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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0018 – Beiter - 2

**P.C. DATE:** May 14, 2013

**ADDRESS:** 6110 Hill Forest Drive

**OWNER:** Michael and Paulette Beiter

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** SF-3-NP

**TO:** SF-5-CO-NP

**AREA:** 2 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant urban family residence – conditional overlay – neighborhood plan (SF-5-CO-NP) combining district zoning. The Conditional Overlay limits development of the property to eight units.

### **PLANNING COMMISSION RECOMMENDATION:**

May 14, 2013:

### **ISSUES:**

The Westcreek Neighborhood Association has provided correspondence indicating support for the Applicant's request and Staff recommendation for SF-5-CO-NP with the provision that additional Conditional Overlays are incorporated into the rezoning ordinance. These additional COs are as follows: 2 stories/32 feet in height; limited to the Residential uses permitted in an SF-5 district (this would effectively prohibit Civic uses on the property); and requiring a 25-foot wide vegetative buffer along the south and west property lines. Correspondence is located at the back of the Staff report.

During the zoning review process, a question arose pertaining to the ability of this lot to be grandfathered from current watershed regulations. Staff researched the subdivision files and found that the preliminary plan and final plat of Westcreek Section One Amended were reviewed for drainage and floodplain issues, and does not show that there were any watershed regulations in place at the time. The final plat was recorded on June 30, 1978, in advance of the City's first aquifer-related ordinances which were adopted in the early 1980s. The subject rezoning area is platted as Lot 22, Block E of the above-referenced subdivision.

The Applicant and neighborhood also provided copies of the private restrictive covenants that apply to the property. A Declaration of Substitute Covenants, Conditions and Restrictions filed on August 14, 1978 includes an item A-1 which begins with: "Each lot shall be used as a residence for a single-family and for no other purpose, except Lot 22, Block E, which may be developed for multi-family residential purposes not to exceed 10 units per acre." Please refer to Exhibit C. Staff notes that the City is not party to a private restrictive covenant, and furthermore that a private restrictive covenant is not a

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grandfathering tool that is recognized by the City. In summary, Staff has not found any evidence that a condominium or other type of multi-family residential development would be grandfathered from current watershed regulations, and hence in all likelihood any new development would be subject to current Code.

### **DEPARTMENT COMMENTS:**

The subject platted lot formerly contained a circa 1938 farmhouse that was demolished in April 2011 and is currently undeveloped. It is zoned family residence – neighborhood plan (SF-3-NP) district and sits between a condominium development to the north (SF-6-NP), duplexes across Hill Forest Drive to the east (SF-3-NP) and single family residences in the Westcreek Sections One and Two subdivisions to the south (SF-2-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B, (Recorded Plat).

The Applicant proposes to rezone property to the urban family residence – conditional overlay (SF-5-CO-NP) district in order to build a total of 8 units on the property. The maximum number of units allowed on an SF-5 site is 10. Staff recommends the Applicant's request as it is a reasonable use for an infill tract of this size, and is compatible with the condominium use to the north, duplexes to the east and single family residences to the south and west.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Undeveloped
<i>North</i>	SF-6-NP	Condominiums; Duplexes (fronting Westcreek Drive)
<i>South</i>	SF-2-NP	Single family residences
<i>East</i>	SF-2-NP; SF-3-NP	Duplexes
<i>West</i>	SF-2-NP	Single family residences

**NEIGHBORHOOD PLAN AREA:** Oak Hill Combined  
(East Oak Hill)

**TIA:** Is not required

**WATERSHED:** Williamson Creek – Barton Springs Zone – Recharge Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **NEIGHBORHOOD ORGANIZATIONS:**

89 – Westcreek Neighborhood Association  
384 – Save Barton Creek Assn.  
742 – Austin Independent School District  
943 – Save Our Springs Alliance  
1075 – Bike Austin  
1200 – Super Duper Neighborhood Objectors and Appealers Organization

298 – Oak Hill Association of Neighborhoods  
705 – OHAN 78735  
779 – Oak Hill Neighborhood Plan Liaison  
1037 – Homeless Neighborhood Organization  
1166 – Oak Hill Neighborhood Planning Contact Team

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1224 – Austin Monorail Project	1236 – The Real Estate Council of Austin, Inc.
1228 – Sierra Club, Austin Regional Group	1340 – Austin Heritage Tree Foundation
1343 – Oak Hill Trails Association	1363 – SEL Texas
1409 – Beyond2ndNature	

**SCHOOLS:**

Patton Elementary School	Small Middle School	Austin High School
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**CASE HISTORIES:**

There are no recent case histories in the immediate area.

**RELATED CASES:**

The subject property was annexed in 1975 (C7a-75-006) and was zoned "A" Residence (which later converted to the SF-3-NP zoning in place today) on May 18, 1978 (C14-77-061, Ordinance No. 770518-C). The subject property is platted as Lot 22, Block E of the Westcreek Section One Amended Plat which was recorded on June 30, 1978 (C8-76-021A/B).

The neighborhood plan (-NP) designation was added to the zoning on the subject tract in conjunction with the Oak Hill Combined Neighborhood Plan (East Oak Hill), under zoning file C14-2008-0129. The subject lot was a contested tract during the East Oak Hill rezoning process. A former property owner requested the SF-6 base district in order to develop around 20 units, which would have been consistent with the language in the 1978 private restrictive covenant that applied to this 2-acre lot. The property owner's request was unsuccessful and the -NP combining district was added to the SF-3 base district.

The FLUM designation on this lot is Single-Family and a neighborhood plan amendment to Higher Density Single Family land use is also under consideration (NPA-2013-0025.04).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	ADT
Hill Forest Drive	60 feet	40 feet	Collector	5,200

- Hill Forest Drive is not classified in the Bicycle Plan.
- Capital Metro bus service is not available along Hill Forest Drive.
- There are existing sidewalks along Hill Forest Drive.

**CITY COUNCIL DATE:** June 6, 2013**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>

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**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 974-7719

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- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
ZONING CASE#: C14-2013-0018

EXHIBIT A



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.

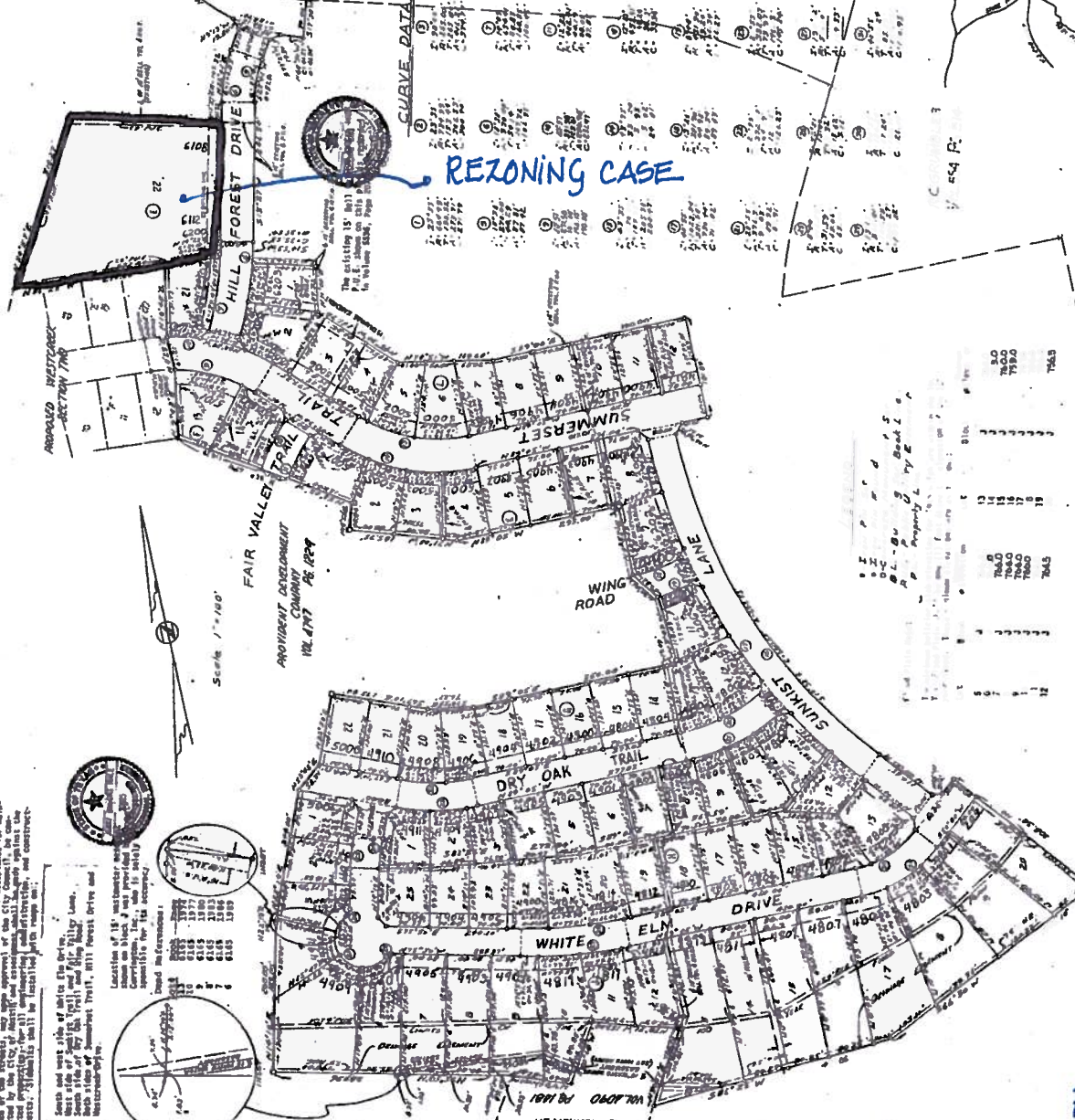
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 400'









STATE OF TEXAS  
COUNTY OF TEXAS

[illegible]

*John D. Smith*  
John D. Smith, Vice President  
Suburban Development Company

STATE OF TEXAS  
COUNTY OF TARRANT

Before me, the undersigned Authority, on this day personally  
Vice President, Provident Development Company, a Texas Corporation  
person whose name is subscribed to the foregoing instrument, and a  
he executed the same as the act and deed of said company for the p  
therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the 6<sup>th</sup> day of  
March 1911 at St. Louis, Mo.

STATE OF TEXAS  
COUNTY OF TRAVIS

Before us, the undersigned Authority, on this day personally and with, Karen Ann, upon us as to be the persons whose names are appearing instrument, and acknowledged to us that they executed the said considerations therein expressed and is the capacity therein stated.

RECEIVED BY THE COUNTY, 1938

APPROVED FOR ACCEPTANCE: By [Signature] Date July  
Richard L. Little  
Director of Planning

Accepted and Authorized for Record: By the Planning Commission of Travis County, Texas this the 27th day of April, A.D., 1961

MICHAEL A. GUERRERO  
 MICHAEL A. GUERRERO  
 MICHAEL A. GUERRERO

illed for receipt this the 20 day of June, A.D., 1978  
*Mike J*

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Davis Stroudshire, Clerk of the County Court within and for  
 the said County, do hereby certify that the foregoing instrument of writ  
 of attachment was filed for record in my office on the 30  
 27th at 11:30 o'clock A.M. and duly recorded on the 30  
 27th at 1:30 o'clock P.M. in the plot records of said county.

Witness my hand and seal of office the date last written above. I  
County Court, Travis County, Texas.

TIME OF TEXAS  
LARRY A. STANLEY

[illegible]

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**WESTCREEK  
SECTION ONE  
AMENDED**

EXHIBIT B  
RECORDED PLAT

GENERAL LOCATION MAP

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FILE

1-83-1255

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DECLARATION OF SUBSTITUTE COVENANTS,  
CONDITIONS AND RESTRICTIONS

THE STATE OF TEXAS 1287 \* 19.00

COUNTY OF TRAVIS I KNOW ALL MEN BY THESE PRESENTS:

THAT, Larry O. Jackson and wife,  
Karen Ann Jackson (Jacksons) and PROVIDENT DEVELOPMENT COMPANY  
(Provident), a Texas corporation, are the sole owners in fee  
simple of certain real property located in Travis County, Texas  
and known by official plat designation as Westcreek, Section One  
Amended, hereinafter referred to as the subdivision, a subdivision  
comprising 28.90 acres of land out of the Thomas Anderson Survey  
No. 17, conveyed to the said Provident Development Company by deed  
recorded in Volume 4797, Page 1229, and Volume 4758, Page 2268,  
of the Deed Records of Travis County, Texas as shown by the map  
or plat of said subdivision, recorded in Book 76, Page 384, Plat  
Records of Travis County, Texas; and

THAT, all of the lots in said subdivision are subject  
to certain covenants, conditions, restrictions, charges and agree-  
ments in accordance with the provisions of that one certain  
instrument executed on the 23rd day of June, 1975, by and through  
duly authorized officers of Provident Development Company of record  
in Volume 5188, Page 1118 of the Deed Records of Travis County, Texas,  
hereinafter referred to as the Original Restrictions; and

THAT, the Jacksons and Provident desire to substitute  
the covenants, conditions and restrictions hereinafter stated in  
place of those contained in said Original Restrictions insofar  
as they relate to the aforesaid subdivision, but not otherwise,  
for the purposes of enhancing and protecting the value, attractiveness  
and desirability of the lots constituting said subdivision.

NOW THEREFORE, for and in consideration of the mutual  
benefits to the Jacksons, Provident and future owners of the property  
in said subdivision, the Jacksons and Provident acting through  
its duly authorized officer, do hereby substitute and make all of  
the lots in said subdivision subject to the following covenants, con-

WE HEREBY CERTIFY THAT THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL INSTRUMENT  
DEED RECORDS  
Travis County, Texas

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EXHIBIT C  
1978  
PRIVATE  
RESTRICTIVE COVENANT



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ditions and restrictions which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in any of the real property or any part thereof in the subdivision, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, to-wit:

A.

A-1. LAND USE AND BUILDING TYPES. Each lot shall be used as a residence for a single-family and for no other purpose, except Lot 22, Block E, which may be developed for multi-family residential purposes not to exceed 10 units per acre. No building shall be erected, altered, placed or permitted on any lot, except Lot 22, Block E, other than one detached, single-family dwelling not to exceed two (2) stories in height, and with an attached private garage or carport for not more than three (3) cars. No business of any kind shall be conducted in any residence or on any lot with the exception of the business of Provident Development Company, its successors, transferees, or assigns in developing all of the lots within the subdivision.

A-2. ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until a copy of the construction plans and specifications and a plan showing the location of the structure have been delivered to and approved by the Westcreek Architectural Control Committee as established by said Original Restrictions, as to the quality of workmanship and materials, harmony of external design with the existing structures and as to the location with respect to topography and finished grade elevations. The plans and specifications and the plan showing the location of the proposed structure shall remain in the possession of said Westcreek Architectural Control Committee until this subdivision has been completed in its entirety. The Westcreek Architectural Control Committee's approval or disapproval as required in these covenants shall be in writing.

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In the event the Westcreek Architectural Control Committee, or its designated representative fails to approve or disapprove within thirty (30) days after the plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. When, in the opinion of the Westcreek Architectural Control Committee a waiver or modification of any of the restrictive covenants herein would not impair or detract from the high quality of this subdivision, it may, by written instrument in recordable form, waive or modify any such restriction.

A-3. DWELLING COSTS, QUALITY, AND SIZE. It being the intention and purpose of these covenants to assure that all residential single-family dwellings erected in said subdivision shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost of \$22,000.00 for the minimum permitted single-family residential dwelling size, no single-family residential dwelling, exclusive of open porches, garages, carports and patios, shall be permitted on any lot at a cost of less than the said figure of \$22,000.00 based on cost levels prevailing on the date these covenants are recorded. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 1,250 square feet for a single-family residential dwelling of not more than one-story and shall not be less than 700 square feet for a single-family residential dwelling of more than one-story with the combined area of the first and second floors not less than 1,400 square feet.

A-4. SETBACK REQUIREMENTS. Setback requirements are those set forth on the plat of the subdivision of record in Book 76, Page 384, of the Plat Records of Travis County, Texas; provided, however, that no single-family residential dwelling shall be located on any lot further than forty (40) feet back from the front lot line.



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A-5. FENCES, WALLS, HEDGES. No exterior fences, walls and hedges may be erected, placed, or altered on any lot which extends beyond the front of the dwelling erected thereon toward the street on which the lot is situated until the plans and specifications showing the construction and location of such walls, fences, or hedges are submitted to Westcreek Architectural Control Committee and approved as to design, materials, and height.

A-6. LOT AREA AND WIDTH. No single-family residential dwelling shall be erected or placed on any lot having a width of less than fifty (50) feet at the minimum front building setback line nor shall any such dwelling be erected or placed on any lot having an area of less than 6,000 square feet. No resubdivision shall be permitted that would increase the total number of lots within the subdivision except as necessary for the development of Lot 22, Block E, as herein provided.

A-7. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the plat of record in Book 76, Page 384, of the Plat Records, of Travis County, Texas. Within these easements, no structure, trees, vines, plants or any other thing shall be placed or permitted to remain which may in any way damage or interfere with the installation or maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

A-8. NUISANCES. No noxious or offensive activities of any kind shall be permitted upon any lot, nor shall anything be done thereon which constitutes a nuisance or which may be or may become an annoyance to the neighborhood.

A-9. TEMPORARY STRUCTURES OR EMPLACEMENTS. No structure or emplacement of a temporary character, mobile home, trailer, derelict, junk or racing motor vehicle, or any motor vehicle without a current

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license tag, or any tent, shack, barn or other outbuildings which exceeds eight (8) feet in height or is in excess of eight feet in width and ten (10) feet in length, shall be erected, placed, driven onto, altered, or permitted to remain on any lot at any time, either temporarily or permanently, without the prior written consent of West-creek Architectural Control Committee. No mobile home or preconstructed building of any kind may be moved upon any lot for any purpose, save and except that Provident Development Company or its successors or assigns, or duly authorized agents may utilize temporary structures for a sales office or construction office which may be moved onto a lot. This provision shall not apply to vehicles, equipment or temporary structures utilized by Provident Development Company, its transferees or assigns, or contractors or subcontractors when engaged in construction or repair work, or such work as may reasonably be necessary for the completion of the subdivision as a residential community, and the disposition of lots by sale, lease, or otherwise.

A-10. TRUCKS, BUSES AND TRAILERS. No truck, bus or trailer shall be parked in the street in front of any lot except for construction and repair equipment while a residence or residences are being built or repaired in the immediate vicinity, and no truck, bus, boat, or trailer shall be parked on the driveway or any portion of the lot as to be visible from the street.

A-11. SIGNS AND SALES PROGRAM. No signs of any kind shall be displayed for public view on any lot excepting that one professional sign of not more than one square foot in size, one sign of not more than five (5) square feet advertising the property for sale or rent, or signs of modest dimensions used by a builder to advertise the property during the construction and sale period may be permitted. The "for sale" sign on any new construction shall be as approved by Provident Development Company, its successors, assigns or duly authorized agents. All merchandising, advertising, and sales programming in the subdivision shall be subject to approval by Provident Development Company, its successors, assigns or duly authorized agents and shall be in conformity with the general marketing plan for the subdivision.



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A-12. OIL, GAS, MINERAL, MINING AND EXCAVATION OPERATIONS.

No oil, gas, mineral, mining or excavation operations of any kind or character, no drilling or prospecting for oil, gas or other minerals, no oil, gas or other mineral development operations, refining, quarrying, or mining operations shall at any time be permitted upon any lot or other area within the subdivision. No oil wells, derricks or tanks, tunnels, mineral excavations or shafts designed for oil or gas production or exploration or for the mining of any other mineral shall ever be permitted upon any lot or any other area of the subdivision.

A-13. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other small and domesticated household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

A-14. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and the same shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

A-15. MASONRY REQUIREMENTS. Single-family dwellings located on interior lots shall have a minimum of fifty per cent (50%) of their exterior walls of the first floor of stone or masonry construction. Single-family dwellings located on corner lots shall have a minimum of sixty per cent (60%) of the ground floor exterior walls facing streets of stone or masonry construction. In computing these percentages, (1) all gables shall be excluded from the total area of exterior walls; (2) all windows and door openings shall be excluded from the total area of the exterior walls; and (3) stone and masonry used on fireplaces, chimneys and walls of an attached garage may be included in the computation as stone or masonry used.

B.

B-1. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a

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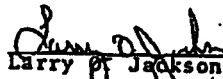
period of twenty (20) years from the date these covenants are recorded, after which time these covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by the owners of a majority of the lots within the subdivision has been recorded, agreeing to change such covenants in whole or in part.

B-2. ENFORCEMENT. Enforcement shall be by proceeding in law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages. Reasonable attorney's fees shall be allowed to any party prevailing in any action in any court of competent jurisdiction to enforce any of the provisions contained in this instrument.

B-3. SEVERABILITY. Severability and invalidation of any of these covenants by judgment or Court Order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

B-4. RELEASE OF RESTRICTIONS. Notwithstanding any provision of this instrument to the contrary, the Westcreek Architectural Control Committee shall, with the written consent of the owners of not less than ninety per cent (90%) of the lots in the subdivision, have the right to amend the restrictions set out in this instrument. Upon the recordation of such amended restrictions, reflecting the acceptance of the Westcreek Architectural Control Committee and the owners of not less than 90% of the lots in the subdivision, the restrictions set out in this agreement shall automatically and irrevocably terminate and be of no further force and effect as to the property covered by the substitute restrictions.

WITNESS its hand at Austin, Texas this 6<sup>th</sup> day of MARCH, 1978.

  
Larry Jackson

  
Karen Ann Jackson

PROVIDENT DEVELOPMENT COMPANY

By:   
James H. Mills  
Vice President

NO SEAL



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THE STATE OF TEXAS I  
COUNTY OF TRAVIS I

1-83-1262

BEFORE ME, the undersigned authority, on this day personally appeared Larry O. Jackson and wife, Karen Ann Jackson, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6<sup>th</sup> day of MARCH, 1978.

NOTARY SEAL

James R. Hagan  
Notary Public in and for  
Travis County, Texas

THE STATE OF TEXAS I  
COUNTY OF TRAVIS I

BEFORE ME, the undersigned authority, on this day personally appeared James H. Mills, Vice President of Provident Development Company, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16<sup>th</sup> day of FEBRUARY, 1978.

NOTARY SEAL

James R. Hagan  
Notary Public in and for  
Travis County, Texas

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the time stamped herein by me; and was duly  
RECORDED, in the Volume and Page of the public RECORDS  
of Travis County, Texas, as Stamped hereon by me, on

AUG 14 1978



Onie R. Hagan  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED  
AUG 14 1 36 PM '78

Onie R. Hagan  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant urban family residence – conditional overlay – neighborhood plan (SF-5-CO-NP) combining district zoning. The Conditional Overlay limits development of the property to eight units.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The urban family residence (SF-5) district is the designation for a moderate density single-family residence on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse or condominium residential use is permitted in an SF-5 district under development standards that maintain single family characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends the Applicant's request as it is a reasonable use for an infill tract of this size, and is compatible with the condominium use to the north, duplexes to the east and single family residences to the south and west.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is undeveloped and is generally flat.

**Impervious Cover**

Within the Recharge Zone portion of the Williamson Creek watershed, the maximum impervious cover allowed by the SF-5 zoning district would be 15%, which is based on the more restrictive watershed regulations.

**Environmental**

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson 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.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Recharge Zone, 20% impervious cover in the Barton Creek

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Watershed, and 25% impervious cover in the Contributing Zone. This tract lies in the Recharge Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

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

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.

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.

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

### **Transportation**

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan 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.



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**Site Plan and Compatibility Standards**

There are no Site Plan Review comments at this time. Comments will be provided upon submittal of the site development permit application.

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# Westcreek Neighborhood Association

P.O. Box 91373, Austin, TX 78709-1373  
<http://westcreekna.org/>

May 6, 2013

Maureen Meredith (Sent via email: [Maureen.Meredith@austin.texas.gov](mailto:Maureen.Meredith@austin.texas.gov))  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767

Re: NPA-2013-0025.04 and C14-2013-0018 (6110 Hill Forest Property)

Dear Maureen:

The Westcreek Neighborhood Association Board is supportive of the applicant's proposed zoning change from SF-3 Single Family to SF-5 Urban Family and subsequent land use amendment to Higher Density Single Family for the 6110 Hill Forest property with the understanding that the property is subject to the 1992 Save Our Springs Ordinance, which restricts this particular lot to 15% impervious cover and that the following conditional overlays will apply:

- Limit to 8 units max
- Limit to 2 stories max / 35 feet max
- Limit to "residential" uses as currently defined under SF-5 (December 2008 Zoning Guide\*)
- Minimum of 25 foot vegetative buffer around the South and West property lines

\*December 2008 Zoning Guide

[http://austintexas.gov/sites/default/files/files/Planning/zoning\\_guide.pdf](http://austintexas.gov/sites/default/files/files/Planning/zoning_guide.pdf)

It is the understanding of Westcreek residents and the WNA Board after meeting with the owner that the owner is proposing the zoning change (from SF-3 Single Family to SF-5 Urban Family) in order to gain some flexibility in developing the lot as a single lot (rather than subdividing the lot and building duplexes with long and narrow lots) and to have the ability to build up to 8 condominium units with 2 stories maximum, with the units in a clustered arrangement so that it will be easier to achieve the development within the 15% maximum impervious cover requirements of the SOS Ordinance that applies to this property.

The WNA Board is not supportive of any future changes to the zoning, the conditional overlays, or the land use on this property. The WNA Board is only supportive of the SF-5 Urban Family / Higher Density Single Family Land Use with the understanding that this zoning change is being sought in order to achieve a quality, low density development on the lot.

Best regards,

  
Jennifer Voss

President, Westcreek Neighborhood Association

Cc: Westcreek Neighborhood Association Board  
Wendy Rhoades, City of Austin Zoning Case Manager ([Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov))