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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0095

**Z.A.P. DATE:** September 3, 2013

**ADDRESS:** 9405 Fourteen Tee Drive

**OWNER/APPLICANT:** Balcones Country Club Membership Association (David Dew)

**AGENT:** Hutson Land Planners (Duane Hutson)

**ZONING FROM:** RR, I-SF-2

**TO:** SF-1

**AREA:** 0.3069 acres (13,369 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant SF-1, Single Family Residence-Large Lot District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The property in question is currently an undeveloped tract of land that was previously considered part of the Balcones Country Club golf course. This site is currently undeveloped. The applicant is requesting a rezoning from RR to SF-1 to construct a single family residence on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts meets the intent of the SF-1 district and fronts onto a local residential street, Fourteen Tee Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	RR, I-SF-2	Undeveloped
<i>North</i>	RR	Undeveloped
<i>South</i>	SF-1	Single-Family Residence
<i>East</i>	RR	Golf Course
<i>West</i>	SF-1	Single-Family Residence

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Monorail Project  
Balcones Village-Spicewood Home Owners Association

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Bike Austin  
 Bull Creek Foundation  
 Homeless Neighborhood Association  
 Long Canyon Homeowners Association  
 Long Canyon Phase II & III Homeowner Association Inc.  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Spicewood Springs Road Tunnel Coalition  
 Super Duper Neighborhood Objectors and Appeals Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0179 (Spring Lake Subdivision: 9009 Spring Lake Drive)	RR to SF-1	11/15/05: Approved SF-1-CO zoning limited to two residential units (7-0, J. Gohil, J. Martinez-absent); M. Hawthorne-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	8/24/06: Approved SF-1-CO zoning with the changes and direction to staff (7-0); Council Member Kim-1st, Mayor Pro Tem Dunkerley-2nd. The changes were: limit the buildings on the property to a single residence, provide a 50-foot setback from the wetland area, reduce the size of the original zoning request to 0.36 acres, limit the impervious cover on the property to 2,500 square feet, limit the building coverage to 1500 square feet, allow for only one tree to be removed, and require a pier and beam construction instead of a slab on grade.  12/14/06: Approved SF-1-CO with conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-02-0180 (Hope Presbyterian Church: 11512 Olson Drive)	RR to GR	1/07/03: Approved staff's recommendation of GO-CO zoning with conditions to limit development intensity to 2,000 vehicle trips per day; allow Religious Assembly as the only permitted GO use; and allow all other LO uses (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup>	2/06/03: Granted GO-CO on all 3 readings (7-0)
C14-02-0134 (9701- 9723 Anderson Mill Road)	LR-CO to SF-6	9/24/02: Approved staff's recommendation of SF-6 zoning, by consent (5-0, D. Castaneda, B. Baker- absent)	10/24/02: Granted SF-6 on 1st reading – Staff to report back on flooding complaints: What s been done and what the

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			applicant can do to help mitigate the situation. (5-0, Garcia-off dais, Dunkerley- absent)  2/27/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-01-0142 (Anderson Mill Retail Center: 9701- 9723 Anderson Mill Road)	RR, SF-1 to GR	1/22/02: Approved staff's rec. on LR-CO zoning, the CO would subject the property to the TIA and to a 50-foot building setback to be established and maintained along the property line adjacent to property developed or zoned residential, (8-0, A. Adams-absent)	2/28/02: Approved LR-CO zoning by consent on first reading (6-0-1, Thomas-off dais)  3/21/02: Approved LR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-2033 (Unity Church of the Hills: 9905 Anderson Mill Road)	RR to LO	10/05/99: Approved LO-CO allowing only 'NO' uses w/ 'LO' site regulations (8-0)	11/04/99: Approved PC rec. of LO-CO on 1 <sup>st</sup> reading (6-0); subject to current watershed regulations  3/20/00: Approved 2 <sup>nd</sup> / 3 <sup>rd</sup> readings (6-0)
C14-98-0196 (Oak Park Office Center: 9801 Anderson Mill Road)	SF to GO	12/08/98: Approved LO (8-0)	1/07/99: Approved PC rec. of LO conditions (7-0); 1 <sup>st</sup> reading  2/04/99: Approved LO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0011 (Hidden Forest: 9907 Anderson Mill Road)	DR to SF-1	3/03/98: Approved SF-1 on consent (7-0)	3/26/98: Approved PC re. of SF-1 (6-0); all 3 readings

**RELATED CASES:** C7L-98-007 (Annexation – December 21, 1998)

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route
Fourteen Tee Drive	50	27	Local	No	No	No

**CITY COUNCIL DATE:** September 26, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
sherri.sirwaitis@ci.austin.tx.us



# **ZONING CASE** **C14-2013-0095**

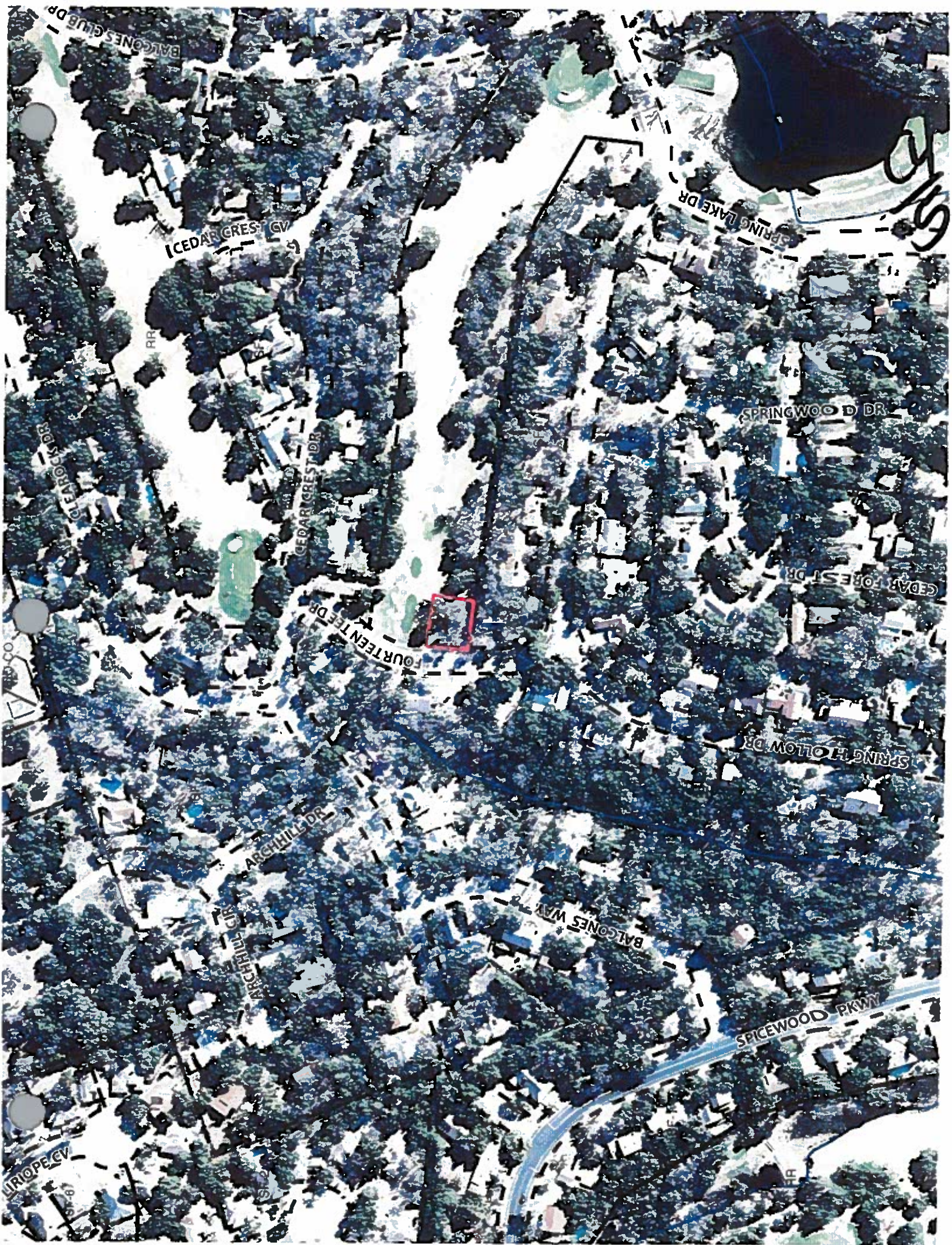
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

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.











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## STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1, Single Family Residence-Large Lot District, zoning.

## BASIS FOR RECOMMENDATION

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

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local residential street, Fourteen Tee Drive.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is currently an undeveloped tract of land.

### Comprehensive Planning

RR and I-SF-2 to SF-1 (Single Family Large Lot)

This zoning case is located on a .30 acre vacant lot on the east side of Fourteen Tee Drive and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes single family houses to the north, south and west and a golf course to the east. The developer wants to build a single family house on the property.

### Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

The overall goal of the IACP is to achieve 'complete communities' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger

*apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of a variety of housing types and building over environmentally sensitive lands:

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based on the property being located within the boundaries of an existing residential subdivisions, and the Imagine Austin policies referenced above that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances are enforced over this environmentally sensitive area.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps there is no flood plain in or within close proximity of the project location.

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.



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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 requirements.

### Impervious Cover

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

### Site Plan

No site plan comments.

### Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### 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].

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route
Fourteen Tee Drive	50	27	Local	No	No	No

### 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

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land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

**Sirwaitis, Sherri**

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**Subject:** FW: ZAP Cases September 3, 2013

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-----Original Message-----

From: Skip Cameron [REDACTED]

Sent: Tuesday, August 27, 2013 5:30 PM

To: Meeker, Jason - BC; Seeger, Patricia - BC; McDaniel, Rahm - BC; Compton, Sean - BC; Banks, Cynthia - BC; Rojas, Gabriel - BC; Baker, Betty - BC; Hoelter, Nikki; Crow, Ross; Ferri, Jennifer

Cc: Li, Victoria J; Guernsey, Greg

Subject: ZAP Cases September 3, 2013

Regarding these 3 cases:

2013-080209 ZC C14-2013-0096

The applicant is proposing to rezone property from RR to SF-1.  
11512 Spicewood Parkway

2013-080220 ZC C14-2013-0097

The applicant is proposing to rezone property from RR to SF-1.  
11300 Spicewood Parkway

2013-080191 ZC C14-2013-0095

The applicant is proposing to rezone property from RR and I-SF-2 to SF-1.  
9405 Fourteen Tee Drive

Preserving the vitality of critical environmental features in Bull Creek watershed neighborhoods is critical. Bull Creek is the only Edwards Aquifer spring fed creek that supplies part of our drinking water.

There will be adverse environmental impact to the immediate area and to Bull Creek Watershed.

These tracts were specifically and conscientiously preserved for drainage, spring protection, wildlife habitat and wildlife passage.

These tracts were set aside when the Balcones Country Club was developed, and Deed Restrictions indicate that these tracts can only be used for recreational and golf course uses only.

There is no condition imaginable where anything other than RR zoning is appropriate.

Please deny the zoning change on these 3 cases and reaffirm the long standing and correct zoning of RR.

Thank you,

Skip Cameron, President  
Bull Creek Foundation  
8711 Bluegrass Dr.  
Austin, TX 78759  
(512) 794-0531



## PUBLIC HEARING INFORMATION

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

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

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Case Number: C14-2013-0095

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Planning Commission

Sep 26, 2013, City Council

Suzanne Leggett

Your Name (please print)

9401 14th Tee Dr, 78750

Your address(es) affected by this application

Suzanne Leggett 8/26/13

Signature Date

Daytime Telephone: (512) 902-8163 / (512) 451-7105

Comments:

See attachment, etc

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P.O. Box 1088

Austin, TX 78767-8810

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August 26, 2013

Case #: C14-2013-0095

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To: Sherri Sirwaitis

Planning and Development Review Department

**Comments to Rezoning Objection:**

I object to the proposed rezoning of a recreational land plot on 14<sup>th</sup> Tee Drive; Balcones Village of Austin, Texas. This plot runs adjacent to my property – 9401 14<sup>th</sup> Tee Drive. The proposed rezoning to a single family dwelling would adversely affect my home property value. I purchased my home in 1994, understanding the neighborhood Deed restrictions and the assurance that the integrity of the area would be maintained. My property provides a golf course view/access; I understood the land next to mine would remain recreational use only. The proposed rezoning boundaries on the adjacent 14<sup>th</sup> Tee land would completely cut off golf course access and view from my property. The only communication received on the proposed rezoning came after I called a meeting with the Balcones Country Club Board. Information from the Balcones Country Club Board has been conflicting and sporadic.

I appreciate this opportunity/forum to express my grievance and concern with the rezoning proposal and the violation of existing Balcones Village Deed restrictions.

Thank you,

  
Suzanne Leggett

9401 14<sup>th</sup> Tee Drive

Austin, Texas 78750

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Case Number: C14-2013-0095

Contact: Sherri Sirvaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission

Sep 26, 2013, City Council

Peter & Larissa Bradford

Your Name (please print)

9307 Spang Hill Dr. Austin TX 78750

Your address(es) affected by this application

☐ I am in favor  
☒ I object

06/20/13

Signature

Date

Daytime Telephone: 512-330-4886 / 512-339-1440

Comments:

① Observing deed restrictions conveyed at the sale of the original tracts, the intended use of land appears to be in violation of that agreement. Any changes could bring suits against the contracting agent and possibly the city.

② We have no desire to open the larger tracts of land to non-recreational use, which is a possible result of violating the original agreement. If you use this form to comment, it may be returned to: original agreement. City of Austin (3) The parcel of land nearest our Planning & Development Review Department Sherri Sirvaitis property appears to be of a shape which P.O. Box 1088 would require significant deviations to HOA requirements. Thus, the house



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Case Number: C14-2013-0095

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission  
Sep 26, 2013, City Council

RONALD KOSTELECKY

Your Name (please print)

9404 FORT TARRANT DR AUSTIN

Your address(es) affected by this application

Ronald Kostelecky 9404 Fort Tarrant Dr Austin 8/27/2013  
Signature Date

Daytime Telephone: 512.331.0928

Comments: Please see ATTACHED

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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To: Zoning and Platting Commission, City of Austin  
Contact: Sherri Sirwaitis

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From: Ronald and Carolyn Kostelecky  
9404 Fourteen Tee Drive, Austin, TX

Re: Public Hearing September 3, 2013  
*Case Number C-14-2013-0095/Rezoning Application for 9405 Fourteen Tee Drive*

Fourteen Tee Drive is a short street with only three residential addresses. Our home sits directly across the street from the 14<sup>th</sup> Tee of Balcones Golf Course and the property in question. Since 1984, when we purchased our home, we have enjoyed the unobstructed view from our front doorstep of the fairway as well as the natural trees and foliage along the creek bed at the rear of our home. *The promise in our deed that our front porch view and its accompanying quiet street would always remain* played large in our decision to make this our permanent homestead.

Our *primary* concern, however, with the proposed change of zoning for the property is that the deed restrictions that bind our community will not apply to the newly rezoned property. We are very concerned that rezoning this lot from RR-golf course to SF-1 without deed restrictions will open our neighborhood to other types of development, such as multi-family and/or commercial usage. The Balcones Village/Spicewood Homeowners Association, the "enforcers" of our deed restrictions, would have no power or authority to maintain the quality of properties in our neighborhood that currently are located on the golf course. Our deed includes restrictions, covenants, conditions and uses regarding our home properties (i.e., single family residences only, no temporary structures, size and exterior construction of dwellings, set-backs, and so forth).

Additionally, we protest the abrogation of the Warranty Deed that conveyed the NW Travis County MUD District No. 2 to the City of Austin. The first point in the "Reservations and Exceptions" section of the Warranty Deed dated June 19, 1997, begins: *"The Property shall be used in perpetuity as a golf course..."* The Warranty Deed dated June 20, 1997, that brought the Balcones Golf Course into the City of Austin added this statement in the "Reservations and Exceptions" section: *"The Golf Course Tracts shall be used in perpetuity for golf and recreational purposes with right of enforcement by injunctive relief against breach of this restriction..."*

We are concerned that allowing the rezoning of the property in question will diminish the quality of our neighborhood thus making it a less desirable place for families and eventually lowering the value of our home and property. *We object to the proposed rezoning* of the Balcones Golf Course lot, which for purposes of their petition the developers call 9405 Fourteen Tee Drive.

## PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0095

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission

Sep 26, 2013, City Council

Stuart Holland

Your Name (please print)

9306 Spring Hollow

Your address(es) affected by this application

Stuart S. Holland

Signature

8/26/13

Date

Daytime Telephone: 512-826-3446

Comments: Existing warranty deed of  
9405 Fourteen Tee Drive Austin, TX 78750"  
restricts any re-zoning of property.  
Ms. Sirwaitis has been issued a copy of  
this deed. The property shall be used in  
perpetuity as a golf course with the right of  
self defense enforcement by injunctive relief  
against breach of said warranty restriction vested  
in Travis County MUD #2 & its successors (City of  
Austin). See attached deed

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P.O. Box 1088

Austin, TX 78767-8810

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C4  
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85-10  
OK

FILM CODE  
00005592029

**WARRANTY DEED**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

**Recitals**

A. That Northwest Travis County Municipal Utility District No. 2, a governmental subdivision of the state of Texas, is a municipal utility district operating under the laws set forth in Chapters 49 and 54 of the Texas Water Code;

B. Section 49.226(b) of the Texas Water Code provides that any property dedicated to or acquired by a municipal utility district without expending district funds may be abandoned or released to the original grantor, the grantor's heirs, assigns, executors, or successors upon terms and conditions deemed necessary or advantageous to the district and without receiving compensation for such abandonment or release;

C. J.H. McCullick donated the property described in Exhibit "A" hereto to the Northwest Travis County Municipal Utility District No. 2 pursuant to that certain Warranty Deed recorded at Volume 8593 Page 442 of the real property records of Travis County, Texas.

D. Ann C. McCullick is the wife and sole heir of J.H. McCullick, who is deceased;

E. After careful deliberation, the Board of Directors of Northwest Travis County Municipal Utility District No. 2 has determined that it is necessary and advantageous for Northwest Travis County Municipal Utility District No. 2 to abandon and release the aforementioned property to Ann C. McCullick, as heir and successor to J.H. McCullick pursuant to the authority set forth in Section 49.226(b) of the Texas Water Code and in accordance with the terms and conditions set forth in this Warranty Deed.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Northwest Travis County Municipal Utility District NO. 2 and Ann C. McCullick hereby agree as follows:

**Conveyance**

That NORTHWEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2, a political subdivision of the State of Texas ("Grantor"), in abandonment and release, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto ANN C. McCULLICK ("Grantee"), heir and successor of J. H. McCullick, those certain tracts or parcels of land in Travis County and Williamson County, Texas, together with all of Grantor's rights, title and interest in

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improvements (including all structures and fixtures located thereon) and all rights, titles and interests appurtenant thereto (such land, improvements and interests are hereinafter referred to as the "Property") to wit:

Spicewood Golf Course:

TRACT I: 61.71 acres,  
TRACT II: 83.55 acres, save and except  
TRACT III: .679 and .055 acres, and

Balcones Golf Course:

TRACT IV: 60.31 acres, save and except .08 acres,  
TRACT V: 15.61 acres,  
TRACT VI: 8.98 acres,  
TRACT VII: 6.33 acres,  
TRACT VIII: 5.57 acres, save and except .016 acres,  
TRACT IX: 6.48 acres,  
TRACT X: 13.70 acres, save and except  
TRACT XI: .298 acres, and save and except  
TRACT XII: .552 acres, and save and except  
TRACT XIII: .042 acres.

all as described by metes and bounds on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above-described Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors and assigns forever.

Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

It is expressly understood and agreed by Grantor and Grantee that taxes for 1997 and all prior years are hereby assumed by Grantee. It is further understood and agreed that this Warranty Deed and the abandonment and release of the Property to Grantee shall not impact or relieve Grantor or other parties of their respective obligations under the following agreements: (1) that certain "Irrigation and Maintenance Agreement," dated February 21, 1991, entered into by Balcones Country Club Membership Association, Inc. and Northwest Travis County Municipal Utility District No. 2; and (2) that certain "Wastewater Services and Development Agreement," dated July 1, 1983, entered into by Spicewood Development Corporation, Northwest Travis County Municipal Utility District No. 2, Homer D. Rerd, and Luther E. Smith.

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Reservations and Exceptions

1. The Property shall be used in perpetuity as a golf course with the right of enforcement by injunctive relief against breach of this restriction vested in the Northwest Travis County Municipal Utility District No. 2, its successors and assigns. This covenant shall run with the land.
2. Grantor hereby excludes from the conveyance hereunder and reserves for Grantor and Grantor's successors and assigns and for Technology Hydraulics, Inc., an easement for the free, uninterrupted, and perpetual use of the Property for irrigation disposal of treated wastewater effluent, together with a perpetual easement to construct, reconstruct, use, operate, inspect, repair, maintain, upgrade, replace and remove all irrigation facilities existing as of the date of this conveyance.
3. Grantee acknowledges that pursuant to that certain "Agreement for Wholesale Wastewater Service Between the City of Austin, Northwest Travis County Municipal Utility District No. 2 and Technology Hydraulics, Inc.", Grantor is required to convey to the City of Austin a 20-foot easement across the Property at a location to be determined by Grantor and Technology Hydraulics, Inc. At the time that the City of Austin requests such easement from Grantor, Grantee agrees to convey the easement to the City of Austin.
4. Grantor hereby excludes from the conveyance hereunder all irrigation facilities and equipment located on the Golf Course Tracts.

EXCEPT FOR THE WARRANTY OF TITLE SET FORTH ABOVE, GRANTOR EXPRESSLY DISCLAIMS ALL WARRANTIES OF ANY NATURE, KIND OR CHARACTER WHATSOEVER, EXPRESS OR IMPLIED, REGARDING THE PHYSICAL AND ENVIRONMENTAL CONDITION OF THE PROPERTY OR THE IMPROVEMENTS OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND GRANTEE ACCEPTS SUCH PROPERTY AND IMPROVEMENTS IN AND "AS IS--WHERE IS" CONDITION, WITH ALL FAULTS.

GRANTEE, BY ITS ACCEPTANCE OF THIS DEED EXPRESSLY WAIVES ANY RIGHT OR CLAIM AGAINST GRANTOR FOR DAMAGES, RESCISSION OR OTHER REMEDY AT LAW OR IN EQUITY WITH RESPECT TO OR RESULTING FROM THE PHYSICAL CONDITION OF THE PROPERTY AND THE IMPROVEMENTS THEREON, INCLUDING WITHOUT LIMITATION, THE ENVIRONMENTAL CONDITION OF THE PROPERTY. THE WAIVER AND EXCULPATION PROVIDED ABOVE SHALL BE DEEMED TO BE COVENANTS RUNNING WITH THE LAND AND BINDING ON ALL SUCCESSORS AND ASSIGNS OF GRANTEE.



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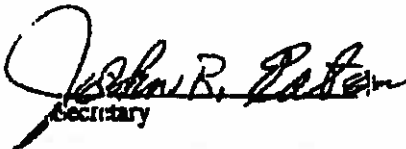
NOTWITHSTANDING THE FOREGOING, IN THE EVENT THAT IT IS EVER DETERMINED BY A COURT OF COMPETENT JURISDICTION THAT THIS CONVEYANCE IS NOT VALID FOR ANY REASON, THEN NORTHWEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 AGREES THAT IT SHALL OFFER THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO FOR SALE TO ANN C. MCCULLICK, OR ANY SUCCESSOR OR ASSIGN THEREOF THAT MAY BECOME THE OWNER OF THE PROPERTY, AT ITS FAIR MARKET VALUE. THIS OBLIGATION SHALL BE BINDING UPON NORTHWEST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 AND ITS SUCCESSORS AND ASSIGNS.

EXECUTED to be effective as of the 19th day of June, 1997.

NORTHWEST TRAVIS COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 2

By:

  
Gary Potts, President

  
John R. Patten  
Secretary

ANN C. MCCULLICK

By:

  
Ann C. McCullick

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

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

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

[www.austintexas.gov](http://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: C14-2013-0095

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission  
Sep 26, 2013, City Council

*Miriam R. Bisset*

Your Name (please print)

*4505 Cedar Creek Dr.*

Your address(es) affected by this application

*[Signature]*

Signature

Date

*8/22/13*

Daytime Telephone: *512-250-5620*

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P.O. Box 1088

Austin, TX 78767-8810

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August 29, 2013

Sherrl Sirwaltis  
Planning & Development Dept  
City of Austin, Texas

Dear Ms. Sirwaltis,

This correspondence is being sent in connection with the following rezoning cases in the Balcones/Spicewood neighborhood:

Number C14-2013-0097 for property at 11300 Spicewood Parkway, Austin, TX 78750  
Number C14-2013-0096 for property at 11512 Spicewood Parkway, Austin, TX 78750  
Number C14-2013-0098 for property at 9900 Mandeville Circle, Austin, TX 78750  
Number C14-2013-0095 for property at 9405 Fourteen Tee Drive, Austin, TX 78750

Balcones Club Management LP (Balcones Club) has entered into a 99 year lease with Balcones Country Club Membership Association (BCCMA), the owner of Balcones Country Club and the parcels subject to the action above. Balcones Club is responsible for the successful operations of the Country Club.

We agree to the removal of the parcels identified above from our lease upon their successful sale. The parcel sales will not impact operations at the Country Club and funds generated from these sales will be reinvested into the facility of the Country Club, which will in turn have a positive impact on the community.

Regards,

  
Ken Story  
Partner  
Balcones Club Management LP  
an affiliate of Arnold Palmer Golf Management

5430 LBJ Freeway  
Three Lincoln Centre  
Suite 1400  
Dallas, Texas 75240  
T 972 419 1400  
F 972 419 1450  
[www.centurygolf.com](http://www.centurygolf.com)  
[www.palmergolf.com](http://www.palmergolf.com)

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