

SUBDIVISION REVIEW SHEET

C15
1

CASE NO.: C8-2013-0159.0A

Z.A.P. DATE: May 20, 2014

SUBDIVISION NAME: Resubdivision of Lot 5, Block X, Highland Park West

AREA: 0.399 acres

LOTS: 2

APPLICANT: Grayland, LLC

AGENT: Lisa Gray

ADDRESS OF SUBDIVISION: 5109 Crestway Drive

GRIDS: H-28

COUNTY: Travis

WATERSHED: Taylor Slough North

JURISDICTION: Full Purpose

EXISTING ZONING: SF-3

PROPOSED LAND USE: Single Family Residence

SIDEWALKS: Sidewalks will be provided along Crestway Drive and Balcones Drive.

DEPARTMENT COMMENTS: The request is for approval of a resubdivision namely, Resubdivision of Lot 5, Block X, Highland Park West. The proposed resubdivision consists of 2 lots on 0.399 acres.

STAFF RECOMMENDATION: Staff recommends approval of the resubdivision. This plat meets all applicable City of Austin Land Development and State Local Government requirements.

ZONING & PLATTING COMMISSION ACTION:



CASE MANAGER: Sylvia Limon

PHONE: 512-974-2767

E-mail: Sylvia.limon@austintexas.gov

C15
1/2



-  Subject Tract
-  Base Map

CASE#: C8-2013-0159.0A
LOCATION: 5109 Crestway Drive



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 the Planning and Development Review Department for the sole purpose of geographic reference.

CL 5/13

RESUBDIVISION OF LOT 5 BLOCK X HIGHLAND PARK WEST

SCALE: 1" = 50'

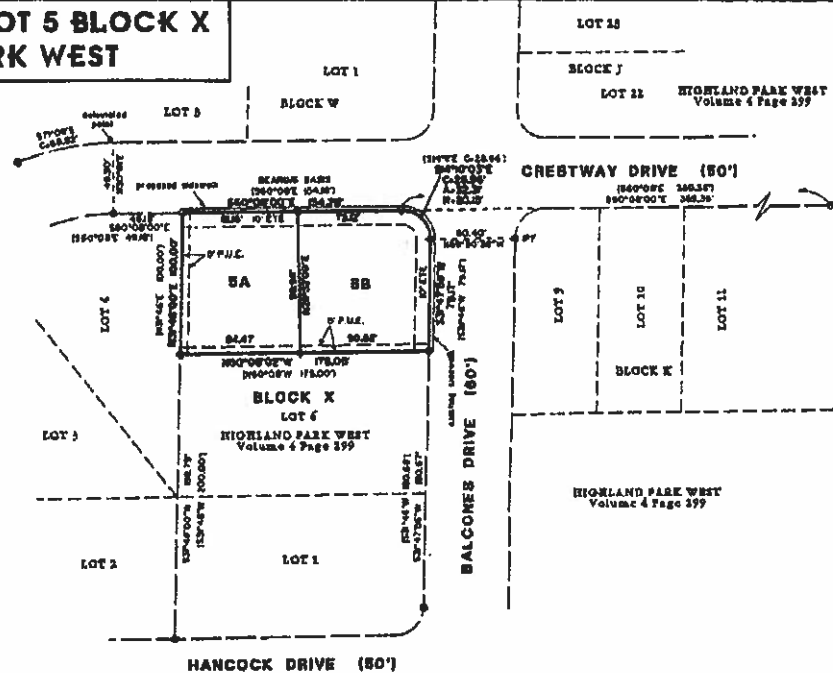


Legend

- Iron Rod Found
- IPFB Iron Pipe Found
- Iron Rod Set with plastic cap
- (Record Bearing and Distance)
- existing or proposed Concrete Slab-on-Grade
- ETE = Electric and Telecommunications Easement

LOT SUMMARY

Total Number of Lots = 2
 Lot 5A = 9,278 Square Feet
 Lot 5B = 9,128 Square Feet
 Total Area = 17,402 Square Feet = 0.399 Acre
 Lot 5A Residential Use
 Lot 5B Residential Use



THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 KNOW ALL MEN BY THESE PRESENTS:

That grayland, LLC, acting by and through its Managing Member, Lisa Gray, owner of said Lot 5, Block X, Highland Park West, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 4, Page 399 of the Plat Records of Travis County, Texas, as conveyed to it by General Warranty Deed recorded in Document Number 2012187661 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provisions of Chapter 312.014, of the Local Government Code, do hereby resubdivide said Lot 5 in accordance with the attached map or plat shown herein pursuant to Chapter 312 of the Texas Local Government Code, to be known as

RESUBDIVISION OF LOT 5 BLOCK X HIGHLAND PARK WEST

subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS OUR HANDS this _____ day of _____, A.D. 20____.

Lisa Gray -- Managing Member
 grayland, LLC
 8806 Harpeth Lane
 Austin, Texas 78742

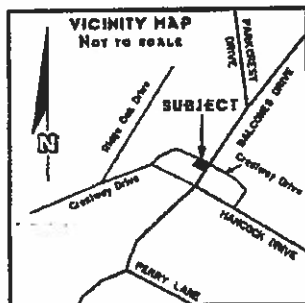
THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, the undersigned authority, on this _____ day of _____, A.D. 20____, did personally appear Lisa Gray, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and she acknowledged before me that she executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC

Printed Name _____

Commission Expires _____



This subdivision is located within the Full Purpose Jurisdiction of the City of Austin --
 this the _____ day of _____, 20____.

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the _____ day of _____, 20____, A.D.

Greg Guernsey, Director, Planning and Development Review Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the _____ day of _____, 20____, A.D.

Dave Anderson, Chairperson

John Stevens, Secretary

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of writing and its Certificate of Authorization was filed for record in my office on the _____ day of _____, 20____, A.D., at _____ o'clock _____, and duly recorded on the _____ day of _____, 20____, A.D., at _____ o'clock _____, in Plat Record of said County and Book in Document No. _____ of said County and Book in Document No. _____ of said County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the _____ day of _____, 20____, A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

By _____
 Deputy

NOTE:

THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES, NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

CLB/4

Limon, Sylvia

From: tasconstruction
Sent: Wednesday, May 14, 2014 8:01 AM
To: Limon, Sylvia
Cc: Tonianne
Subject: Subdivision of 5109 Crestway

Sylvia

I am writing to say that I am opposed to the subdivision of the lot located at the subject property address. I am a Highland Park resident, have been since 2005 and also served on the board for 6 1/2 years. I resigned as Vice President 3 years ago but still remain involved with building, zoning and planning issues in an effort to provide support to the neighborhood. I am also a restoration builder and in large part am against the tear down of homes; particular ones of historical architectural significance like the Roland Rossener home recently torn down on Balcones.

We are currently in the process of hiring an attorney to prevent a builder who plans to build a duplex on the corner of Balcones and Hancock. This lot does not allow for duplexes in the neighborhood deed restrictions. We expect to be able rely on these deed restrictions to enforce violations when the city can not bcz of their limitations. I can tell you in the nearly 9 years I have been an active part of Highland Park we have actually been successful twice in using the deed restrictions to prevent building violations. There was a builder attempting to build a duplex on Highland Terrace West on a non duplex platted lot per our deed restrictions and a dozen or more neighbors got together and had an attny send a letter putting them on notice of deed restriction violation. The builder sold the lot after he tore the original home down to David Weekley who built a SFD. Another builder was 90 % complete with a duplex , again on a non duplex lot per deed restrictions and an attny letter was sent and he actually converted it to a SFD. The point is, we do rely on and enforce these deed restrictions. I understand the city is in the process of reviewing whether they could and should enforce deed restrictions and i believe they absolutely should. The process of putting a prospective buyer on notice of deed restrictions should happen during the buyers option period when they do their due diligence of other things such as opening title and checking for easements, encroachments, survey issues, inspections. This is something that should be implemented by TREC and enforced before the buyer buys the property with the intent to make an investment that violates deed restrictions . With the way that it is now not informing the buyer of potential restrictions puts them in a liable situation and is simple not right. The City is leaving this up to individual tax paying property owners to fight civilly when a policy should be put in place to prevent independent litigation and financial hardship.

With regard to the subdivision of Crestway, I am simply against it as it violates the only strong hold we have if the city can't and back us up, the deed restrictions.

I am happy to discuss this further or provide additional information.

Tonianne Soster
3203 Sunny Lane
Highland Park Balcones West

Sent from my Verizon Wireless 4G LTE smartphone

PUBLIC HEARING INFORMATION

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 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 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 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:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property 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.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the 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: C8-2013-0159.0A

Contact: Sylvia Limon, 512-974-2767 or Elsa Garza, 512-974-2308

Public Hearing: Zoning and Platting Commission, May 20, 2014

Nancy Woolley
Your Name (please print)

☒ I am in favor
☐ I object

5107 Crestway Drive Austin, TX 78731
Your address(es) affected by this application

Nancy Woolley 5-12-2014
Signature Date

Daytime Telephone: 512-323-0544

Comments:

see attached
agenda

If you use this form to comment, it may be returned to:
City of Austin - Planning & Development Review Dept./4th Fl
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

Nancy Woolley
5107 Crestway
Austin, TX 78731
512-323-0544

May 9, 2014

CK
76

Comments Concerning the Proposed Subdivision of 5109 Crestway Drive, Austin, TX 78731

Legal Concerns:

Paul Yadro, a Planner Senior with the Planning and Development Review Dept., OSS/Residential Review Division, told me in a phone conversation in April, 2014, that the city legal department is looking into whether plat restrictions in place for the Highland Park West area will actually be enforced by the City of Austin and not just civilly due to their age and how they were written at the time. (Plat Book 4, Page 299, filed Nov. 1, 1949) This has come up because of proposed development at 3400 Hancock which is in block X, lot 1 of Highland Park West. 5109 Crestway Drive is in the same block, lot 5. I am on lot 4. It would seem prudent to wait for the city legal department to decide what action the city needs to take (if any) before proceeding with the approval for subdivision of this lot.

Even if the city itself is not bound legally to uphold the plat restrictions, they could, of course, be upheld as a civil matter.

Plat Restriction concerns:

Setback line:

The Plat Restrictions for Highland Park West state that, "No dwelling shall be located or erected on any lot nearer than is shown by the set back line shown on this plat..."

The setback lines shown on the proposed subdivision along Crestway Drive and along Balcones Drive are different than shown on the original plat.

City staff noticed this and commented on the Update1 Master Report:

DE5 Please provide a copy of the existing plat to this reviewer.

Update #1: Existing plat shows dashed lines around the perimeter that the proposed plat does not. Do you plan to show those lined? This will need to be coordinated with the case manager.

Percentage of Property used for improvements:

The Plat Restrictions state, "...one dwelling which shall not exceed two stories in height and which shall not cover exceeding twenty (20) percent of the lot or lots area acquired for the erection of said dwelling..."

If the setback lines from both Crestway and Balcones are maintained as drawn on the original plat, the eastern lot "5B" would have a very small area to build on if only 20% of the lot could be covered by a dwelling. It might even prove to be impossible to build within these restrictions.

CodeNEXT:

The character of the Highland Park West neighborhood is comprised of single family homes, many built mid-century, some by prominent architects of the day. The lots are large and with many historic trees. Small rental homes, multi-unit condos, and zero lot-line McMansions are not typical of the area or desired. The Highland Park West Balcones Area Neighborhood Association (HPWBANA) is involved in the process of giving input to the city about the neighborhood character.

Traffic concerns:

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The corner of Hancock and Balcones is a heavily travelled intersection. There are times, especially during rush hour(s) in morning and afternoon when it is very difficult to exit the block where I live without circling around to the light at Hancock. Even then I have to wait the entire light cycle to make a left hand turn because there is a steady stream of traffic turning north onto Balcones. This area has recently seen the construction of 4 condo units just to the south of the intersection (this lot was zoned differently than the rest of the area) and there is a proposal to build a two unit condo at 3400 Hancock. If the lot at 5109 Crestway is subdivided and an additional house is built there, that will bring the total of new families in the area to eight. Averaging two cars per family, that means 12 additional cars just in a one block area added to the already growing congestion.

Of additional concern is a City of Austin proposal to turn Park Crest from 2222 running to the light at Hancock and Balcones into a two lane street with a turn lane in the middle and bike lanes on the sides. This would further compound the difficulty of entering or exiting this block to go anywhere.

Nancy Woolley
5-9-2014

ORIGINAL
PLAT
Showing
Setbacks

M. H. REED
Vol 58 Page 549

M. H. REED
Vol 58 Page 549

ORIGINAL
FLAT
Showing
Setbacks

RESUBDIVISION OF LOT 5 BLOCK X HIGHLAND PARK WEST

CK5
4

SCALE: 1" = 30'

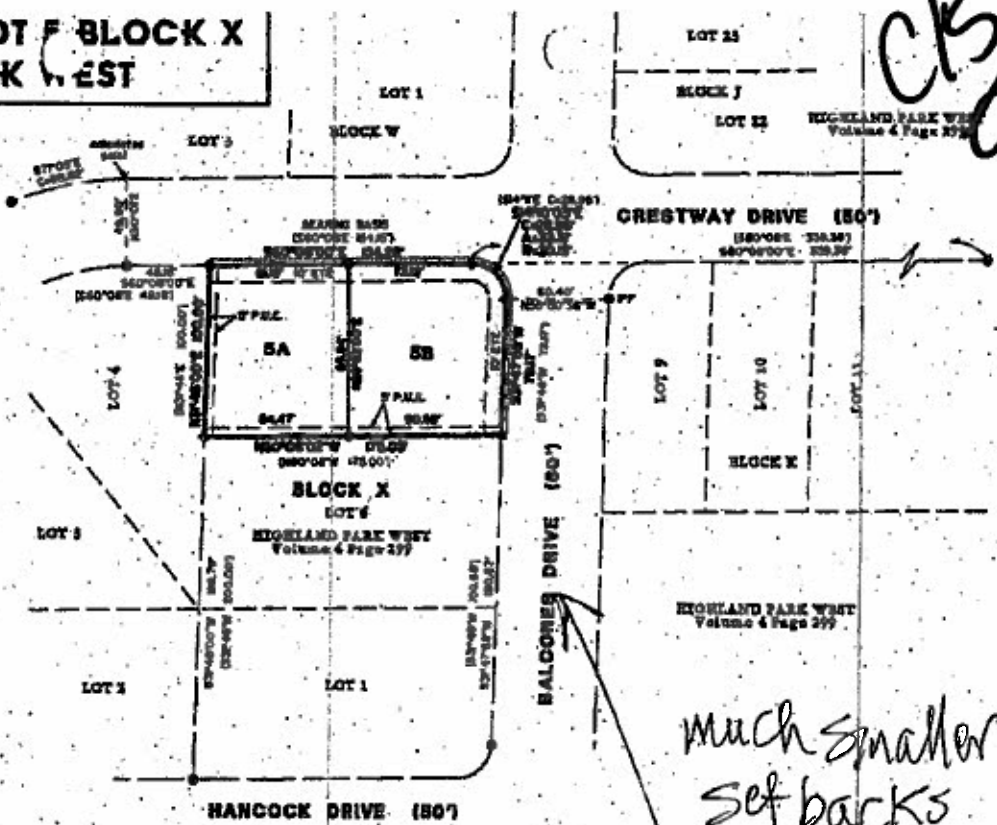


Legend

- Shaded Red Area
- Shaded Yellow Area
- Shaded Green Area
- Record Survey and Plat
- Record Survey and Plat
- Record Survey and Plat

LOT SUMMARY

Total Number of Lots = 2
 Lot 5A = 8,278 Square Feet
 Lot 5B = 9,128 Square Feet
 Total Area = 17,406 Square Feet = 0.399 Acre
 Lot 5A Residential Use
 Lot 5B Residential Use



much smaller
set backs
shown on
proposal

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, L.L. Gray, owner of all of Lot 5, Block X, Highland Park West, a subdivision in Travis County, Texas, according to the map as plat-recorded in Volume 4 Page 299 of the Plat Records of Travis County, Texas, as conveyed to L.L. Gray by Warranty Deed recorded in Document Number 200807081 of the Official Public Records of Travis County, Texas, do hereby certify that the said subdivision having been approved for record in the public application and hearing pursuant to Chapter 202.004, of the Local Government Code, do hereby resubdivide said Lot 5 in accordance with the attached map or plat shown herein pursuant to Chapter 202 of the Texas Local Government Code, to be known as:

RESUBDIVISION OF LOT 5 BLOCK X HIGHLAND PARK WEST

(Subject to any easements and/or restrictions heretofore granted, and not released.)

WITNESS OUR HANDS this _____ day of _____, A.D. 20____.

L.L. Gray, as Managing Member
 Grayland, LLC
 2008 Waples Lane
 Austin, Texas 78748

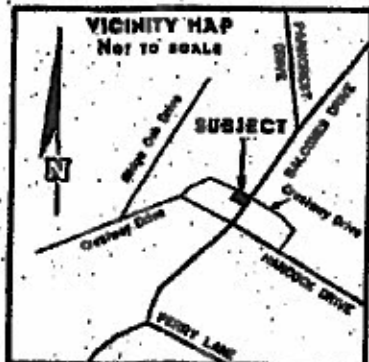
THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, the undersigned authority, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in the public application and hearing, and the undersigned do hereby certify that the said subdivision having been approved for record in the public application and hearing pursuant to Chapter 202.004, of the Local Government Code, do hereby resubdivide said Lot 5 in accordance with the attached map or plat shown herein pursuant to Chapter 202 of the Texas Local Government Code, to be known as:

NOTARY PUBLIC _____

Printed Name _____

Commission Expires _____



This subdivision is located within the Full Purpose Jurisdiction of the City of Austin on this _____ day of _____, 20____.

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this _____ day of _____, 20____, A.D.

Greg Gormany, Director, Planning and Development Review Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this _____ day of _____, 20____, A.D.

Dave Anderson, Chairperson Jean Stevens, Secretary

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS

I, Dana DeBorja, Clerk of Travis County, Texas, do hereby certify that the foregoing is a true and correct copy of the original plat as recorded in the public application and hearing, and the undersigned do hereby certify that the said subdivision having been approved for record in the public application and hearing pursuant to Chapter 202.004, of the Local Government Code, do hereby resubdivide said Lot 5 in accordance with the attached map or plat shown herein pursuant to Chapter 202 of the Texas Local Government Code, to be known as:

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this _____ day of _____, 20____, A.D.

DANA DEBORJA, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY _____
 Deputy

NOTE:
 THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DISCHARGING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES, NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

C15/10
 S71°09'E
 C=68.82'

calculated
 point

LOT 3

BLOCK W

Crestway Drive

49.90'
 N30°01'E

49.18'
 S60°08'00"E
 (S60°08'E 49.18')

(N31°46'E 100.00')
 N31°46'00"E 100.00'

LOT 3

HIGHLAND PARK WEST
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BLOCK X

LOT 6

RIVE (60')

BEARING BASIS
 (S60°08'E 154.16')

S60°08'00"E 154.28'

81.16' 10' ETE

(S14°11'E C=28.96')
 S14°10'03"E
 C=28.96'
 A=32.31'
 R=20.15'

CRE

60.40'
 N59°50'36"W

IPF

(S31°46'W 79.17')

5B

5A
 One-Story Frame
 No. 5109

