## SUBDIVISION REVIEW SHEET

# <u>c9</u> 1

CASE NO: C8-2011-0058.0A

ZAP DATE: February 21, 2012

## SUBDIVISION NAME: RESUBDIVISION OF LOTS 10 & 11, BLOCK F, SUMMIT OAKS

AREA: 2.95 Acres

<u>LOTS</u>: (2)

APPLICANT: John W. Boulton, III

AGENT: Way Consulting Engineers, Inc. (Way Atmadja)

ADDRESS OF SUBDIVISION: 12107 & 12109 Tweed Court

GRIDS: J36

COUNTY: Travis

WATERSHED: Walnut Creek

JURISDICTION: Full Purpose

EXISTING ZONING: SF-2

**PROPOSED LAND USE:** Single Family

ADMINISTRATIVE WAIVERS: None

VARIANCES: None

## **SIDEWALKS**

Sidewalks will be provided on both sides of all internal streets and the subdivision side of all boundary streets.

## **DEPARTMENT COMMENTS:**

The request is for approval of the Resubdivision of Lot 10 & 11, Block F, Summit Oaks. State law entitles the Zoning and Platting Commission to approve a requested resubdivision of the previously platted land, without vacating the preceding plat. The resubdivision entails the creation of (3) legal lots from (2) lots. The subdivision is composed of (3) lots on 2.95 acres. The proposed Lot 10-A and 10-C are currently developed with single-family homes. The City of Austin will provide water and wastewater service. Austin Energy will provide electric service. The Austin Fire Department has reviewed and approved the flag lot configuration for the proposed Lot 10-B. This resubdivision is exempt from parkland dedication requirements. The developer will be responsible for all costs associated with any required improvements.

Staff has been contacted and has met with adjacent neighbor's regarding their concern for existing drainage problems in the area. Staff and the applicant's engineer has visited the site and based upon existing conditions have agreed to a diversion berm on Lot 10B, (1' X 100') to redirect increased stormwater runoff to the adjacent buffer to the northeast as a condition of RSMP approval. Another condition for approval will be that each lot will be limited to 20% impervious cover.

Staff has also been informed by the neighborhood that this proposal violates a deed restriction requiring 100 feet of frontage for each lot. However, the City of Austin is not a party to these private restrictions and therefore the City cannot enforce the restriction on this resubdivision application.

## **STAFF RECOMMENDATION:**



The staff recommends approval of the Resubdivision of Lot 10 & 11, Block F, Summit Oaks. The plat meets all applicable State and City of Austin LDC requirements.

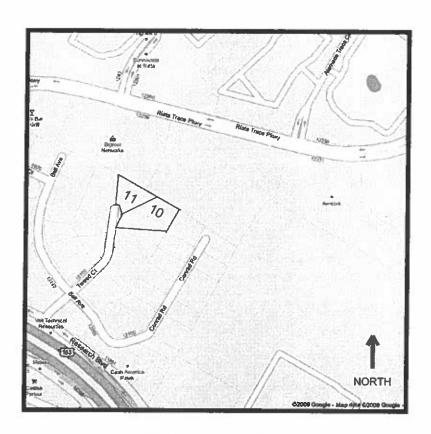
## ZONING AND PLATTING COMMISSION ACTION:

**CASE MANAGER**:

**PHONE**:

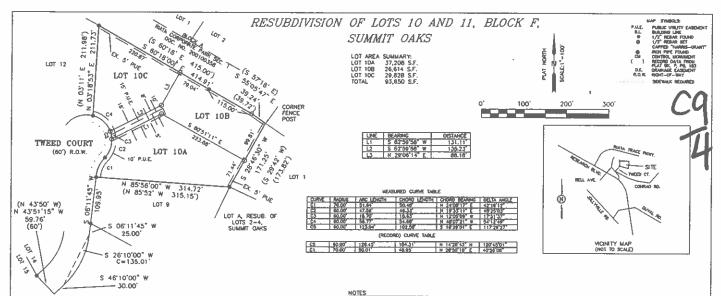
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## **KEY MAP**

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STATE OF TEXAS) COUNTY OF TRAVIS

XNOW ALL MEN BY THESE PRESENTS!

ANOW ALL MEN BY THESE PRESENTS! THAT JOHN WILLIAM BOULTON, ID, REVOCABLE LIMING TRUST, OWNER OF LOT 10, BLOCK F OF "SUMMIT DAKS", A SUBDIMISION AS RECORDED IN PLAY BOOK 7, PAGE TAY DECORDS OF THE PLAY RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO IT BY DECD RECORDED IN DOCUMENT NO, ZOBOBI288 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND OWNER OF LOT 11, BLOCK F OF SAD "SUMMIT DECD RECORDED IN DOCUMENT NO, ZOBOBI288 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND OWNER OF LOT 11, BLOCK F OF SAD "SUMMIT DECD RECORDED IN DOCUMENT NO, ZOBOBI288 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY OFFICIAL PUBLIC RECORDS IN DOCUMENT NO, ZOBOBI4760 OF THE TRAVIS COUNTY OFFICIAL PUBLIC RECORDS, SAD PROPERTY MAYING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICIATION AND HEARING PROVISION OF CHASTION PURSUANT TO THE PUBLIC NOTIFICIATION AND HEARING PROVISION OF LAYO THA ACORDANCE WITH THE ATTACHED PLAT, TO BE KNOWN AS DEDIACT OF LAYO IN ACORDANCE WITH THE ATTACHED PLAT, TO BE KNOWN AS DEDIACTE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREIN BUSILECT TO ANY LESSENETS AND FASEMENTS AS SHOWN AND OT RELEASED.

WITNESS MY HAND THIS THE \_\_\_\_\_ DAY

JOHN WILLIAM BOULTON, HI 12107 TWEED COURT AUSTIN, TEXAS 18127

NOTARY CERTIFICATION STATE OF TEXAS COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN WALLAW BOULTON, III KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE CREASING INSTRUMENT, MAD ACKNOWLEDGED THAT HE DECLIFED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF\_\_\_\_\_\_20\_\_\_

NOTARY IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: \_\_\_\_ PRINTED NAME OF MOTARY

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE CITY UMITS JURISDICTION OF THE CITY OF AUSTIN THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_ 20\_

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT, GTY OF AUSTIN, COUNTY OF TRAVIS, THIS THE -20 and -20 a

GREG GUERNSEY, AICP, DIRECTOR PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE ZONING AND PLATTING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_ A.O.

BETTY BAKER, CHAIRPERSON

GREG BOURGEOIS, SECRETARY

## STATE OF TEXAS COUNTY OF TRAVIS

1. DANA DEBEAUMOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FORECOME INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_\_DAY OF RECORDED ON THE \_\_\_\_\_\_DAY. OF ALL OF AUTOMAL PUBLIC RECORDED ON THE \_\_\_\_\_\_\_AU, AND DULY OFFICIAL PUBLIC RECORDS OF SAUD STATE IN DOCLMENT NUMBER OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS THE \_\_\_\_

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS.

OFPLITY

#### SURVEYOR'S CERTIFICATION

SUMPLICAN'S CENTRICATION I, JAMES M. GRANY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLEX WITH CHAPTER 25 OF THE AUSTIN CITY COOL OF 1988 AS AMEDIDED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND.

AS SURVEYED BY: NARRIS-GRANT SURVEYING, INC. P.O. BOX BOT MANCHACA, TEXAS T8652 (512) 444-1781

June M. Sent REVISED 02-15-2012 REVISED 02-03-2012 REVISED 10-07-2011 REVISED 07-25-2011

JAMES M. CRANT NOVEMBER 18, 2009 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1919

LAST REVISION: ONE YR. ADD

-AMES & GRANT

FILE PATHE JO/CARLSON/2009/+2961

1. NO BUNDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAMAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

2. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.

3. PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY COVERNMENTAL AUTHORITIES.

4. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LDT, PURSUANT TO THE LDC, AND THE ENVIRONMENTAL CRITIERA MANUAL.

5. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASDMENT AND/OR ACCESS REQUIRED IN ADDITION TO THOSE INDICATED FOR THE INSTALLATION AND ENCODED LAWTENANCE OF OVERNEAD AND UNDERGOUND ELECTRIC FACILITES. 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 25-06 THE AUSTIN LAND DEVELOPMENT CODE.

6. AUSTIN ENERGY NAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY, AND OTHER OBSTRUCTIONS TO THE EXTERT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENDRORY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH ONAPTER 35-8, SUBCHAPTER 8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

7. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVECETATION AND TREE PROTECTION, IM ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY IMITAL TREE PROJENCE AND TREE REGIVAL THAT IS WITHIN THE FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACULTES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

8. RELOCATION OF ELECTRIC FACILITIES REQUESTED BY OWNER SHALL BE AT OWNER'S EXPENSE.

9. NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CIFY OF AUSTIN WATER UTILITY SYSTEM AND TO THE CITY OF AUSTIN WASTEWATER SYSTEM.

10. WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE OF WITH THE CITY OF AUSTIN FLANS AND SPECIFICATIONS, PLANS AND SPECIFICATIONS SHALL BE SUBBLITED TO THE CITY OF MASTEWATER AND WASTEWATER AND WASTEWATER AND WASTE WASTE CONSTRUCTION WASTS BUILDITY FOR REVEW. THE WATER AND WASTEWATER CONSTRUCTION WASTS BUILDITY FOR REVEW. THE WATER AND WASTEWATER CONSTRUCTION WASTS BUILDITY FOR REVEW. THE WATER AND WASTEWATER CONSTRUCTION WASTS BUILDITY FOR CONSTRUCTION FOR CONSTRUCTION WAST BUILDITY FOR CONSTRUCTION FO 11. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE RECORDERING

12. THE OWNER OF THIS SUBDVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF THE SUBDVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE COORS AND RECURREMENTS OF THE CITY OF AUXIMI. THE OWNER INDERSTANDS AND ACKNOWLEDGES THAY PLAT VACATION OR REPLATITIONS MAY BE RECURRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT IN THIS SUBDVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.

13. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.

14. FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET, FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.

15. ALL STREETS, ORAMAGE, SIDEWALKS, EROSION CONTROLS, AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS.

16. BY APPROVING THIS PLAY, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR OWNER OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE TOR THE CITY TO DEVI APPLICATIONS TOR CERTAIN DEVELOPMENT, INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.

17. ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBORISION, SUMMIT OAKS, SHALL APPLY TO THIS RESUBORISION PLAT,

18. PUBLIC SIDEWALKS, BURLT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE TOLLOWING STREETS AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PHAT: EAST SIDE OF TWEED COURT: THESE BOEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOUDING OF CERTIFICATES OF OCCUPANCY, BURLING PERMITS, OR UTILITY COMECTIONES BY THE COVENING BOOY OR UTILITY COMPANY.

19. PRIOR TO, CONSTRUCTION ON LOT 10B IN THIS SUBDIVISION, DRAINAGE PLANS SHALL BE SUBMITTED TO THE CITY OF AUSTIM FOR REVIEW, RANFALL RUN-OFF SHALL BE HELD TO THE AMOUNT ESTABLISHED BY THE REGOMAL DEFINITION PLANS. APPROVED BY THE CITY OF AUSTIM, EXCEPT THAT RUN-OFF IN EXCESS OF THE AMOUNT ESTABLISHED FOR THE REGOMAL DETENTION SYSTEM SHALL BE DETAINED BY THE USE OF ONSITE PROMING OR OTHER APPROVED METHODS:

20. AN INCREASE IN EMERGENCY VEHICLE ACCESS DISTANCE HAS BEEN APPROVED TOR LOT 108, AS REQUESTED BY THE OWNER, PER EXCEPTION 3 TO SECTION 533,13 OF THE CITY OF AUSTIN FIRE CODE IN FFFCT ON JULY 9, 2010. INSE EXCEPTION IS JUNITED TO CONSTRUCTION OF ON OWNER THAN TWO STRUCTURES INCLUDING SINGLE FAMILY RESIDENCES AND/OR ACCESSORY BUILDINGS WHICH ARE IMPACTED BY THE INCREASED EMERGENCY VEHICLE DISTANCE.

21. THE MAXIMUM PROPOSED IMPERVIOUS COVER FOR EACH LOT 10A, 10B, AND 10C WILL BE 20%

ENGINEER'S CERTIFICATION:

EDMONSTREED - SECURITIES. 1. WAY ATMADA AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACIDES THE PROFESSION OF ENGINEERING AND NEREBY CERTIFY THAT THIS PLAT IS FEASELE FROM AN ENGINEERING STANPOORT AND COMPLES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25, AUSTIN CITY CODE AS AMENDED.

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF DESIGNATED FLOOD NAZARO AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION RATE MAP NO. 48453C0265H OATED 09-26-2008.

WAY ATWADJA OATE REGISTERED PROFESSIONAL ENGINEER NO. 53863 WAY CONSULTING ENGINEERS, INC. 11815 ANGUS ROAD, SUITE 119 AUSTIN, TEXAS 78759

Harris GRANT

C8-2011-0058.0A SHEET 1 OF 1

Austin, TX 78767-8810 P. O. Box 1088 Don Perryman City of Austin – Planning & Development Review Dept./4<sup>th</sup> Fl if you use this form to comment, it may be returned to: Comments: scheduled date of the public hearing; the Case Number; and the contact person Daytime Telephone: Your Name (please print) comments should include the name of the board or commission, or Council; the contact person listed on the notice) before or at a public hearing. Your listed on the notice. Written comments must be submitted to the board or commission (or the our\_address(es) affected by this application 45 12202 Contad, Rd, Austin Tx +or Public Hearing: Feb. 21, 2012, Zoning & Platting Commission trom <u>leeuments</u> Contact: Don Perryman, 512-974-2786 or Case Number: C8-2011-0058.04 Dresent Douglas + Marie ana reasons Yolanda Parada, 512-974-2784 We December 2009 from hearing 512-258-5633 oppose Signature mease provided outlined Moore 045 the date attorne resubdivision 78727 from 5  $t_{0}$ XI object 2-10-2012 🗋 I am in favor Date

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<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development;</li> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> <li>For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.</li> </ul>	<ul> <li><b>PUBLIC HEARING INFORMATION</b></li> <li>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.</li> <li>During a public hearing, the board or commission may postpone or continue an application. 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.</li> <li>Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. An otice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.</li> <li>An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:</li> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (<i>it may be delivered to the contact person listed on a notice</i>); or</li> <li>appearing and speaking for the record at the public hearing; and:</li> </ul>
If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept. /4 <sup>th</sup> Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810	Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.         Case Number: C8-2011-0058.0A Contact: Don Perryman, (512) 974-2786 Yolanda Parada, (512) 974-2784 Public Hearing: Zoning & Platting Commission, Feb 21, 2012         BILLY       CL IFF ORD       Immin favor         Your Name (please print)       Immin favor         12.106       TW CECD       COVRT         Your address(es) affected by this application       OZ FEB 2012         Wilkin D. Claffed       Date         Daytime Telephone:       512-695-2066         OF       THIS CHANGE       MCUTRAL.         THIS CHANGE       VILL CKEATE TWO LOTS THAT         ARE LARGER THAN       7/3 OF       THE         NEIGHBARADOD.       THE NEW LOTS WILL BE         Consist Construction       See         NEIGHBARADOD.       THE NEW LOTS WILL BE

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If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept. /4 <sup>th</sup> Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810		Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the Scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.  Case Number: C8-2011-0058.0A Contact: Don Perryman, (512) 974-2786 Yolanda Parada, (512) 974-2784 Public Hearing: Zoning & Platting Commission, Feb 21, 2012 XGONRA CONRA RA Your Name (please print) I A 10 7 CONRA RA Your address(es) affected by this application Xennal Xulue  Signature Daytime Telephone: S12-AS8 (6390 Comments:

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Replating of property.

I object to the replatting of the property to build another house.

This is a very small neighborhood and people bought or moved here because of the big lots and rural feel.

Also –will the present utilities need to be upgraded to accommodate an additional house? There is only one way in and out of this neighborhood. There will be additional traffic.

Another concern is that this replatting will set a precedent for other property owners to build additional homes.

This will change the neighborhood.

Also many trees will have to be removed to build this proposed house.

As the Neighborhood Watch Coordinator - I object because of safety reasons. Tweed Court is a very narrow street. People already can not park fully on the street. It there is an emergency it will be difficult to get to the proposed house. Also as discussed in a neighborhood meeting – there is a problem with drainage. I do not know if this has been resolved.

Leonard Schlueter

512-258-6290 12107 Conrad Rd.

# C9 9

## **ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300 AUSTIN, TEXAS 78701-2744 512-435-2300

FACSIMILE 512-435-2360

MARK L. HAWKINS (512) 435-2309

October 14, 2010

### VIA HAND DELIVERY AND EMAIL

Betty Baker City of Austin Planning and Development Review Department 505 Barton Springs, 4th Floor Austin, Texas 78704

> Re: Permit/Case # 2010-019092-C8 Reference File Name C8-2010-0030.0A Resubdivision of 2.95 acres Hearing Date: October 19, 2010, 6:00 p.m.

Dear Ms. Baker:

This firm represents and this letter is written on behalf of Douglas and Marie Moore who own property located at 12202 Conrad Road in Austin, Texas, and are registered as interested parties in the above referenced case number. Attached is a copy of an older plat that shows the location of the Moore's property relative to the proposed subdivision. As you can see, the Moore's property and the 2.95 acres share common lot lines. More specifically this letter is written to express Mr. and Mrs. Moore's strong opposition to the proposed subdivision because of the adverse impact it will have on water drainage to their property, and because it violates the restrictions applicable to the subject property.

Currently the 2.95 acres is divided into two legal lots known as Lot 10 and Lot 11, Block F of Summit Oaks, a subdivision in Travis County, Texas, recorded in Book 7, Page 183. The Summit Oaks subdivision was recorded in 1956, and was developed shortly thereafter. The subdivision was built without the necessary infrastructure, which includes curb and gutter, storm sewer inlets, and other appurtenances required to convey storm water runoff effectively. Consequently, flooding in the subdivision is a common event.

During rain events, storm water conveyed by the 2.95 acres essentially sheet flows over the Moore's property, causing their property to retain as much as 1.5 inches of water. Attached are several photographs of recent rainfall events that illustrate this fact. If the City approves the resubdivision a third lot will be created whereby an additional 45% impervious cover can be placed adjacent to the Moore's property. Without the necessary infrastructure in place to help convey the additional storm water, the Moore's property is at greater risk of flooding. Therefore, Mr. and Mrs. Moore respectfully request that you deny the subdivision application.

## ARMBRUST & BROWN, PLLC Page 2



However, if you are legally required to approve it, Mr. and Mrs. Moore request that you condition your approval subject to a public restrictive covenant that will require the applicant to address the conveyance of storm water.

In addition to the drainage issues, there is a restrictive covenant that was recorded in 1953 which imposes certain restrictions on property subject to the Summit Oaks subdivision. Among other things, the restrictive covenant prohibits the resubdivision of property. Attached for your review, is a copy of the applicable covenants, conditions and restrictions, that prohibit subdivision of the subject lots. While it is our understanding that the City of Austin cannot enforce restrictions imposed by private restrictive covenants, Mr. and Mrs. Moore hereby reserve any and all rights, as provided to them by the restrictive covenant, to protest the resubdivision of the subject lots in a court of law.

Thank you for consideration of my clients' concerns.

Very truly yours,

Inno-

Mark L. Hawkins

MLH/klf Attachments.

cc: Sandra Baldridge, Parliamentarian - <u>sbald@sbcglobal.net</u> Gregory Bourgeois, Secretary - <u>gbourgeois@jonescarter.com</u> Teresa Rabago, Secretary - <u>trabago@austin.rr.com</u> Patricia Seeger, Vice Chair - <u>prseeger@austin.rr.com</u> Cynthia Banks - <u>crbanks@hotmail.com</u> Donna Tiemann - <u>donna.zap@gmail.com</u> Don Perryman - <u>don.perryman@ci.austin.tx.us</u>

## IRION SLADE

512.347.9977

Fax: 512.347.7085

ATTORNEYS & COUNSELORS AT LAW A PROFESSIONAL LIMITED LIABILITY COMPANY

October 18, 2010

Terrence L. Irlon Attorney at Law

2224 Walsh Tariton Suite 210 Austin, Texas 78746

VIA EMAIL: mhawkins@abaustin.com Mr. Mark L. Hawkins Armbrust & Brown, PLLC 100 Congress Ave, Suite 1300 Austin, Texas 78701-2744

Re: Case No. C8-2010-0030.0A; Resubdivision of Lots 10 & 11, Block F, Summit Oaks Subdivision (2.95 acres)

Dear Mark:

I am in receipt of the two letters you sent to Betty Baker as Chair of the Zoning & Platting Commission of the City of Austin on October 14, regarding the above referenced resubdivision plat in an "SF-2" zoned district.

Applicant John W. Boulton will not object to the continuance of November 16, 2010 for this final plat approval and will cooperate in the scheduling of an on-site meeting with Applicant's Engineer, Kevin Selfridge representing the City's Engineer, and you and your client to address the Moore's drainage concerns.

We believe adequate measures have been designed into the construction plans for this resubdivision that may not have been communicated to you, but in any case we are willing to discuss these measures and hear and respond to any additional concerns you may have regarding the drainage at the on-site meeting.

I note that you have also raised a concern about a possible conflict resubdividing these two lots may have with respect to a private restrictive covenant. While we do not believe there is a conflict between the proposed resubdivision and the restrictive covenant for the reasons stated below, any enforcement of the restrictions by the Moore's or others would require that they convince a Court that the restrictions have not been abandoned by the action of the Lot Owners in allowing a number of resubdivisions within the subdivision; allowing the construction of office buildings on a number of lots in Block H; and allowing the development of a number of garage apartments and other two-family residences within the subdivision.

With respect to Article 10 of the Restrictive Covenant which requires that lots have at least 100' on the street which the residence faces, we believe the proposed replat is in compliance with this provision. The requirement is that the building area front at least 100' on the street which the residence faces. In this case, the new Lot 10B will have 232' along the front building line that faces the street. The Covenant does not require the lot to have 100' of frontage on the street at the property line. In fact, existing Lot 11 does not have anywhere near 100' of frontage on the street at the property line because it is on a cul-de-sac. The Covenant is not a platting restriction. In fact, the Covenant was not even imposed on lots in the subdivision for more than one and a half years after the plat was recorded. The Covenant is a restriction on the construction orientation on the lot, and requires that the front yard at the building area "building line" in City of Austin jargon) have

Mr. Hawkins October 18, 2010 Page 2

12

100' of width facing the street. This is very similar to the City's zoning ordinance which requires that the minimum 50' of street frontage be measured at the building line, rather than at the property line along the street. This is a very common provision on cul-de-sac lots and many of the original platted lots in the Summit Oaks Subdivision were platted without 100' of street frontage at the property line.

We look forward to coordinating a productive on-site meeting to discuss your client's drainage issues with the City input prior to resetting of the matter on the November 16 agenda of the Zoning & Platting Commission, subject to Commission approval.

Sincere errence l

Attorney for Applicant, John W. Boulton

TLI:lm

Cc: Don Perryman

Betty Baker, Chair of Platting & Zoning Commission Members of Platting & Zoning, Commission

## Perryman, Don

From: Sent: To: Subject: Judith Fox (jedithform) deletteres.com] Monday, October 18, 2010 11:45 AM Perryman, Don Case Number: C8-2010-0030.0A

Mr. Perryman,

You should receive the response concerning Case No. C8-2010-0030.0A from my husband, Don Fox, and myself via FedEx today. Our property is located at 12203 Conrad Road, Austin. Summit Oaks, Lot 10, Block E.

I want to ask you to print and append this email to our response to be given to the Commission members so that the following information will be included.

We had problems with high water on our property during rains from the time we first moved there. Awhile back, after seeing water seep into our living room at the base of the wall during rains, we had a contractor build a berm in front of that area and put in a French drain to direct the waters to go around the house on that side. Obviously we do not want to see changes in the drainage of the neighborhood that would cause increased run-off towards our house.

Also, we understand that old drain fields from septic tanks may be disturbed in the area to be resubdivided and are concerned about health issues.

Thank you.

Judith K. Fox P.O. Box 426 Acton, CA 93510

(661) 269-5623

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For additional information on the City of Austin's land development	ntal or neighborhood organization that clared boundaries are within 500 feet of sed development.	or proposed development; or proposed development; or	nd: • occupies a primary residence that is within 500 feet of the subject	concern (it may be delivered to the contact person listed on a notice); or appearing and speaking for the record at the public hearing:	<ul> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of</li> </ul>	ined as a person who is the applicant or record erty, or who communicates an interest to a	appeal form may be available from the responsible department.	who can appeal the decision. The body holding a public hearing beal will determine whether a person has standing to appeal the	involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as	Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or $\frac{1}{Y_{c}}$	or denial of the application. 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. $\overline{Y}$	During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval	application affecting your neighborhood.	s) are expected to attend a public However, if you do attend, you or AGAINST the proposed also contact a neighborhood or	TH PUBLIC HEARING INFORMATION
	Don Perryman P. O. Box 1088 Austin, TX 78767-8810	If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept./4 <sup>th</sup> Fl	neichbis-hond: homes on large lots, how	would be negatively affected by changing the united of theme" of the	- concern that our property values	lious corer	comments: Wedgied to this resubdivision	Daytime Telephone: 513 426 7798	hered	12105 Bell Ave Austin TX 78727 Your address (es) affected by this application	Allism & Mike Kelly Your Name (please print)	Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission	Case Number: C8-2010-0030.0A	contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.	Written comments must be submitted to the board or commission (or the

95 PUBLIC HEARING INFORMATION	Written comments must be submitted to the board or commission (or the
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	contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.
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a person with standing to appeal, or an interested party that is identified as	Signature Date
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responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.	Comments: Subdividing lots in Summit Ogks
An interested party is defined as a person who is the applicant or record	It will set a air redent for further subdivisions
board or commission by:	duce property values. The proc
<ul> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of</li> </ul>	subdivision violates the neighborhood deer
concern (it may be delivered to the contact person listed on a notice); or	restrictions by creating lots with out the
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<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development:</li> </ul>	aggiquated by The construction of homes on the
<ul> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> </ul>	If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept./4 <sup>th</sup> Fl
<ul> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> </ul>	Don Perryman P. O. Box 1088 Austin, TX 78767-8810
For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.	

<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development;</li> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> <li>For additional information on the City of Austin's land development</li> </ul>	Althur PUBLIC HEARING INFORMATION Althur 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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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. Commission's decision on a subdivision may only be appealed by a person with standing to appeal, or an interest all requirements. A board or commission's decision on a subdivision may only be appealed by a person with standing to appeal, or an interest party that is dientified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department. An interested party is defined as a person who is the applicant or record downer of the subject property, or who communicates an interest to a board or commission by: • delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or • appearing and speaking for the record at the public hearing; and:
If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept./4 <sup>th</sup> Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810	Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.  Case Number: C8-2010-0030.0A Contact: Don Perryman, 512-974-2786 or Yolanda Parada, 512-974-2786 or Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission, or Council; the light result of the public hearing: October 19, 2010, Zoning & Platting Commission Richard Bean Nour Name (please print) IZ/UB Len red RJ Your address(es) affected by this application Nour address(es) affected by this application Signature Daytime Telephone: Signature Comments: Ten against the Result vision; T. Hink H is bal the He resphere cheed I think H is bal the He resphere cheed

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.	• is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.		<ul> <li>and:</li> <li>occupies a primary residence that is within 500 feet of the subject</li> <li>property or proposed development:</li> </ul>	<ul> <li>concern (it may be delivered to the contact person listed on a notice); or</li> <li>appearing and speaking for the record at the public hearing;</li> </ul>	<ul> <li>board or commission by:</li> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of</li> </ul>	An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a		a person who can appear the decision. The body nothing a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the	person with standing to appeal, or an interested party that is identified as	Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it	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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission appoinces a	application affecting your neighborhood.	
	P. O. Box 1088 P. O. Box 1088 Austin, TX 78767-8810 Austin, TX 78767-8810 Alording.	If you use this form to comment, it may be returned to: and put out City of Austin – Planning & Development Review Dept./4 <sup>th</sup> Fl	pyone the proposed re-subdivisions because it will substantially increase water flow towards our proposes	Decause it doesn't show the correct flow of run -off Places check the date of the topographical survey. We	deep and rush down towards our house and garage, Wi believe the roin flow analysis presented is flawed	is behind the more is a hard rain these waters are	Comments: Rain water flows towarder (and a cross) own project	Daytime Telephone: 661 269-5623	Don I top Quath K. 200 10-15-2010	ecte.	Don L. Fox and Judith K. Fox I am in favor Your Name (please print)	Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission	Case Number: C8-2010-0030.0A Contact: Don Perryman \$17.074.7786 or	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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

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Public Hearing: October 19, 2010, Zoning & Platting Commission	continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a
Contact: Don Perryman, 512-974-2786 or Yolanda Parada, 512-974-2784	application affecting your neighborhood. During a public hearing, the board or commission may postpone or
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contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.	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
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For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.	<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development;</li> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> </ul>	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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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. Commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person who can appeal the decision. The body holding a public hearing to appeal the decision. An appeal form may be available from the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department. An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:     • delivering and speaking for the record at the public hearing; and:
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City of Austin – Planning & Development Review Dept./4'" Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810	or proposed development; or • is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.
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Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission	During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission appoinces a
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Maper Horty + Min of problems to surrounder If you use this form to comment, it may be returned to: "reythbors. City of Austin - Planning & Development Review Dept./4 <sup>th</sup> FI Don Perryman Anothers structure plan sys P. O. Box 1088 Another structure major Austin, TX 78767-8810 were problems. There are the inapor readons why we object out the inapor readons why we object out the inapor readons why built - fash	written comments must be submitted to the board or commission, or the commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.  Case Number: C8-2010-0030.0A Contact: Don Perryman, 512-974-2786 or Volanda Parada, 512-974-2786 or Vour Adress(es) affected by this application Comments: Mr. Bolton works to put a knew Vourse kaked Les Wichtig kowe. The Alastick knew Would knew Akorot ISI kored for works to put a knew kaked historia, for exception of at hear to a resolution to a distribution of a state for the knew of a state for the form the form to all new for the form to a state for the form to all new for exception of at hear to a resolution form added object Would for Wichtig house when hear a which her caused Would for Wichtig house when here a when here a state for the form to a state form to a state form to a	Written comments must be submitted to the board or commission for the

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For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.	<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development;</li> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> </ul>	<ul> <li>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.</li> <li>During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission that is not later than 60 days from the announcement, no further notice is required.</li> <li>Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may be appealed if it involves an environmental variance. A variance may be appealed by a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. An appeal form may be available from the responsible department.</li> <li>An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:</li> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (<i>it may be delivered to the contact person listed on a notice</i>); or</li> <li>appearing and speaking for the record at the public hearing; and:</li> </ul>	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
	If you use this form to comment, it may be returned to: City of Austin – Planning & Development Review Dept./4 <sup>th</sup> Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810	scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. Case Number: C&2010-0030.0A Contact: Don Perryman, 512-974-2786 or Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission Bever R Ly A Dill R R Dill R Dill Your Name (please print) L2 200 Bell A VE A ust 1 N Your address(es) affected by this application Signature De IL A VE A ust 1 N Your address(es) affected by this application Signature Date Daytime Telephone: 512-258-1 (50 Comments: Plasenting & Dependent Consuments His and according & Dependent Consuments His and according to the dependent of the dependent of the second construction the definition of the second construction of the formation of the dependent of the dependen	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 name of the board or commission, or Council; the

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Case Number: C8-2010-0030.0A Contact: Don Perryman, 512-974-2786 or Yolanda Parada, 512-974-2784 Public Hearing: October 19, 2010, Zoning & Platting Commission PATRICIA SUE MALONEY 🖸 I am in favor VI object Your Name (please print) Your address(es) affected by this application Signature 10/8/10 Date Daytime Telephone: 512-258-12450R512-799-8289 Comments: THE ADDITIONOF ANOTHER HOUSE ONTO THESE 2 LOTS VIOLATES DEED RESTRICT TONS (INSUFFICIEN FRONTAGE) CHANBES THE CHARACTER OF OUR NEIGHBORHOOD NARROW CUL-DE ADDS TRAFFIC TO A ALREADY EXPERIENCING HEAVY PARKING & TRAFFIC, AND ADDS IMPERVIOUS OVER THAT WOULD CAUSE MORE FLOODIN DOWN STREAM, If you use this form to comment, it may be returned to: City of Austin - Planning & Development Review Dept./4<sup>th</sup> Fl Don Perryman P. O. Box 1088 Austin, TX 78767-8810

## Perryman, Don

From: Sent: To: Subject: Allison Kelly [allisonkelly@austin.rr.com] Friday, October 15, 2010 7:47 AM Perryman, Don; Parada, Yolanda Objection to Case #C8-2010-0030.OA

Attachments:

Objection to Re-Subdivision of Lots in Summit Oaks.pdf





Objection to Re-Subdivision of... Dear Mr. Perryman and Ms. Parada,

We want to go on record that my husband and I, homeowners in the Summit Oaks Subdivision, OBJECT to the proposed re-subdivision described in the subject case number.

We object for a variety of reasons:

- impervious cover issues and resultant potential flooding - concern that our property values would be negatively affected by changing the "theme" of the Summit Oaks neighborhood: all homes are on large lots with low density.

I have also mailed the attached completed form to Mr. Perryman. Please feel free to contact us at the number or address below.

Thanks for your consideration in this matter.

Allison an Mike Kelly 12105 Bell Ave Austin, TX 78727

512-426-7798

and: process, visit our web site: www.ci.austin.tx.us/development For additional information on the City of Austin's land development board or commission by: owner of the subject property, or who communicates an interest to a An interested party is defined as a person who is the applicant or record appeal form may be available from the responsible department. responsible department no later than 14 days after the decision. decision. A notice of appeal must be filed with the director of the on an appeal will determine whether a person has standing to appeal the a person who can appeal the decision. The body holding a public hearing person with standing to appeal, or an interested party that is identified as involves an environmental variance. A variance may be appealed by a commission's decision on a subdivision may only be appealed if it variances are required, and if it meets all requirements. A board or Commission is required to approve the subdivision by State law if no than 60 days from the announcement, no further notice is required specific date and time for a postponement or continuation that is not later or denial of the application. If the board or commission announces a continue an application's hearing to a later date, or recommend approval During a public hearing, the board or commission may postpone application affecting your neighborhood. environmental organization that has expressed an interest in an development or change. have the opportunity to speak FOR or AGAINST the proposed hearing, you are not required to attend. However, if you do attend, you Although applicants and/or their agent(s) are expected to attend a public occupies a primary residence that is within \$00 feet of the subject is an officer of an environmental or neighborhood organization that or proposed development; or is the record owner of property within 500 feet of the subject property property or proposed development; the subject property or proposed development. has an interest in or whose declared boundaries are within 500 feet of delivering a written statement to the board or commission before or appearing and speaking for the record at the public hearing; concern (it may be delivered to the contact person listed on a during the public hearing that generally identifies the issues of notice); or PUBLIC HEARING INFORMATION You may also contact a neighborhood or g comments should include the name of the board or commission, or Council; the P. O. Box 1088 If you use this form to comment, it may be returned to: scheduled date of the public hearing; the Case Number; and the contact person contact person listed on the notice) before or at a public hearing. Your Don Perryman City of Austin - Planning & Development Review Dept./4th Fl Comments: We drived to this resubdivisition listed on the notice. Austin, TX 78767-8810 Daytime Telephone: 512 426 779 ? Your Name (please print) Written comments must be submitted to the board or commission (or the Your address(es) affected by this application -imperuious tonavarient 2 12105 Bell the Case Number: C8-2010-0030.0A Public Hearing: October 19, 2010, Zoning & Platting Commission Contact: Don Perryman, 512-974-2786 or Allism + Mike Kelh would be necative concern that auc 20tenta Censity **A-CIGI** Yolanda Parada, 512-974-2784 tond: nomes on large upts the un the flouding Signature and 9 Mush's Newsonsi Issues propert ~"them 7872 and resultan Values Date È

<ul> <li>occupies a primary residence that is within 500 feet of the subject property or proposed development;</li> <li>is the record owner of property within 500 feet of the subject property or proposed development; or</li> <li>is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.</li> <li>For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.</li> </ul>	<ul> <li>appeal form may be available from the responsible department.</li> <li>An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:</li> <li>delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (<i>it may be delivered to the contact person listed on a notice</i>); or</li> <li>appearing and speaking for the record at the public hearing; and:</li> </ul>	than 60 days from the announcement, no further notice is required. Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An	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 a public hearing, the board or commission may postpone or continue an application. If the board or commission announces a specific date and time for a postponement or continuation that is not later
If you use t City of Au Don Perry P. O. Box I Austin, TX	2 is in a of Summit a negative neighberhee restriction	Your Name (please print) (Katheryn Biel) 12102 Concad Rd Aushin Your address(es) uffected by this upplication Ulanuallas Signature Daytime Telephone: 512-589-6717	<ul> <li>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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.</li> <li>d or d or d or the notice.</li> <li>d or d or the notice.</li> <li>Case Number: C8-2010-0030.0A</li> <li>Contact: Don Perryman, 512-974-2786 or Yolanda Parada, 512-974-2784</li> <li>Public Hearing: October 19, 2010, Zoning &amp; Platting Commission</li> <li>Lamin favor</li> </ul>