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## SUBDIVISION REVIEW SHEET

**CASE NO.:** C8-2013-0159.0A

**Z.A.P. DATE:** June 17, 2014  
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 has conferred with Legal staff – the consensus is that this resubdivision meets the criteria for approval of a resubdivision according to current Land Development regulations. All restrictions and notes from the previous subdivision, Highland Park West recorded in Volume 4, Page 299 shall apply to this resubdivision.

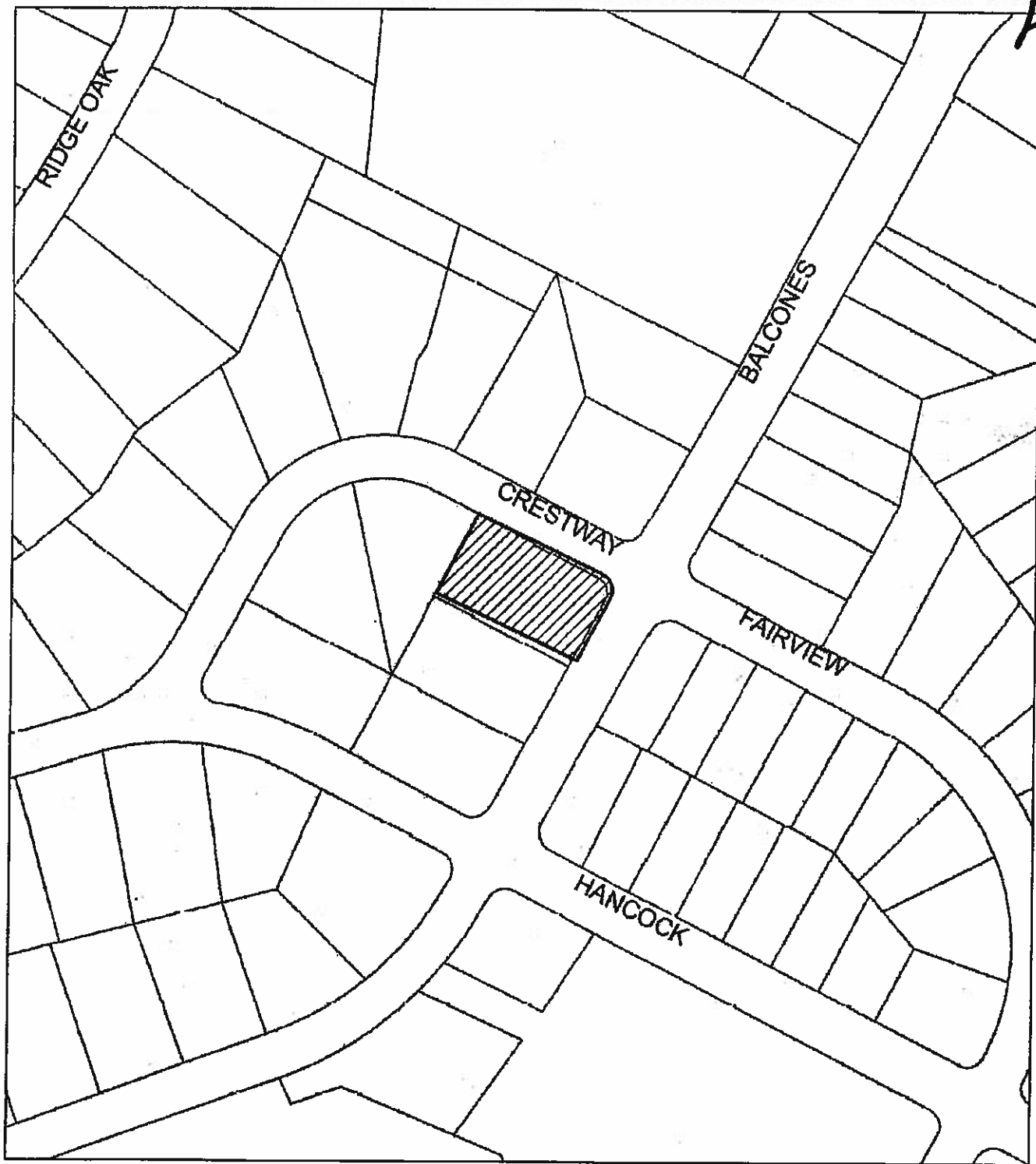
**STAFF RECOMMENDATION:** Staff recommends approval of the resubdivision. This plat meets all applicable City of Austin Land Development and State Local Government requirements.

**ZONING & PLATTING COMMISSION ACTION:** Continued to 6/17/14 from the 5/20/14 agenda.

**CASE MANAGER:** Sylvia Limon  
**E-mail:** [Sylvia.limon@austintexas.gov](mailto:Sylvia.limon@austintexas.gov)

**PHONE:** 512-974-2767

C1/2



Subject Tract



Base Map

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

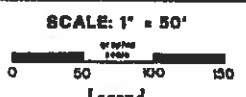


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.

C1/3

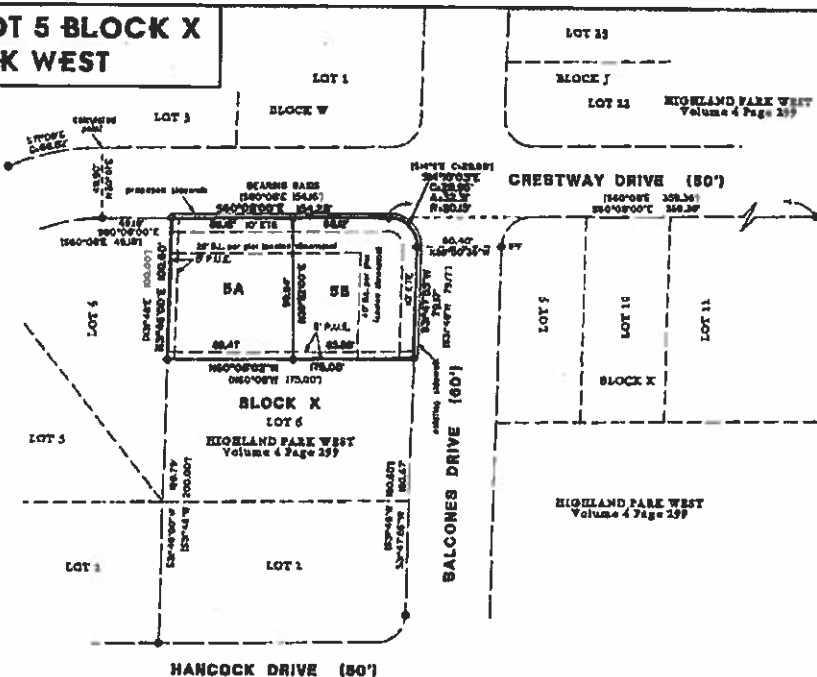
# RESUBDIVISION OF LOT 5 BLOCK X HIGHLAND PARK WEST



- Legend**
- Yellow Red Flood
  - Blue Water Pipe Flood
  - Green Red Soil with plastic cap overlaid with "Test Cases, Inc."
  - Record (bearing and distance)
  - Existing or proposed Concrete Sidewalk
  - ETE - Electric and Telecommunications Easement

**LOT SUMMARY**

Total Number of Lots - 8
Lot SA = 0.776 Square Feet
Lot SB = 0.636 Square Feet
Total Area = 17,402 Square Feet = 0.399 Acre
Lot SA Residential Use
Lot SB 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 all 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 it by General Warranty Deed recorded in Document Number 200187681 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 253.014, of the Local Government Code, do hereby resubdivide said Lot 5 in accordance with the attached map as plat shown herein pursuant to Chapter 252 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.

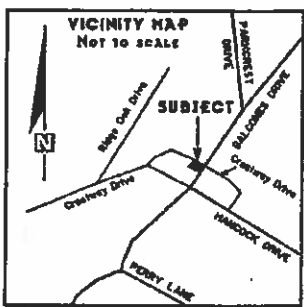
WITNESS OUR HANDS this the \_\_\_\_ day of \_\_\_\_, A.D. 20\_\_.

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

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, the undersigned authority, on this the \_\_\_\_ 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 on 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 Burrows, 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      Joan Sharro, Secretary

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Dana O'Connell, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of writing and its Certificate of Authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_, 20\_\_, A.D., at \_\_\_\_ o'clock \_\_\_\_ M., and duly recorded on the \_\_\_\_ day of \_\_\_\_, 20\_\_, A.D., at \_\_\_\_ o'clock \_\_\_\_ M., Plat Records of said County and State in Document No. \_\_\_\_\_ of the Official Public Records of Travis County, Texas.

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

DANA O'CONNELL, 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.

918031-090

C1/4

Following are notice responses received for notice sent for May 20, 2014 hearing.

**Limon, Sylvia**

**From:** tasconstruction ~~tasconstruction@gmail.com~~  
**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 planting 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

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- 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.

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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  
Signature

5-12-2014  
Date

Daytime Telephone: 512-323-0544

Comments:

see table  
attached

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

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

May 9, 2014

cl  
/A

**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:**

C1/8

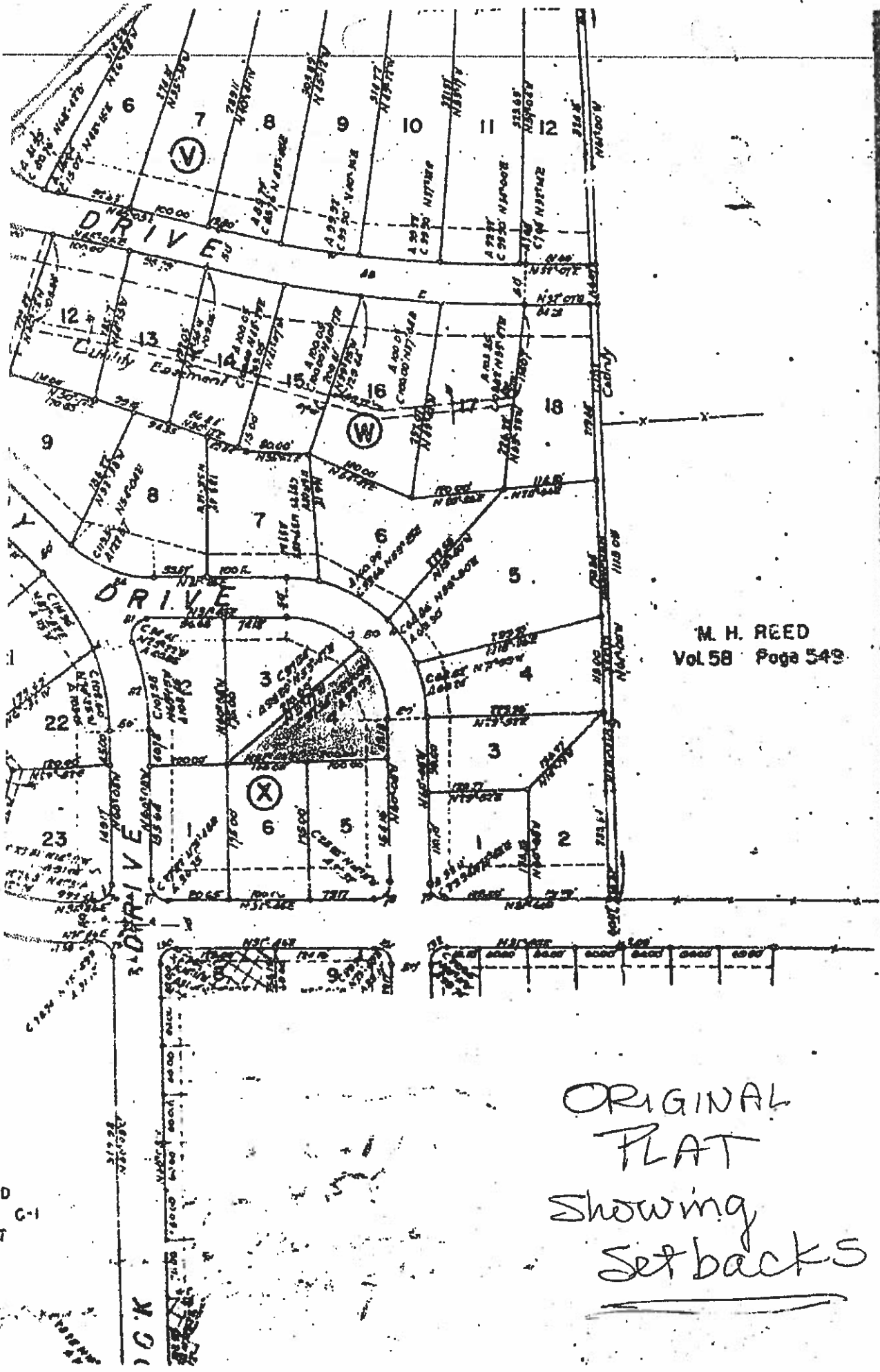
The corner of Hancock and Balcones is a heavily travelled intersection. There are times, especially during rush hour(s) in morning and afternoon when it is very difficult to exit the block where I live without circling around to the light at Hancock. Even then I have to wait the entire light cycle to 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



C  
19



01/10

Figure 1 is a line graph showing the percentage of correct responses (Y-axis, 0 to 100) versus the number of trials (X-axis, 0 to 150). The graph displays two data series: 'Group 1' (represented by a solid line with open circles) and 'Group 2' (represented by a dashed line with open circles). Both groups show an initial rapid increase in accuracy, followed by a plateau. Group 1 generally performs better than Group 2, especially in the later trials. The graph is labeled 'Figure 1' and includes a legend.

[illegible]

Total Number of Lots = 2  
Lot 8A = 8,876 Square Feet  
Lot 8B = 9,126 Square Feet  
Total Area = 17,402 Square Feet = 0.399 Acre  
Lot 8A Residential Use  
Lot 8B Residential Use

They testified, U.S. entry by and through its Managing Member, Lisa Gray, owner of all of Lot 9, Block 8, Highland Park West, a subdivision in Travis County, Texas, according to the 1999 oil plat recorded in Volume 4 Page 239 of the Plat Records of Travis County, Texas, as alleged to be in General Warranty deed recorded in Document Number 201787801 of the Official Public Records of Travis County, Texas.

and subsection having been approved for regulation pursuant to the public notification and hearing provisions of Chapter 2022A, of the Local Government Code, as hereby remanded and Lot 9 is in accordance with the attached map or plat shown herein pursuant to Chapter 201 of the Texas Local Government Code, to be known as

WYTHING OUR HANDS this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_

I, the undersigned author, on this day \_\_\_\_\_, for \$1 \_\_\_\_\_, A.D.:  
do hereby permanently assign the story known by me to the person  
whose name is mentioned in the foregoing instrument of writing, and also acknowledge  
therein to have received the sums for the purposes and considerations therein expressed.

[illegible]

much smaller  
set backs  
shown on  
proposal

NOTE: THE WATER AND/OR WASTEWATER EASEMENTS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, REDESIGNING 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.

SECRET

57°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')

LOT 4

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

LOT 3

HIGHLAND PARK WEST  
Volume 4 Page 299

BLOCK X

LOT 6

RIVE (60')

BEARING BASIS  
(S60°08'E 154.16')

S60°08'00"E 154.28'

8.16' 10' ETE

73.12'

(S14°11'E C=28.96')

S14°10'03"E

C=28.96'

A=32.31'

R=20.15'

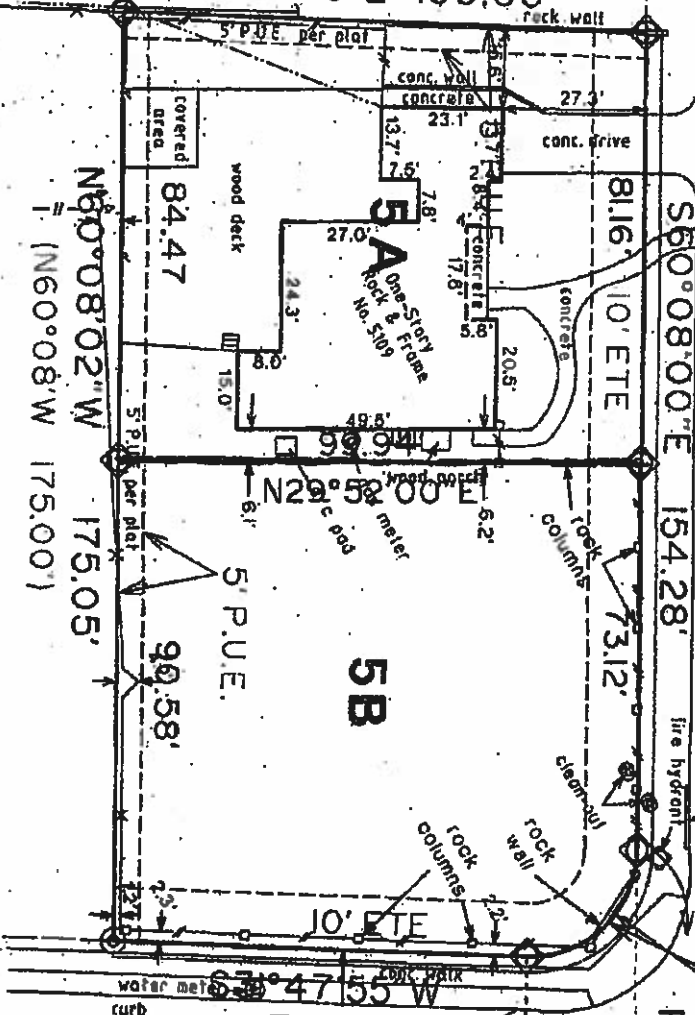
CRE

60.40'  
N59°50'36"W

IPF

79.17'  
(S31°46'W 79.17')

N60°08'02"W 175.05'  
(N60°08'W 175.00')



5B

5A  
One-Story  
Rock & Frame  
No. 5109

**Limon, Sylvia**

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**From:** moore-~~5001 Crestway~~  
**Sent:** Saturday, May 17, 2014 12:15 PM  
**To:** Limon, Sylvia  
**Subject:** Lot Subdivision at Crestway and Balcones

Dear Ms. Limon:

I was out-of-town until late last evening so did not make the deadline for entering my objection to the proposed re-zoning of the vacant lot on the southwest corner of Balcones and Crestway. As a 48-year resident at 5001 Crestway, my objection is very much the same as you have received from other residents in this area. Historically, the lots on this side of Balcones have been much larger and if you approve this re-zoning, it will establish a precedent that will adversely affect all of us who maintain homes in this area. It makes no sense to create this exception after all these years of precedence for the larger lots.

Thanks for your consideration of this objection. I apologize for being late with this submission.

Michael and Janey Moore  
5001 Crestway Dr.

C/13

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Case Number: CR-2013-0159-0A  
 Contact: Sylvia Limon, 512-974-2767 or Elsa Garza, 512-974-2308  
 Public Hearing: Zoning and Planning Commission, May 20, 2014

JULIE BERT

Your Name (please print)

5100 Westway Dr. 78734

Your address (as reflected by this application)

*Julie Bert*  
 Signature

Date/Time Telephone 512-633-2643

5/16/14  
 Date

I am in favor  
 of this subject

Comments: My husband and I strenuously object to the subdivision of this lot for the purpose of developing it further, as it would not be at all in keeping with the lot size in our neighborhood or in our block and would start a trend towards subdividing for profit that will decrease the value of the remaining properties in our block & neighborhood. This neighborhood retains its value because of the large lots, trees, trees and there is a marked difference in home values on the west side of Bogalnos (large lots) vs. If you use this form to comment, it may be returned to the contact person listed on the notice.  
 City of Austin - Planning & Development Review Dept. (512) Council (512) Sylvia Limon due to the lot size & layout.  
 P.O. Box 1088 Our neighborhood does not wish to see this densification trend begin, merely so neighbors and investors can make a lot of money.

The property in question has been sold to a corporation as an investment, not a homeowner as a primary resident, and that owner has not considered the impact ->

01/14

this is going to have on all the existing families, many whom have lived here many years.

Please do not allow this subdivision to take place at the expense of all of us on Crechway Drive.

Thank you.

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Case Number: C-8-2013-0159-0A

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

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

*Diana Berger*

*Topic Name, please print*

*5104 Crestway Dr*

*Your address as reflected in the application*

*Diana Berger*

*Signature*

Daytime Telephone: *512 413 9433*

*E-19-14*

*Date*

## Comments:

My husband and I object to the subdivision of this lot for the purpose of an investment development. The two new lot sizes will not be in keeping with the lot size of our neighborhood or our block. The development of the lot would start a trend towards subdividing for profit that will decrease the value of the remaining properties on our block and the surrounding neighborhood.

This neighborhood retains its value because of the large lots, trees, and views. In the last few years, we have seen continual improvement of the properties in this area and with few exceptions, the improvements have maintained the integrity of the neighborhood and remained true to the original plat of record. Even though the subdivision application includes a note to follow all restriction and notes from the previous subdivision, it does not appear to meet the setback lines or percentage of property to be used for improvements as noted in the plat of record.

To allow a deviation to those rules sacrifices the investment of an entire neighborhood block for the profit of a single investor.

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I am opposed



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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;

- 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](http://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 Planning Commission, May 20, 2014

Shirley W. Eiler

Your Name (please print)

☐ I am in favor  
☒ I object

5102 Bolander Dr Austin, TX 78731

Your address(es) affected by this application

Sueleen Weber

Signature

Date

Daytime Telephone: 512-757-8387

Comments: Our platf-deed restrictions do not allow subdividing corner lots. It would have the effect of turning my front yard into someone's back yard, with resulting noise, visual, & smell pollution. I have paid taxes on my property for the past 37 years and expect for the city to recognize my rights and restrictions as a home owner and a developer. Aigric profit.

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