3-332, par. d.

6. No building, fences, or other such structures are permitted in drainage easements except as approved by City of Austin.

7. Property owners shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authority.

8. All drainage easements on private property shall be maintained by the property owner or assigns.

9. Building setback lines shall be in conformance with City of Austin Zoning Ordinance requirements.

10. The electric utility company has the right to prune and/or remove trees, shrubbery, and other obstructions to the extent necessary to keep the easements clear. The utility will perform all tree work in compliance with Chapter 13-7, Article II of the City of Austin Land Development Code.

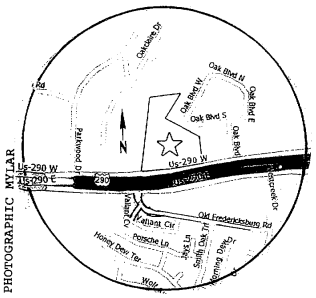
11. The owner/developer of this subdivision shall provide the Austin Energy with any easement and/or access required in addition to those indicated for the installation and ongoing maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the building and will not be located so as to cause the site to be out of compliance with applicable Land Development Code requirements.

12. Prior to construction, except detached single family on any lot in the subdivision, a Site Development Permit must be obtained from the City of Austin.

STATE OF TEXAS:
COUNTY OF TRAVIS:

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 6th DAY OF Dec., 2007 A.D. AT 2:34 O'clock P.M. DULY RECORDED ON THE 6th DAY OF Dec., 2007 A.D. AT 2:34 O'clock P.M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT # 200700365 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 6th DAY OF Dec, 2007 A.D.

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS
D. Bartholomew
DEPUTY



PHOTOGRAPHIC MYLAR

A PLAT OF
HARPER PARK SECTION TWO

JURISDICTION

This Subdivision is located within the Full purpose Jurisdiction of the City of Austin on this the 27th day of November, 2007.

Accepted and authorized for record by the Director, WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT, City of Austin, County of Travis, Texas, this the 27th day of November, 2007 A.D.

Victoria Li, Director
WATERSHED PROTECTION &
DEVELOPMENT REVIEW DEPARTMENT

PLANNING COMMISSION APPROVAL

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the 27th day of November, 2007.

DAVID SULLIVAN, Chairperson

~~CID CALLEJO~~ Saundra Kirk, Secretary

13. The subdivision plat was approved and recorded before the construction and acceptance of streets and other subdivision improvements pursuant to the terms of a Subdivision Construction Agreement between the Subdivider and the City of Austin, dated Oct. 23, 2007. The subdivider is responsible for the construction of all improvement needed to serve the lots within the subdivision. The responsibility may be assigned in accordance with the terms of that agreement. For the Subdivision Construction Agreement pertaining to this subdivision, see separate instrument recorded in Document # 200721739 in the Real Property Records of Travis County, Texas.

14. This project is located within the Barton Creek watershed and partially over the Edwards Aquifer zone and shall be developed in accordance with the Barton Creek Watershed ordinance No. 821118-N and Ordinance No. 810430-C, or such other water quality ordinance as may be agreed upon between the owner and the City at time of site plan approval.

15. Public sidewalks built to City of Austin standards, are required for the following streets and as shown by a dotted line on the face of the plat: Harper Park Drive and US 290 West. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificate of Occupancy, building permits, and utility connections by the governing body or utility company.

16. The owner of the subdivision and his or her successors and assigns, assumes responsibilities for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required at owner's expense if plans to construct this subdivision do not comply with such codes and requirements.

17. Any relocation of electric facilities due to development on these lots shall be at landowner's/developer's expense.

~~STATE OF TEXAS:~~
~~COUNTY OF TRAVIS:~~

~~I, DANA DEBEAUVOIR, CLERK OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____, _____, A.D., THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT, IN BOOK _____, PAGE(S) _____.~~

~~WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE _____ DATE OF _____, 20____, A.D.~~

~~DANA DEBEAUVOIR, CLERK, COUNTY COURT TRAVIS COUNTY, TEXAS~~

~~_____ DEPUTY"~~

STATE OF TEXAS *
COUNTY OF TRAVIS *

KNOW ALL MEN BY THESE PRESENTS:

THAT, HARPER PARK TWO, LP, being the Owner of that certain 24.0637 acre tract or parcel of land situated in the THOMAS ANDERSON SURVEY NO. 17, Travis County, Texas, having been conveyed by Deed recorded in Document No. 2007113436, Travis County Official Public Records, and DO HEREBY SUBDIVIDE said tract pursuant to the provisions of Chapter 232 Texas Local Government Code, as amended, and in accordance with the plat shown hereon to be known as "HARPER PARK SECTION TWO", subject to any easements and/or restrictions heretofore granted and not released, and do hereby dedicate to the public the use of the easements as shown hereon.

WITNESS MY HAND THIS THE 8th day of November, 2007, A.D.

HARPER PARK SECTION TWO, LP

GAIL M. WHITFIELD, President
4934 Highway 290 West
Austin, Texas 78735

STATE OF TEXAS *
COUNTY OF TRAVIS *

BEFORE ME, the undersigned authority, on this day personally appeared GAIL M. WHITFIELD, President of HARPER PARK TWO, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of Nov, 2007, A.D.

Notary Public in and for
Travis County, T E X A S

My Commission Expires: 3/9/2011

LORIANNE L MANNELLA
NOTARY PUBLIC
State of Texas
Comm. Exp. 03-09-2011

SURVEYOR CERTIFICATE

I, ROBERT M. SHERROD, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code of 1988, as amended, is true and correct to the best of my knowledge and was prepared from an actual survey of the property made by me or under my supervision on the ground.

GEO, A GEOGRAPHICAL LAND SERVICES CO.

By _____
Robert M. Sherrod
Texas Registration No. 2519
4412 Spicewood Springs Rd., #1002
Austin, Texas 78759

STATE OF TEXAS
ROBERT M. SHERROD
2519
REGISTERED
PROFESSIONAL
LAND SURVEYOR

FLOOD PLAIN NOTE

The 100-Year Flood Plain is contained within the Drainage Easement(s) as shown hereon. No portion of this tract is within the limits of a designated Special Flood Hazard Zone as determined from F.E.M.A. Flood Insurance Rate Map 48453C0255-F, dated June 5, 1997 (Zone "X").

ENGINEER'S CERTIFICATE

I, F. P. HOWLAND, III, P.E., am authorized under the laws of the State of Texas to practice the profession of engineering, and CERTIFY that this plat is feasible from an engineering standpoint, complies with the engineering-related portion of Chapter 13-3 and Title 13 of the Austin City Code of 1981, as amended, and is true and correct to the best of my knowledge.

3/7/07

F. P. HOWLAND, III, P.E.
Texas No. 90451
Noble Surveying & Engineering Works, LLC
305 East Pheasant Road
Marble Falls, Texas 78654
512-535-1820

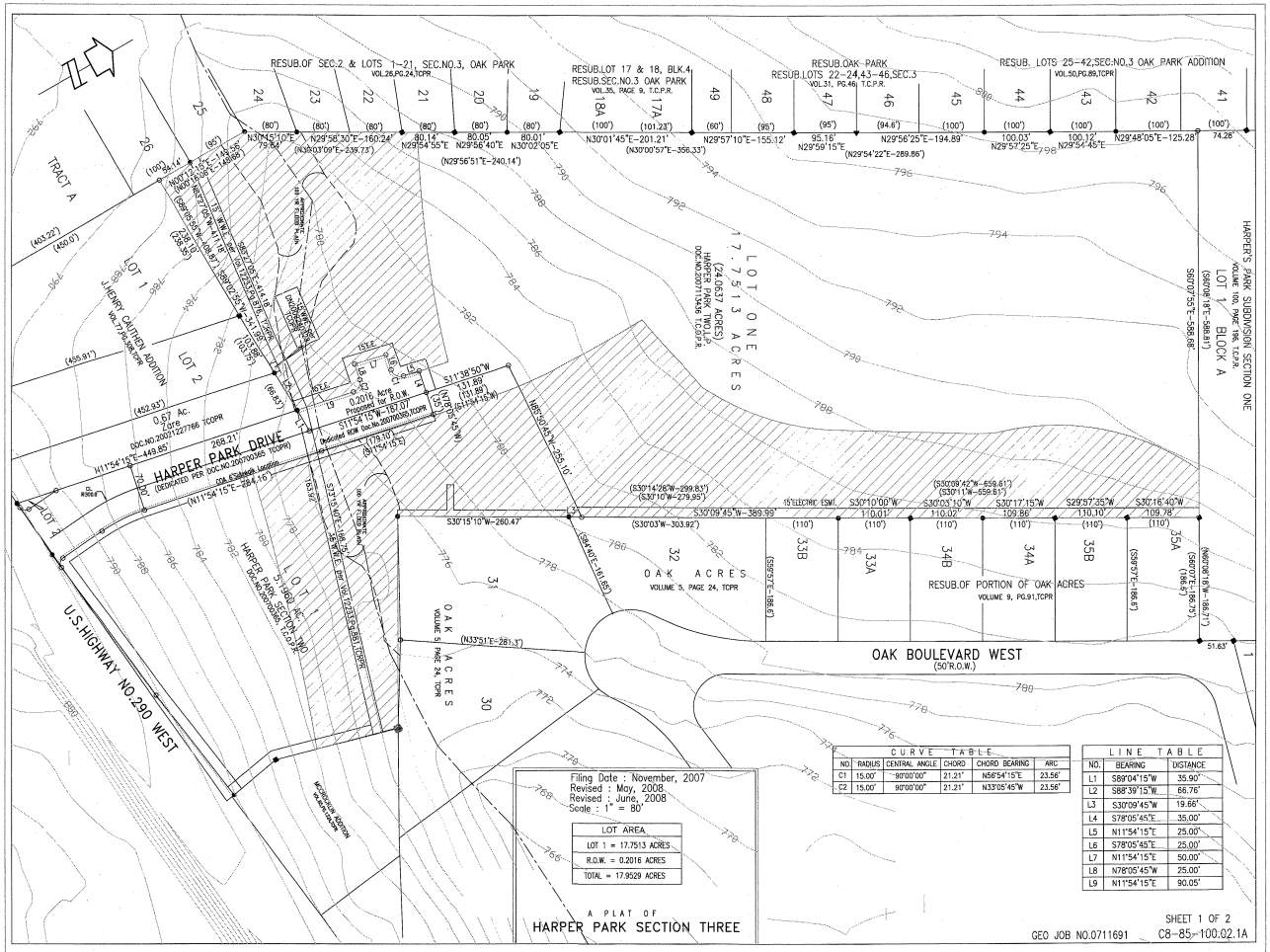
STATE OF TEXAS
F. P. HOWLAND III
90451
LICENSED
PROFESSIONAL ENGINEER

GEO JOB NO.0711691 SHEET 2 OF 2

13329

C8-85-100.01.2A

Exhibit S - 3



CURVE TABLE					
NO.	RADIUS	CENTRAL ANGLE	CHORD	CHORD BEARING	ARC
C1	15.00'	91°00'00"	21.21'	N56°54'15"E	23.56'
C2	15.00'	91°00'00"	21.21'	N33°05'45"W	23.56'

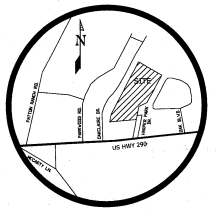
LINE TABLE		
NO.	BEARING	DISTANCE
L1	S89°04'15"W	35.90'
L2	S88°39'15"W	66.76'
L3	S30°09'45"W	19.66'
L4	S78°05'45"E	35.00'
L5	N11°54'15"E	25.00'
L6	S78°05'45"E	25.00'
L7	N11°54'15"E	50.00'
L8	N78°05'45"W	25.00'
L9	N11°54'15"E	90.05'

Filing Date : November, 2007
Revised : May, 2008
Revised : June, 2008
Scale : 1" = 80'

LOT AREA
LOT 1 = 17.7513 ACRES
R.O.W. = 0.2016 ACRES
TOTAL = 17.9529 ACRES

A PLAT OF
HARPER PARK SECTION THREE

SHEET 1 OF 2
GEO JOB NO.0711691
C8-85-100.02.1A



Harper's Park Subdivision, Section 3

General Notes:

1. No lot in this subdivision shall be occupied until connection to the City of Austin water and wastewater system.
2. Water and wastewater systems serving this subdivision shall be designed and installed in accordance with the City of Austin Standard. Plans and specifications shall be submitted to the City of Austin Water Utility Department for review.
3. Facilities for off-street loading and unloading shall be provided for all non-residential sites.
4. All streets, drainage, sidewalks, water and wastewater lines, and erosion controls shall be constructed and installed to applicable City of Austin standards.
5. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods in accordance with the 1 year, 5 year, and 25 year storm, per Subdivision Ordinance Chapter 13-3-332, par. d.
6. No building, fences, or other such structures are permitted in drainage easements except as approved by City of Austin. Nor will there be any construction in the buffers other than utilities.
7. Property owners shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authority.
8. All drainage easements on private property shall be maintained by the property owner or assigns.
9. Building setback lines shall be in conformance with City of Austin Zoning Ordinance requirements.
10. The electric utility company has the right to prune and/or remove trees, shrubbery, and other obstructions to the extent necessary to keep the easements clear. The utility will perform all tree work in compliance with Chapter 13-7, Article II of the City of Austin Land Development Code.
11. The owner/developer of this subdivision shall provide the Austin Energy with any easement and/or access required in addition to those indicated for the installation and ongoing maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the building and will not be located so as to cause the site to be out of compliance with applicable Land Development Code requirements.
12. Prior to construction a Site Development Permit must be obtained from the City of Austin.
13. This project is located within the Barton Creek Watershed and is over the Edwards Aquifer Zone and shall be developed in accordance with the Barton Creek Watershed Ordinance, No 870430-C.
14. As site development stage buffer zones shall be provided in accordance with section13-3-306 (A)(3)(A) and overland drainage shall be accomplished. At this stage buffer zones are conceptual. The actual buffer zone configuration for individual lots will be submitted during site plan review process.
15. There will be no commercial development on slopes greater than 25% within the Edwards Aquifer Recharge Zone.
16. Public sidewalks built to city of austin standards, are required along all streets.
17. Lot 1 Harper Park Section 3 shall be developed in accordance with the use and site development requirements of the city of Austin Zoning Classification GO (Garden Office Use).
18. There shall be no vehicular access from the property to Parkwood Drive, Oakclaire Drive, and Oak Boulevard West, except for emergency vehicles.
19. Overland flow berms will be specifically designed and located during the site development permit phase and will be maintained and operated by the existing property owners of each lot.
20. The 25 and 100 year floodplains will be contained with the drainage easements and buffers.
21. The subdivision is classified as the Barton Springs Zone and all public streets, sidewalks, drainage and water and wastewater lines will be built to the City of Austin Standards.
22. Allowable impervious cover is shown for each lot site plans. Approval will be required for each lot to ensure cover will not exceed the allowable indicated in preliminary plan.
23. The provisions of Section 13-2-532 are applicable to this subdivision.
24. Erosion/Sedimentation controls are required for all construction on each lot. Pursuant to LDC Section 13-7-14 and the Environmental Criteria Manual.
25. Prior to the recording of any final plat of all or a portion of this preliminary plan, fiscal security shall be provided in accordance with sec. 13-1-302(B) of the Austin City Code of 1981 for the following improvements:
   A. Street construction and related infrastructure, including paving, drainage, sidewalks, water supply and wastewater collection for the following streets: Harper Park Drive. Fiscal surety is not required for streets not listed in this subsection (A).
   B. Environmental and safety controls, and other related items (E.G., erosion and sedimentation controls, restoration, channel work, pipe in easements, detention, water quality ponds, etc.) As determined prior to final plat approval. The restoration cost estimate will be based on disturbed areas including the following streets: Harper Park Drive.
26. Final drainage easements by separate instrument shall be determined & recorded prior to the site plan approval.
27. At least 40% of this commercial site will remain or be restored to its natural state to serve as a buffer to recieve runoff from the development for purposes of overland drainage as per City of Austin Ordinance No. 851128-N.
28. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Harper Park Drive. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalk may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.

HARPER TRACT TOTAL ACREAGE 18.15 AC. IMPERVIOUS COVER CALCULATION							
BLOCK	LOT	LOT AC.	ROW AC.	ALLOWABLE IMP COV./LOT	ROAD IMP COV.	REMAINING ALLOW IMP COV/LOT	% ALLOW IMP COV REMAIN
LOT 1 HARPER PARK SECTION 3		17.95 AC	0.20 AC	6.35 AC	0.13 AC	6.22 AC	34.7%

LEGEND:
- CDA 6' SIDEWALK LOCATIONS
- BOUNDARY OF 100 YR FLOODPLAIN (APPROX)
- CL OF DRAINAGE
- 40% DRAINAGE BUFFER (7.18 Ac)

LAND USE SUMMARY TOTAL ACREAGE: 18.15 a.c.	
garden office-------	17.95 ac.
% of project------	98.9%

HARPER PARK DRIVE CROSS-SECTION (ALT DESIGN - SINGLE OUTLET STREETS)
70' ROW
28'
2' Shoulder
2' Shoulder
6' SIDEWALK
6' SIDEWALK

HARPER PARK ROW/ PROPOSED ROAD SUMMARY	
STREET CLASSIFICATION	SINGLE OUTLET STREET (ALT DESIGN CRITERIA)
RIGHT OF WAY WIDTH	70'-0"
PAVEMENT WIDTH	28'-0"
SHOULDER WIDTH	2'-0"
ADT	1000-2500

Owner: Harper Park Two, LP
4839 US Hwy 290 West
Austin, Tx. 78735

Preliminary Plan Additional Notes:

1. This property is in the City of Austin city limits.
2. Utilities will be provided by:
   Electric: Austin Energy, W/WW: Austin Water Utility Department
   Telephone: AT&T, Gas: None, Cable: Time Warner Cable

PRELIMINARY PLAN APPROVAL SHEET 1 of 1
FILE NUMBER C8-85-100.02 APPLICATION DATE 2/26/2008
APPROVED BY (ZAM)(PC) (ZAP) ON 7/31/2008 UNDER SECTION 4 OF CHAPTER 25 OF THE CITY OF AUSTIN CODE. EXPIRATION DATE N/A CASE MANAGER Sylvia Limon
(IF REV) ORIGINAL APPLICATION DATE 7/1/1985 DWPZ X DDZ
TYPE OF REVISION: MAJOR ____ MINOR X SB 1704: YES X NO
Director, Watershed Protection and Development Review
PRELIMINARY PLAN EXTENDED (under Chapter 30) ON ____
UNTIL ____ CASE MANAGER ____
Final Plats must be recorded by the Expiration date unless extended under Chapter 30.
COMMENTS: ____

CASE #: C8-85-100.02

NOBLE SURVEYING & ENGINEERING WORKS, L.L.C.
5180 US 290 WEST
Suite 201
AUSTIN, TX 78735
(512)535-1820

STATE OF TEXAS F.P. HOWLAND III 90451 REGISTERED PROFESSIONAL ENGINEER
6/15/09

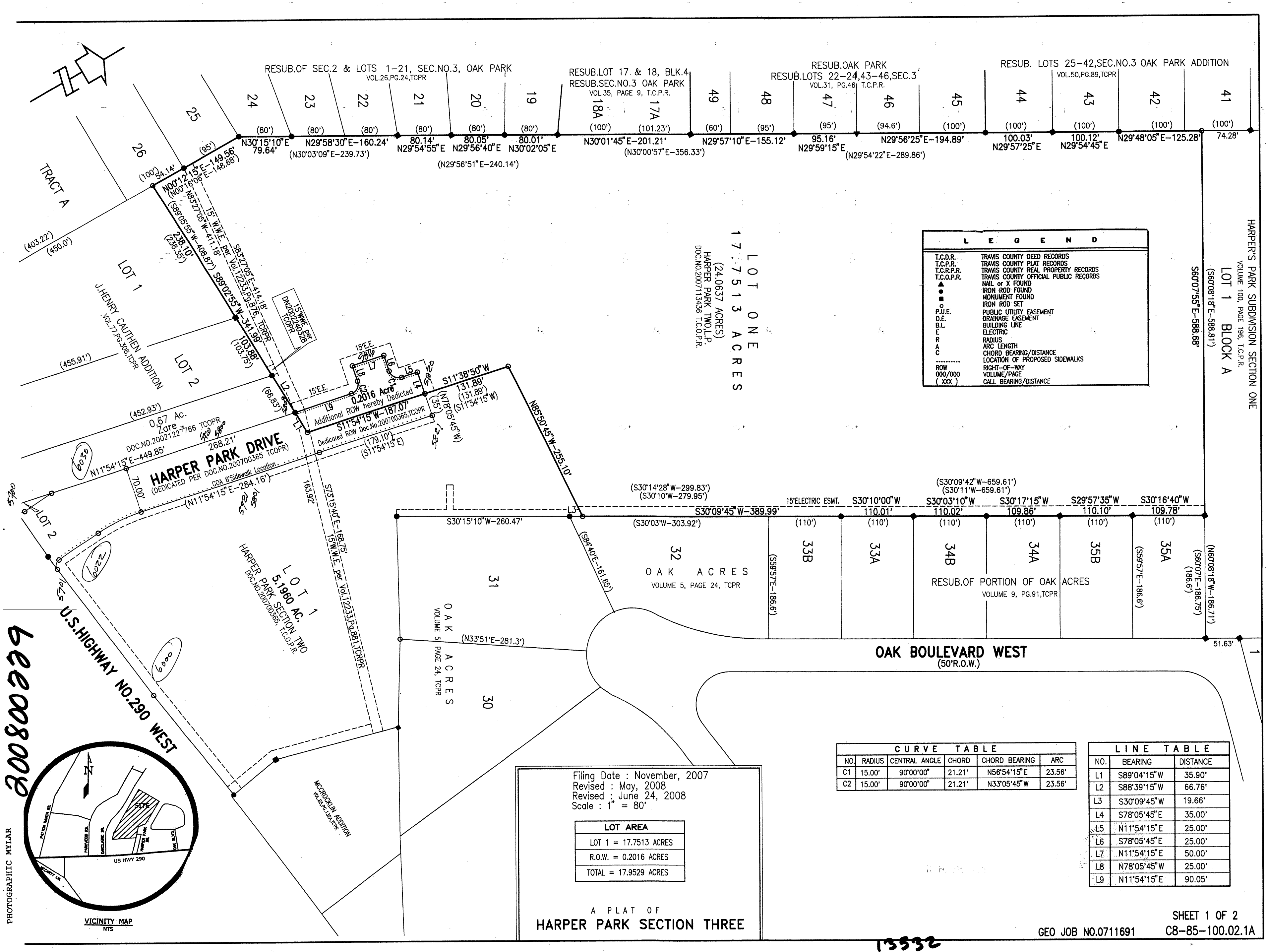
AMENDED PRELIMINARY PLAN

HARPER PARK SECTION 3
AUSTIN TEXAS

NO.	DESCRIPTION	DATE

Scale: 1" = 80'
Design Team: TH, SW, RI
SHEET 1 of 1
NSEW Project No: 0105-0003
City Project No:

Exhibit S - 4



L E G E N D	
T.C.D.R.	TRAVIS COUNTY DEED RECORDS
T.C.P.R.	TRAVIS COUNTY PLAT RECORDS
T.C.R.P.R.	TRAVIS COUNTY REAL PROPERTY RECORDS
T.C.O.P.R.	TRAVIS COUNTY OFFICIAL PUBLIC RECORDS
▲	NAIL or X FOUND
●	IRON ROD FOUND
■	MONUMENT FOUND
o	IRON ROD SET
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
B.L.	BUILDING LINE
E	ELECTRIC
R	RADIUS
A	ARC LENGTH
C	CHORD BEARING/DISTANCE
....	LOCATION OF PROPOSED SIDEWALKS
ROW	RIGHT-OF-WAY
000/000	VOLUME/PAGE
(XXX)	CALL BEARING/DISTANCE

CURVE TABLE

NO.	RADIUS	CENTRAL ANGLE	CHORD	CHORD BEARING	ARC
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LINE TABLE

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L4	S78°05'45"E	35.00'
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L7	N11°54'15"E	50.00'
L8	N78°05'45"W	25.00'
L9	N11°54'15"E	90.05'

Filing Date : November, 2007
Revised : May, 2008
Revised : June 24, 2008
Scale : 1" = 80'

LOT AREA
LOT 1 = 17.7513 ACRES
R.O.W. = 0.2016 ACRES
TOTAL = 17.9529 ACRES

A PLAT OF
HARPER PARK SECTION THREE

GEO JOB NO.0711691

SHEET 1 OF 2
C8-85-100.02.1A

13532

Exhibit S - 5

A PLAT OF

HARPER PARK SECTION THREE

STATE OF TEXAS *

COUNTY OF TRAVIS *

KNOW ALL MEN BY THESE PRESENTS:

THAT, HARPER PARK TWO, LP, being the Owner of that certain 17.9529 acre tract out of that certain 24.0637 acre tract or parcel of land situated in the THOMAS ANDERSON SURVEY NO. 17, Travis County, Texas, having been conveyed by Deed recorded in Document No. 2007113436, Travis County Official Public Records, and DO HEREBY SUBDIVIDE said tract pursuant to the provisions of Chapter 212 Texas Local Government Code, as amended, and in accordance with the plat shown hereon to be known as "HARPER PARK SECTION THREE", subject to any easements and/or restrictions heretofore granted and not released, and do hereby dedicate to the public the use of the easements as shown hereon.

WITNESS MY HAND THIS THE 28 day of JULY, 2008, A.D.

HARPER PARK TWO, LP

GAIL M. WHITFIELD, MANAGER OF HP TWO-GP, LLC
4631 Highway 290 West
Austin, Texas 78735

STATE OF TEXAS *

COUNTY OF TRAVIS *

BEFORE ME, the undersigned authority, on this day personally appeared GAIL M. WHITFIELD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28 day of July, 2008 A.D.

Notary Public in and for
Travis County, T E X A S

My Commission Expires: 3/9/11

LORIANNE L MANNELLA
NOTARY PUBLIC
State of Texas
Comm. Exp. 03-09-2011

ENGINEER'S CERTIFICATE

I, F. P. HOWLAND, III, P.E., am authorized under the laws of the State of Texas to practice the profession of engineering, and CERTIFY that this plat is feasible from an engineering standpoint, complies with the engineering-related portion of Chapter 13-3 and Title 13 of the Austin City Code of 1981, as amended, and is true and correct to the best of my knowledge.

F. P. HOWLAND, III, P.E.
Texas No. 91451
Noble Surveying & Engineering Works, LLC
5180 U.S. 290 West, #201
Austin, Texas 78735
512-535-1820

STATE OF TEXAS
F.P. HOWLAND III
90451
LICENSED
PROFESSIONAL ENGINEER

5/31/08

FLOOD PLAIN NOTE

The 100-Year Flood Plain is contained within the Drainage Easement(s) as shown hereon. No portion of this tract is within the limits of a designated Special Flood Hazard Zone as determined from F.E.M.A. Flood Insurance Rate Map 48453C0255-F, dated June 5, 1997 (Zone "X").

SURVEYOR CERTIFICATE

I, ROBERT M. SHERROD, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Chapter 13-3 and Title 13 of the Austin City Code of 1981, is true and correct to the best of my knowledge and was prepared from an actual survey of the property made by me or under my supervision on the ground.

GEO, A GEOGRAPHICAL LAND SERVICES CO.

By _____
Robert M. Sherrod
Texas Registration No. 2519
4412 Spicewood Springs Rd., #104
Austin, Texas 78759

STATE OF TEXAS
ROBERT M. SHERROD
2519
REGISTERED
PROFESSIONAL
LAND SURVEYOR

General Notes:

1. No lot in this subdivision shall be occupied until connection to the City of Austin water and wastewater system.
2. Water and wastewater systems serving this subdivision shall be designed and installed in accordance with the City of Austin Standard. Plans and specifications shall be submitted to the City of Austin Water Utility Department for review.
3. Facilities for off-street loading and unloading shall be provided for all non-residential sites.
4. All streets, drainage, sidewalks, water and wastewater lines, and erosion controls shall be constructed and installed to applicable City of Austin standards.
5. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods in accordance with the 1 year, 5 year, and 25 year storm, per Subdivision Ordinance Chapter 13-3-332, par. d.
6. No building, fences, or other such structures are permitted in drainage easements except as approved by City of Austin.
7. Property owners shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authority.
8. All drainage easements on private property shall be maintained by the property owner or assigns.
9. Building setback lines shall be in conformance with City of Austin Zoning Ordinance requirements.
10. The electric utility company has the right to prune and/or remove trees, shrubbery, and other obstructions to the extent necessary to keep the easements clear. The utility will perform all tree work in compliance with Chapter 13-7, Article II of the City of Austin Land Development Code.
11. The owner/developer of this subdivision shall provide the Austin Energy with any easement and/or access required in addition to those indicated for the installation and ongoing maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the building and will not be located so as to cause the site to be out of compliance with applicable Land Development Code requirements.
12. Prior to construction, except detached single family on any lot in the subdivision, a Site Development Permit must be obtained from the City of Austin.
13. The subdivision plat was approved and recorded before the construction and acceptance of streets and other subdivision improvements pursuant to the terms of a Subdivision Construction Agreement between the Subdivider and the City of Austin, dated 10-23-2007. The subdivider is responsible for the construction of all improvement needed to serve the lots within the subdivision. The responsibility may be assigned in accordance with the terms of that agreement. For the Subdivision Construction Agreement pertaining to this subdivision, see separate instrument recorded in Document # 2007219739 in the Real Property Records of Travis County, Texas.
14. This project is located within the Barton Creek Watershed and is over the Edwards Aquifer Recharge Zone and shall be developed in accordance with the Barton Creek Watershed Ordinance No. 821118-N and Ordinance No. 810430-C, or such other water quality ordinance as may be agreed upon between the owner and the City at time of site plan approval.
15. Public sidewalks, built to City of Austin standards, are required along the following streets: Harper Park Drive and are shown by a dotted line on the face of the plat. The sidewalk shall be in place prior to the lot being occupied. Failure to construct the required sidewalk may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
16. The owner of the subdivision and his or her successors and assigns, assumes responsibilities for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required at owner's expense if plans to construct this subdivision do not comply with such codes and requirements.
17. Any relocation of electric facilities due to development on these lots shall be at landowner's/developer's expense.
18. Lot 1 Harper Park Section 3 shall be developed in accordance with the use and site development requirements of the City of Austin Zoning Classification GO (Garden Office Use).
19. For a minimum travel distance of 25' from the roadway edge, driveway grades may exceed 14% only with specific approval of surface and geometric design proposals by the City of Austin.
20. At least 40% of this commercial site will remain or be restored to its natural state to serve as a buffer to receive runoff from the development for purposes of overland drainage as per City of Austin Ordinance No. 821118-N.
21. Erosion/Sedimentation controls are required for all construction on each lot, pursuant to 13-7-14 and the Environmental Criteria Manual.
22. Parkland Fees are required per City of Austin Ordinance no.20070621-027, as amended, prior to approval of any Residential Site Plan in this Subdivision.

ELECTRIC NOTES

(1) Austin Energy has the right to prune and/or remove trees, shrubbery and other obstructions to the extent necessary to keep the easements clear. Austin Energy will perform all tree work in compliance with Chapter 25-8, Sub-Chapter B of the City of Austin Land Development Code.
(2) The owner/developer of this subdivision/lot shall provide Austin Energy with any easement and/or access required, in addition to those indicated, for the installation and on-going maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the building, and will not be located so as to cause the site to be out of compliance with Chapter 25-8 of the City of Austin Land Development Code.
(3) The owner shall be responsible for installation of temporary erosion control, revegation and tree protection. In addition, the owner shall be responsible for any initial tree pruning and tree removal that is within 10 feet of the centerline of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.

This Subdivision is located within the Full Purpose Jurisdiction

Of City of Austin, Texas, on this the 31st day of July, 2008.

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 31st DAY OF July, 2008, AD.

VICTORIA LI, P.E., DIRECTOR
WATERSHED PROTECTION & DEVELOPMENT REVIEW DEPARTMENT

"STATE OF TEXAS:
COUNTY OF TRAVIS:

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 8TH DAY OF Aug, 2008, A.D. AT 10:45 O'Clock A M., DULY RECORDED ON THE 8TH DAY OF Aug, 2008, A.D. AT 10:45 O'Clock A M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER 200800229 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 8TH DAY OF Aug, 2008, A.D.
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

DEPUTY"
K. HAYWOOD

COUNTY OF TRAVIS
COUNTY CLERK
STATE OF TEXAS

200800229

PHOTOGRAPHIC MYLAR

13552

GEO JOB NO.0711691

SHEET 2 OF 2

C8-85-100102.1A

Exhibit S - 6