

Late Backup



#80  
and #81

MEMORANDUM

**TO: Mayor and Council**

**FROM: Greg Guernsey, Director  
Planning and Development Review Department**

**DATE: November 20, 2013**

**SUBJECT: Amended Request for C14-2013-0006 and C14R-86-077(RCA)  
Harper Park Residential  
Rezoning and Restrictive Covenant Amendment**

City staff has received a request from the owner to modify the boundary of the subject tract for the rezoning and associated restrictive covenant amendment applications (please see attached). Specifically, the owner is reducing the subject tract by 50 feet from the western boundary and 75 feet from the eastern boundary; both areas were previously set aside as building setbacks and contained vegetative buffers. Conditions contained within the draft zoning ordinance have been updated to reflect the amended application.

Staff anticipates field notes defining the exact acreage of the amended zoning tract will be provided shortly; in the interim, it appears the new tract will be approximately 14.5 acres compared with the original 17.75 acres. Once field notes have been submitted, staff will reevaluate the status of the petition. The owner is not modifying the boundary for the Neighborhood Plan Amendment (NPA) application.

The NPA and rezoning applications are on the Council agenda for Second Reading only November 21, 2013. Third Reading of these two cases is expected on December 12, 2013, at which time action on the Restrictive Covenant Amendment will also be considered.

  
Greg Guernsey, Director  
Planning and Development Review Department

x: Marc A. Ott, City Manager  
Sue Edwards, Assistant City Manager

November 20, 2013

Mr. Lee Heckman  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Rd  
Austin, TX 78704

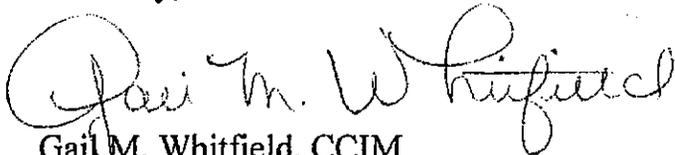
Re: Case No. C14-2013-0006  
Case No. C14R-86-007RCA

Dear Mr. Heckman:

With Weekly Homes continuing discussions with interested neighborhoods, we are requesting that the zoning and restrictive covenant boundary for the above referenced cases be amended to **exclude** the areas that are designated as vegetative buffers and building setbacks. Specifically the zoning and restrictive covenant boundary on the east side of the property will be 75 feet from the eastern property line for the entire length of the property and on the west side 50 feet from the western property line for the entire length of the property. Please amend the zoning application and the restrictive covenant for the above referenced cases to apply to the property as depicted on the attached Exhibits A & B; the field notes will follow.

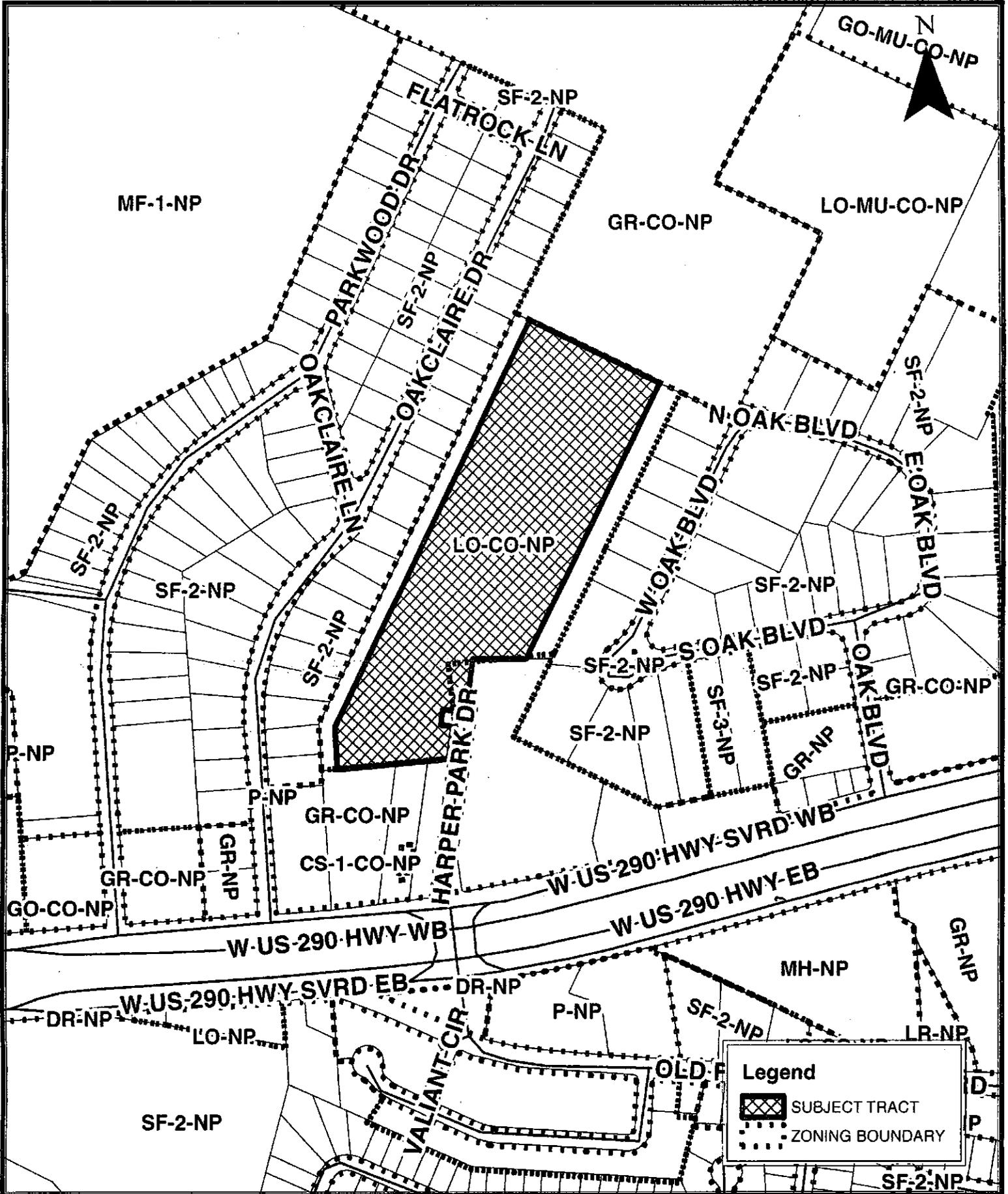
Thank you for your attention to this matter.

Sincerely,



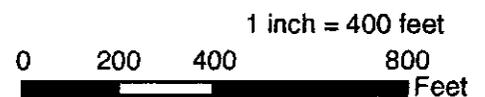
Gail M. Whitfield, CCIM  
Harper Park Two, LP  
HP Two-GP, LLC  
General Partner

# C14-2013-0006/Harper Park Residential

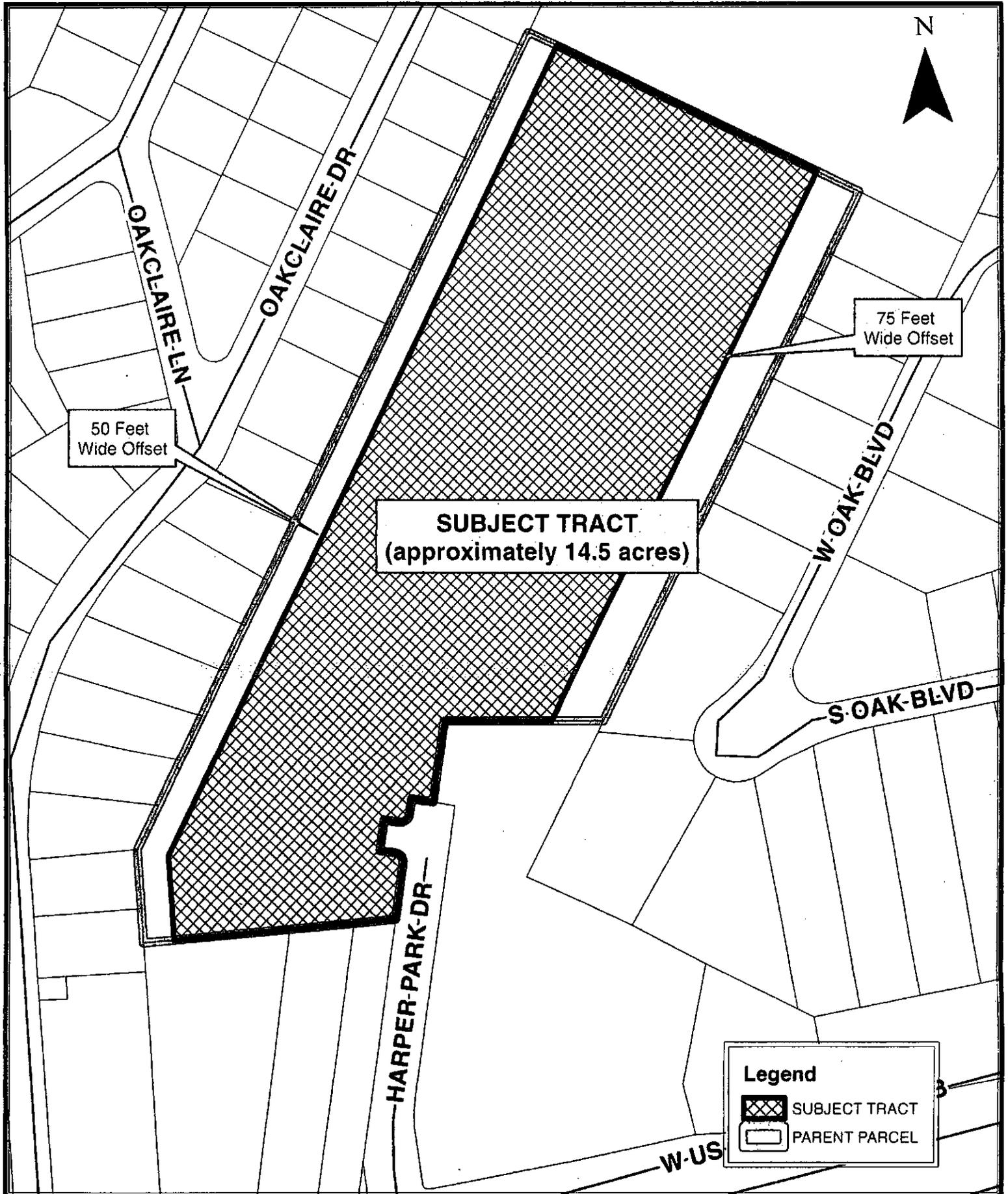


NOTE: This illustrative map is for educational and informational purposes only. No warranty is made regarding the completeness and accuracy of any data depicted or represented hereon.

**Exhibit A**

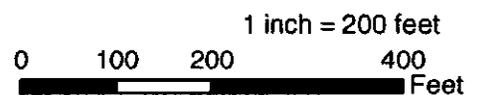


# C14-2013-0006/Harper Park Residential



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**Exhibit B**



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 5816 HARPER PARK DRIVE IN THE EAST OAK  
3 HILL NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-  
4 CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-CO-NP) COMBINING  
5 DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-  
6 NEIGHBORHOOD PLAN (LO-MU-CO-NP) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from limited office-conditional overlay-neighborhood plan (LO-  
12 CO-NP) combining district to limited office-mixed use-conditional overlay-neighborhood  
13 plan (LO-MU-CO-NP) combining district on the property (the "Property") described in  
14 Zoning Case No. C14-2013-0006, on file at the Planning and Development Review  
15 Department, as follows:

16  
17 Lot 1, Harper Park Section Three Subdivision, a subdivision in the City of Austin,  
18 Travis County, Texas, according to the map or plat of record in Document No.  
19 200800229 of the Official Public Records of Travis County, Texas SAVE AND  
20 EXCEPT a 75-foot wide by 940-foot long area of property adjacent and parallel to  
21 the eastern edge of the lot, approximately 47,000 square feet, and a 50-foot wide by  
22 approximately 1500-foot long area of property adjacent and parallel to the western  
23 edge of the lot, approximately 75,000 square feet

24  
25 locally known as 5816 Harper Park Drive in the City of Austin, Travis County, Texas, and  
26 generally identified in the map attached as Exhibit "A".

27  
28 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the  
29 Property may be developed and used in accordance with the regulations established for the  
30 limited office (LO) base district and other applicable requirements of the City Code.

31  
32 **PART 3.** The Property within the boundaries of the conditional overlay combining district  
33 established by this ordinance is subject to the following conditions:

- 34  
35 A. If the Property is developed for a residential use, development of the Property  
36 may not exceed 76 residential units.  
37

- 1 B. Development of the Property shall not exceed an average of 5.24 residential  
 2 units per acre.  
 3  
 4 C. The maximum height, as defined by City Code, of a building or structure on the  
 5 Property shall not exceed 35 feet or 2 stories.  
 6  
 7 D. A building or structure on the Property shall have only residential or non-  
 8 residential uses in the same structure, but not a combination of both.  
 9  
 10 E. The following uses are prohibited uses of the Property:  
 11

Multifamily residential  
 Two-family residential

Duplex residential

12 Except as specifically restricted under this ordinance, the Property may be developed and  
 13 used in accordance with the regulations established for the limited office (LO) base district,  
 14 the mixed use combining district and other applicable requirements of the City Code.  
 15

16  
 17 **PART 4.** The Property is subject to Ordinance No. 20081211-098 that established the East  
 18 Oak Hill neighborhood plan combining district.  
 19

20 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2013.  
 21

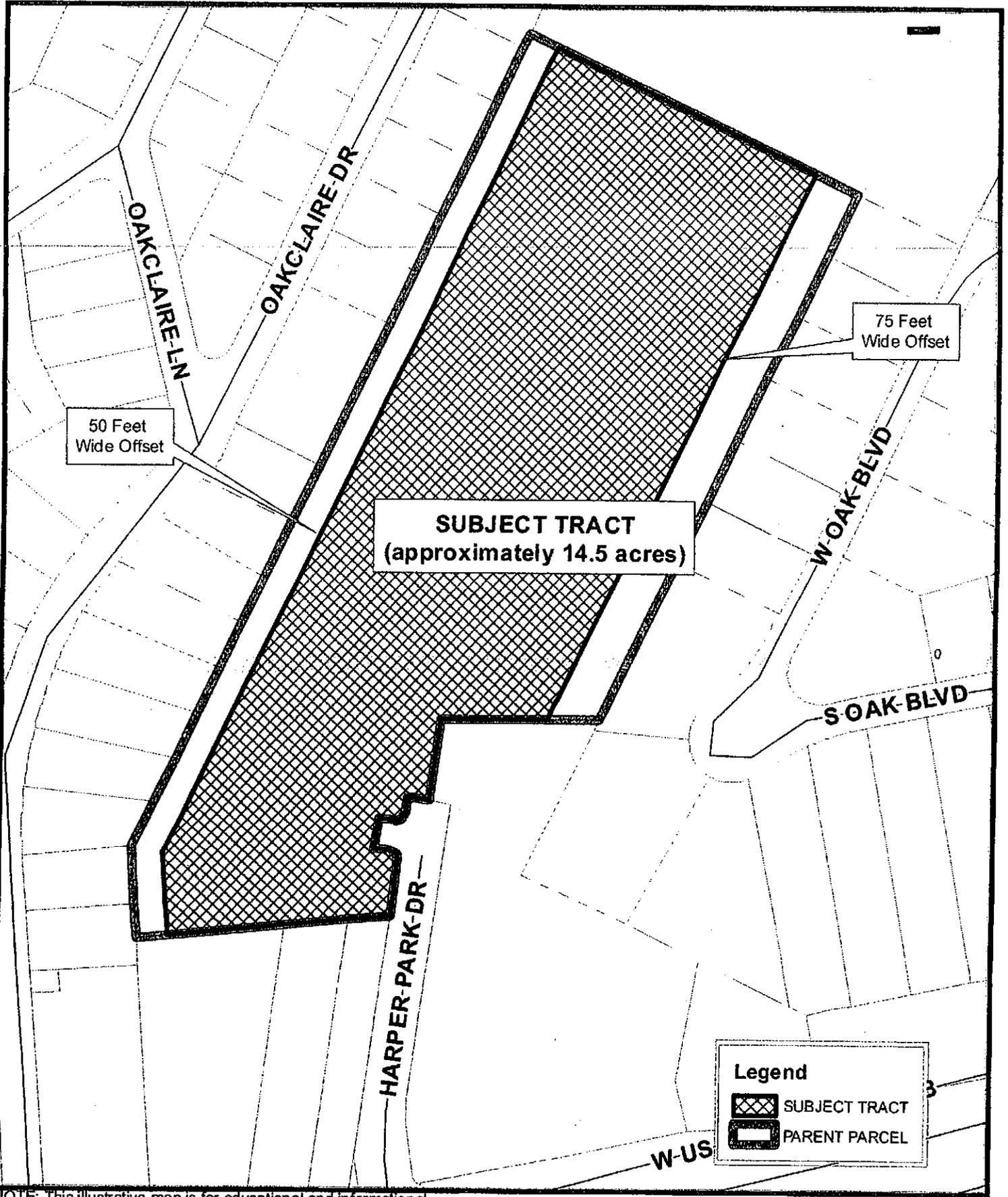
22  
 23 **PASSED AND APPROVED**

24  
 25 §  
 26 §  
 27 \_\_\_\_\_, 2013 § \_\_\_\_\_  
 28

29 Lee Leffingwell  
 30 Mayor

31  
 32 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
 33 Karen M. Kennard Jannette S. Goodall  
 34 City Attorney City Clerk

# C14-2013-0006/Harper Park Residential



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Exhibit A