

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0125 – Sawmill Rezoning

**Z.A.P. DATE:** November 5, 2013

**ADDRESS:** 4010 Sawmill Drive

**OWNER:** Atlas Cook, IV

**AGENT:** Frie Planning, Development  
& Construction (Ross Frie)

**ZONING FROM:** I-RR

**TO:** SF-2

**AREA:** 12.853 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant single family residence – standard lot (SF-2) district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 5, 2013: *TO GRANT SF-2-CO DISTRICT ZONING WITH THE CONDITIONAL OVERLAY LIMITING DEVELOPMENT TO A MAXIMUM OF 30 UNITS.*

*[G. ROJAS; P. SEEGER – 2<sup>ND</sup>] (7-0)*

### **ISSUES:**

The Oak Parke Home Owners Association supports the Applicant's request for SF-2 district zoning. Please refer to attached correspondence located at the back of the Staff packet.

### **DEPARTMENT COMMENTS:**

The subject property is developed with one single family residence located at the terminus of Sawmill Drive and zoned interim – rural residence (I-RR) since its annexation into the City limits on December 31, 1998. The property is surrounded by an AISD high school to the north, single family residences to the east and southeast within the Oak Parke subdivision (SF-2), an undeveloped tract to the southeast (I-RR), and the Circle C Ranch Metropolitan Park to the west (I-RR). Slaughter Creek traverses the west property line. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has requested the single family residence – standard lot (SF-2) district in order to subdivide the property. SF-2 zoning is consistent with the adjacent properties in the Oak Parke subdivision which also have SF-2 zoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	One single family residence
<i>North</i>	I-RR	Bowie High School
<i>South</i>	I-RR; I-SF-2; SF-2	Undeveloped; Single family residences in the Oak Parke Subdivision
<i>East</i>	SF-2	Single family residences in the Oak Parke Subdivision
<i>West</i>	I-RR	Circle C Ranch Metropolitan Park

**AREA STUDY:** N/A**TIA:** Is not required

**WATERSHED:** Slaughter Creek – **DESIRED DEVELOPMENT ZONE:** No  
Barton Springs Zone – Recharge Zone

**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association  
 298 – Oak Hill Association of Neighbors (OHAN)  
 384 – Save Barton Creek Association      427 – Circle C Homeowners Association  
 627 – Onion Creek Homeowner's Association      742 – Austin Independent School District  
 943 – Save Our Springs Alliance      967 – Circle C Neighborhood Association  
 1037 – Homeless Neighborhood Association      1075 – Bike Austin  
 1118 – Oak Parke Homeowner's Association  
 1134 – Oak Parke / Brodie Wild Preservation Group, Inc.  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation      1363 – SEL Texas

**SCHOOLS:**

Baronoff Elementary School

Bailey Middle School

Bowie High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-89-0060 – Bowie 200 – Along Brodie Ln and south of W Slaughter Ln	DR to SF-2	To Grant	Apvd. SF-2 (1-4- 1990).

**RELATED CASES:**

The subject property was annexed into the City limits on December 31, 1998 (C7a-98-005 – Ordinance No. 981210-I). There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Sawmill Drive	60 feet	40 feet	Collector	Yes	No	No

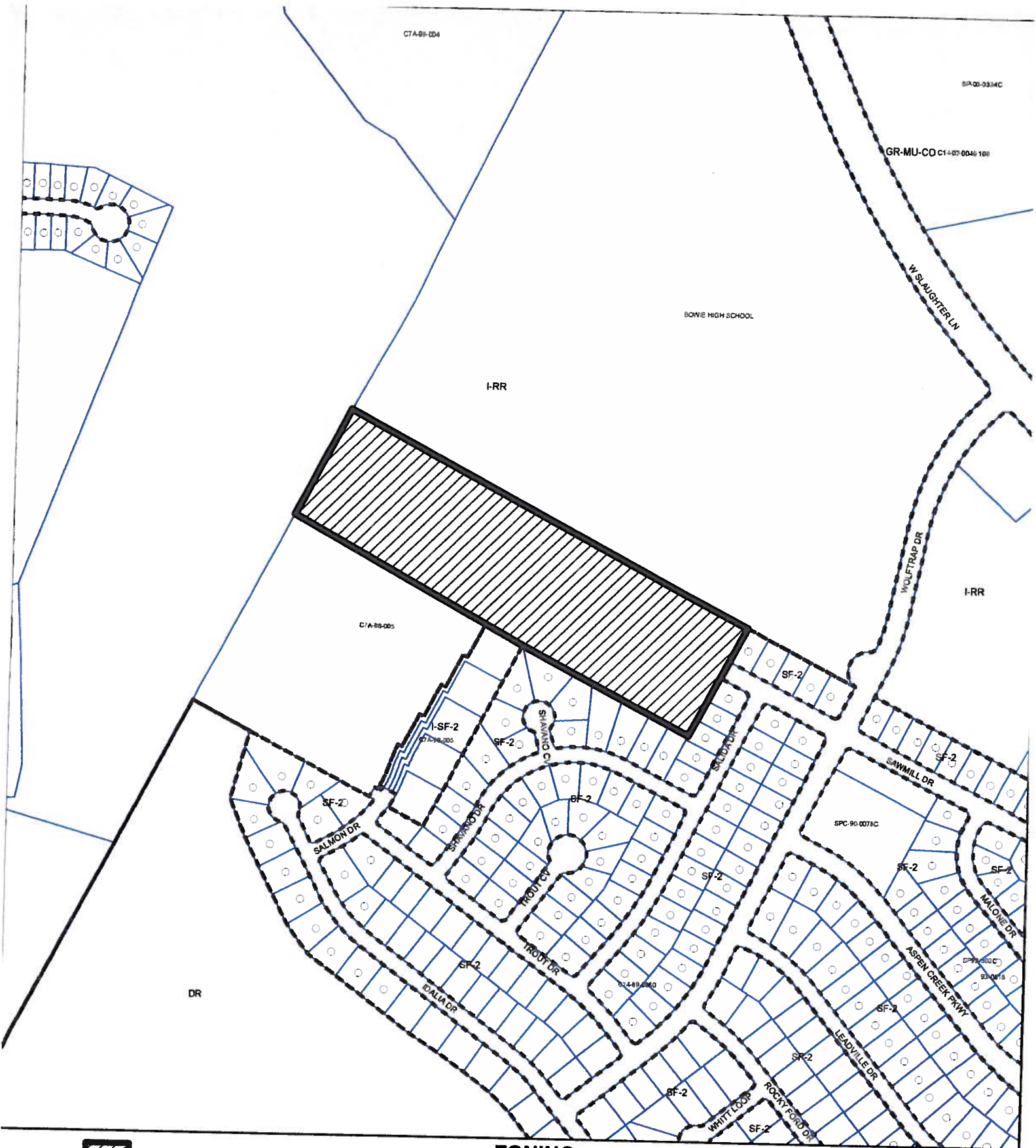
**CITY COUNCIL DATE:** December 12, 2013      **ACTION:**




**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2013-0125**

*Exhibit A*

1" = 400'

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.









**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant single family residence – standard lot (SF-2) district zoning.

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

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

The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

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

SF-2 zoning is consistent with the adjacent properties in the Oak Parke subdivision which also have SF-2 zoning.

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

The subject property is undeveloped and slopes to the west, towards Slaughter Creek.

**Impervious Cover**

The maximum impervious cover allowed by the SF-2 zoning district is 15% based on the more restrictive watershed regulations.

**Comprehensive Planning/ Imagine Austin**

This zoning case is located on a 12.85 acre vacant tract of land, to the west of Sawmill Drive. This property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes Bowie High School to the north, vacant land and single family houses to the south, and the Circle C Ranch Metro Park to the west, and single family houses to the east. The proposed use is a single family subdivision with approximately 97 lots.

The site is situated over the situated on both the Barton Springs Overlay Zone and 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 following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses development over environmentally sensitive areas:

- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.
- **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.

Staff believes that the proposed single family subdivision is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances are enforced over this environmentally sensitive area.

### **Environmental**

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.

Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether critical water quality zone / water quality transition zone exist within 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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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

### **Transportation**

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

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

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

### **Water and Wastewater**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan and Compatibility Standards**

No site plan comments. The site is proposed to be zoned SF-2 and does not trigger Commercial Design Standards or Compatibility, and is not located within any Overlays.





We, the Board of Directors for Oak Parke Homeowner's Association, have voted unanimously to support the rezoning of the attached 12.853 acre property at 4010 Sawmill Road from I-RR (Rural Residential) to SF-2 (Single Family Resident - Standard Lot) as compatible zoning with the remainder of our neighborhood that is currently zoned SF-2 (Single Family Resident - Standard Lot).

Legal description of lots for rezoning:

ABS 340 SUR 16 HAMILTON S ACR 12.000 (1-D-1)  
ABS 340 SUR 16 HAMILTON S ACR .820

Signed:

A handwritten signature in blue ink, appearing to read "Monique Wells", written over a horizontal line.

Monique Wells, President

Date:

A handwritten date in blue ink, "17 SEPT 2013", written over a horizontal line.

A handwritten signature in blue ink, appearing to read "Tom Young", written over a horizontal line.

Tom Young, Vice President

A handwritten date in blue ink, "Sept 17, 2013", written over a horizontal line.

A handwritten signature in blue ink, appearing to read "Gena Minjares", written over a horizontal line.

Gena Minjares, Treasurer

A handwritten date in blue ink, "17 Sept 2013", written over a horizontal line.

## **OAK PARKE HOMEOWNERS ASSOCIATION, INC.**

Minutes of the Board of Director  
September 17, 2013

---

The meeting of the Board of Directors (the "Board") of Oak Parke Homeowners Association, Inc. (the "HOA") was held at 7:00 p.m. on September 17, 2013 at Bethany Lutheran Church.

In attendance were Monique Wells, Gena Minjares and Tom Young, Directors; Carl Gamble, Property Manager; Ginger Grissom, Recording Secretary; and Holly Leoni, Chairperson of the Pool and Parking Committees.

1. **Call to Order.** The meeting was called to order by Monique at 7:06 p.m.
2. **Minutes.** The minutes of the August 20, 2013 meeting will be reviewed and discussed at the next Board meeting.
3. **Members' Comments.** There were no Member comments.
4. **Committee Reports.**
  - A. Activities Committee. There was no report of the Activities Committee.
  - B. Pool Committee. Holly reported as follows: the clock has been replaced; we have five chaise lounges that are cracked; and the video system will be reviewed. The canopy for the pool and mail areas was also discussed (see New Business).
  - C. Parking Committee. Holly reported that she has sold one parking permit and issued one replacement permit. She also reported that there have been no parking problems since the start of school.
  - D. ACC Committee. Ginger reported that there were no new submissions.
  - E. Welcome Committee. A request has been made by the Welcome Committee to increase its budget by \$70.00. The Committee had originally budgeted for twelve move-ins per year. With the recent up-turn in Oak Parke sales, additional money is needed for additional bags. Gena reviewed the 2013 budget and determined that \$70.00 could be transferred from another social event line item to the Welcome Committee's budget.

**5. Treasurer's Report.**

A. Financials. Gena reported a balance of \$157,283.00 in the HOA's combined accounts as of August 31, 2013.

B. Bank Accounts. The signature cards still need to be changed to the current Board members per the resolution signed in August. This will permit the current Board members (namely, Monique Wells, Gena Minjares and Tom Young) and Goodwin Management, Inc., the HOA's property manager, to transact business with the HOA's banks. In addition, one bank account needs to be closed and transferred to the Western Alliance account.

C. Expenditure of Funds. Gena noted that all major repairs budgeted for CY2013 have been completed. The HOA still needs to pay the remaining balance to Bill Biggadike & Associates for the gas lantern conversion project.

6. **Manager Reports.** Carl reported as follows: three garage sale permits were issued; one pool key has been reinstated; and there was a complaint about trash in the street. The trash complaint was due to someone placing trash on the curb prior to the City's large trash collection day. He also noted that proposals have been obtained for the pool shades, and that the CY2014 budget had been forwarded to the Board.

**7. Old Business.**

A. Consideration of the Recommendations of the By-Law Advisory Committee. After a lot of discussion about the Committee's recommendations, it was determined that this matter should be tabled until the next meeting.

B. Landscape Bids. Tom circulated his comparison of the landscape bids and Gena discussed budgeting concerns. Tom will try to negotiate services/prices with the three bidders (Suntera, Native Land Design, and Landscape USA). This matter will be discussed at the next meeting.

C. Conversion of gas lanterns. It was noted that this project has now been completed. Carl will call the gas company to determine if there is a reason to keep the gas meter and if the meter could be pulled.

D. Increase in number of Board members. After discussion, it was determined that this matter would be tabled until the next meeting.

**8. New Business**

A. Zoning Issue. The Board met with Ross Frie, representative of Atlas Cook IV, owner of 4010 Sawmill Road (the "Property"), and was informed that Mr. Cook intended to sell the Property to a developer. Mr. Frie asked for the Board's support



in getting the Property rezoned. After meeting with Mr. Frie and discussion with the Board's attorney, an agreement was reached as follows:

- i. Mr. Atlas agreed to place the following deed restrictions on the Property: (a) limiting use to SF-2 or lower (no multi-family); and (b) limiting the residential lot count to a maximum of 53.
- ii. Once the Restrictive Covenant and Agreement was filed of record in the Travis County Deed Records (*Document No. 2013174490 filed on September 20, 2013*) the Board agreed to submit a letter to the City supporting Mr. Cook's rezoning request.

It is the Board's (and the Board's attorney's) opinion that this is the best possible result for the Association as, had the deed restrictions not been filed before the Property was sold, the buyer could have had the Property rezoned for apartment use. Since the only road out of the Property is Sawmill, apartments would have resulted in a traffic nightmare.

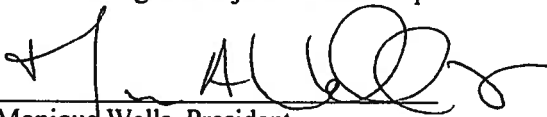
*It is noted for the record that the Board met via telephone conference on Monday, September 16, 2013, and voted in favor of the above agreement.*

B. Neighborhood Garage Sale. The neighborhood garage sale will be held on October 19<sup>th</sup>. Tom will put up flyers.

C. Pool Canopy. The Board reviewed a bid for the pool canopy (which also included a bid for placing a canopy over the mail room). The bid was high so further investigation is needed. It was decided that the pool canopy would be placed on the CY2014 budget. It was also decided that it is not necessary to spend funds for a canopy over the mail room.

D. Playscape Repairs. It was discussed that the playscape will need repairs soon. It was agreed that this expense should be placed in the CY2015 budget.

9. **Adjournment.** The meeting was adjourned at 8:53 p.m.

  
Monique Wells, President

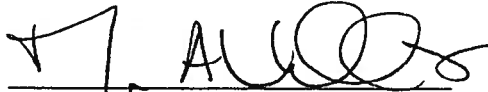
## **OAK PARKE HOMEOWNERS ASSOCIATION, INC.**

Minutes of the Board of Director  
Special Meeting of the Board on September 16, 2013

---

A special meeting of the Board of Directors (the "Board") of Oak Parke Homeowners Association, Inc. (the "HOA") was held via telephone conference on September 16, 2013 to discuss a request by Atlas Cook IV about the sale and future development of the property at 4010 Sawmill Road (the "Property"). Mr. Cook told the Board that he would agree to place deed restrictions on the Property: (a) limiting use to SF-2 or lower (no multi-family); and (b) limiting the residential lot count to a maximum of 53 if the Board would submit a letter to the City of Austin supporting the rezoning of the Property.

Tom Young moved that the Board approve Mr. Cook's request. Monique Wells seconded the motion, and the motion carried. The Board will ask Connie Heyer, the Board's attorney, to draft the Restrictive Covenant and Agreement and file it with the Travis County Real Property Records. Once the Restrictive Covenant and Agreement has been filed with the clerk, the Board will sign the letter agreeing to the Property's rezoning.

  
\_\_\_\_\_  
Monique Wells, President

Date: November 4, 2013

File Number: C14-2013-0125 (2013/099901)

Address of Rezoning: 4010 Sawmill Drive, Austin, TX 78749

To: City of Austin Zoning and Platting Commission

Esteemed Commissioners,

Thank you for your consideration of this case. The undersigned owner of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone this property to any classification other than **SF-1**.

Reasons for protest:

1. Applicant has led neighbors to believe their intention is to develop 25 large lots, yet the Application for Zoning filed with the City of Austin pursues more dense development under SF-2 zoning. The application shows 7.58 units/acre (97 units max.) as both the proposed number of units and maximum number of residential units allowed leaving the door open for more dense development. SF-1 is more in line with the 25 large lots plan the Applicant represented to the Oak Parke neighbors. *(Please see Exhibit #1 -Conceptual Subdivision Plan and Exhibit #2 email from Paula Ables to Oak Parke Yahoo group)*
2. In order to secure support from the Oak Parke HOA for SF-2 zoning, the current owner agreed to a Restrictive Covenant and Agreement indicating no more than 53 residential lots shall ever be platted on the property. Thus, once again leading Oak Parke residents to believe the property will be developed as large lots (55,975 Sq. Ft. (12.85 acres) / 53 = 10,561 Sq. Ft per lot). SF-1 zoning better reflects the Applicant's pledge to Oak Parke residents, helps avoid misunderstandings with regards to the maximum number and size of lots to be developed, and eliminates the need of litigation to enforce deed restrictions should the current or future owners attempt to develop more than 53 lots. (Exhibit #3 – Deed Restriction)
3. Access to and from the proposed development is through Oak Parke via Sawmill Drive, a residential street. The shortest access to/from Sawmill Dr. is then onto Wolftap Lane and Slaughter Lane. The intersection of Slaughter/Wolftap is located between Slaughter/Brodie and Slaughter/MOPAC - intersections already in need of public funds to address capacity issues. Prior to the proposed development, Slaughter/Wolftap is already at times backed up due to traffic to/from Oak Parke, Bowie High School, Bethany Lutheran Church, Westbound traffic from Ranch House Apts., and people cutting through the Oak Parke subdivision trying to avoid the horrible traffic on Brodie Ln. and the intersection of Slaughter/Brodie. A reduction in the number of lots to 53 or less as allowed under SF-1 reduces the number of projected vehicle days per day; and thus serves as a mitigation measure needed to minimize traffic impacts in the Slaughter/Brodie area.
4. The proposed SF-2 development's impact and mitigation measures needed to minimize traffic impacts at already overcrowded intersections at Slaughter/Wolftap, Slaughter Brodie, and Slaughter MOPAC, is yet to be determined. Since the Applicant showed in the zoning application "97 lots maximum x 9 trips per day = 873 trips"; a Traffic Impact Analysis (TIA) was waived with the condition applicant will limit trips to less than 2000 trips per day – while the State, County, and City continue to use public



funds for infrastructure to improve traffic flow in the area. In absence of a realistic evaluation of existing and projected operating levels, identification of mitigation measures needed to minimize traffic impacts at Sawmill/Wolftrap, Wolftrap/Slaughter, etc. and the developer paying for improvements associated with their development's traffic impact; reducing the number of lots and trips is recommended. Limiting land use and development in problem traffic areas, prevents further congestion.

5. This site is located over the Edwards Aquifer Recharge Zone, in the Slaughter Creek Watershed which is classified Barton Springs Zone (BSZ). It is in the Drinking Water Protection Zone. The site is also immediately adjacent and slopes towards Slaughter Creek, however, at this time site specific information is unavailable regarding critical water quality zone / water quality transition zone, areas of steep slopes, or other environmental features such as bluffs, springs, caves, sinkholes and wetlands. Numerous trees will likely be impacted with a proposed development associated with this site. According to the ZAP packet; no information has been provided to the City as to whether this property has any preexisting approvals which would preempt current water quality regulations. Thus, it is not known at this time if the developer will comply with the Save Our Springs (SOS) Ordinance and other current environmental protection regulations or not. In absence of corroboration that the development will indeed comply with current water quality regulations, the SOS Ordinance and 15% impervious cover; limiting development to the 40% impervious cover allowable under SF-1 provides better environmental protection than the 45% impervious cover allowed under SF-2. Limiting land use and development in environmentally sensitive areas in the Barton Springs Zone, prevents further degradation of water quality, protects irreplaceable natural resource(s), and promote public health, safety and welfare.
6. Since the zoning application proposes 97 lots (less than 100 lots); school impact was not addressed. However, it should be noted that Oak Parke's children attend Baranoff Elementary, one of the largest elementary schools in Austin ISD. During the 2013-2014 school year, more than 1000 students attend this school including 8 classrooms in portable buildings.
7. Due to the location of the proposed development with regards to Oak Park Subdivision; only a few households out of 192 or so families received notice from the City about the proposed rezoning; yet the entire subdivision is affected as this development impacts the main access to/from Oak Parke. It is of utmost importance to our entire subdivision that 4010 Sawmill Drive be developed in the most responsible way possible.

In summary, SF-1 allows the owner to develop their land in a profitable manner, while upholding promises made to Oak Parke neighbors, mitigating adverse traffic impact and providing better environmental protection.

Again, thanks for your time and consideration.

Marisol Claudio-Ehalt, Owner/Resident  
3700 Sawmill Dr. Austin TX 78749  
(512) 293-5033 Cell.  
(512) 899-3156 home

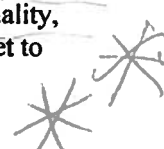
Claudio-Ehalt, Marisol

---

**From:** oakparke@yahoogroups.com on behalf of Paula Ables <lil\_red\_design@yahoo.com>  
**Sent:** Wednesday, October 30, 2013 6:14 PM  
**To:** oakparke@yahoogroups.com  
**Subject:** RE: [oakparke] RE: The Ranch Issue-new info [3 Attachments]

[Attachment(s) from Paula Ables included below]

As the Neighbor that is the MOST affected by the Farm development, I have done my own form of due diligence and just received the proposed plot for the farm from Ross Frie, the Rezoning and Property Development Chief (a former City Planning Director). I am also attaching the signed approval of the HOA and the Covenant Agreement that was drawn up by our HOA Attorney. As you will see, they are only planning 25 lots, approx. 100' lot line at the street. Mr. Frie says that these large lots – which are double the size of typical Oak Parke lot – will become be the largest, highest quality, newest and most affluent homes in the neighborhood. Mr. Frie believes, as I do, that this entire project is an asset to neighborhood not a detriment.



This is the best outcome we could have hoped for short of no development at all. With this information I feel that a petition is unnecessary. Hopefully this calms the fears and uncertainties of what is coming and everyone can move on to happy thoughts of puppies and butterflies...

Paula

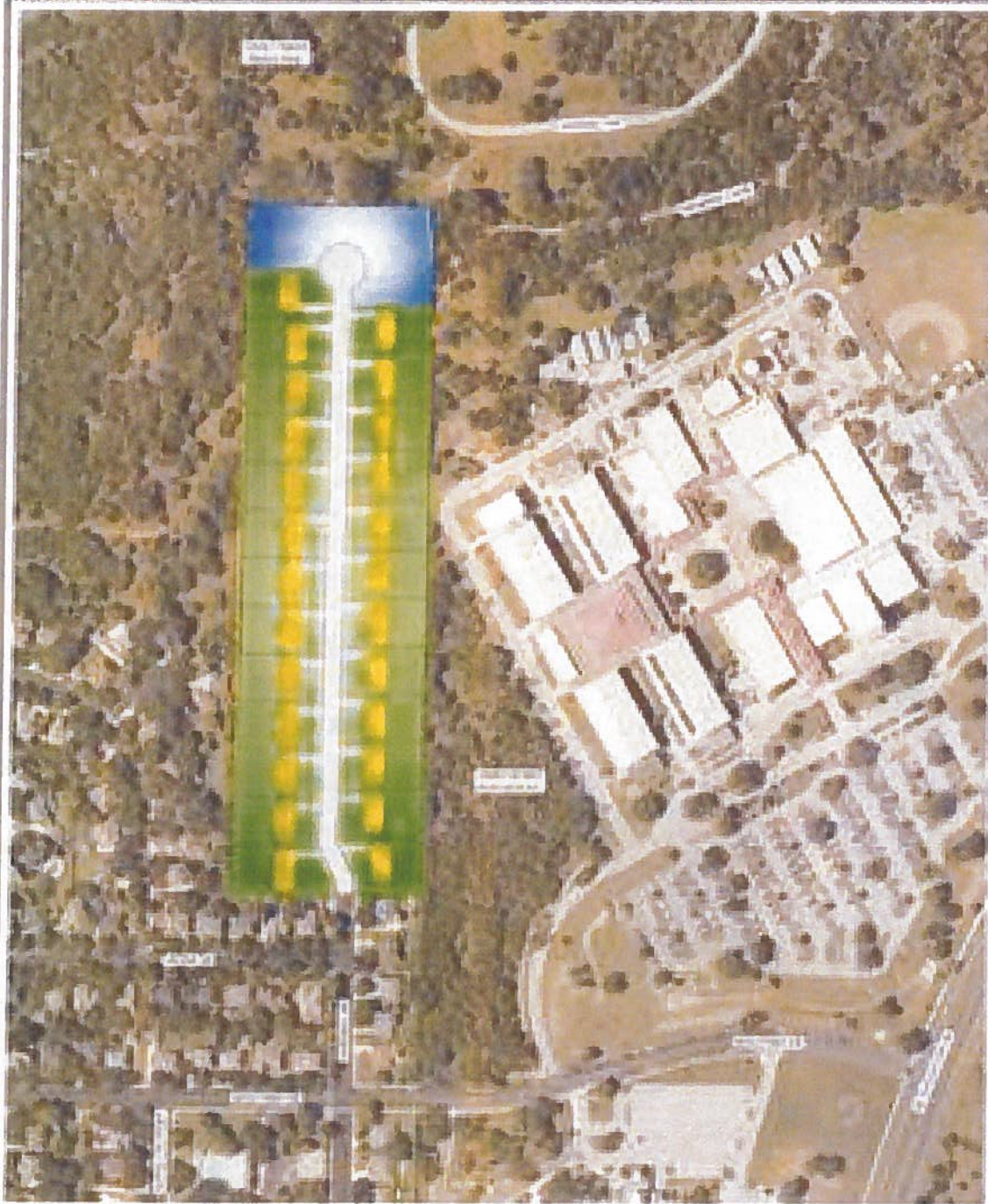
Sawmill

---

**From:** oakparke@yahoogroups.com [mailto:oakparke@yahoogroups.com] On Behalf Of Holly Leoni  
**Sent:** Friday, October 25, 2013 3:25 PM  
**To:** oakparke@yahoogroups.com  
**Subject:** Re: [oakparke] RE: The Ranch Issue

There's been a lot of conversation regarding the property at the end of Sawmill. I attended the HOA meeting in September and this was on the agenda & discussed by our Board of Directors, so I thought it would be best to direct everyone to the HOA website for more "official" information. <http://www.ophoa.org/>

Please review the minutes from this meeting so that you will have the correct information regarding the zoning of this property and how our HOA has been proactive in protecting our neighborhood. <http://www.ophoa.org/minutes.htm> (The meeting was Sept 17)



# CONCEPTUAL SUBDIVISION PLAN

CLARK COUNTY, MISSISSIPPI  
 2500 & 2501  
 2500 & 2501

Subdivided into 100 lots  
 100 lots, 100 lots

100 lots, 100 lots  
 100 lots, 100 lots

100 lots, 100 lots





**STATE OF TEXAS  
COUNTY OF TRAVIS**

**Restrictive Covenant and Agreement**

This Restrictive Covenant and Agreement is made on the date set forth below by Atlas F. Cook, IV (the "Grantor") and Oak Parke Homeowners Association, Inc. (the "Association").

Grantor is the owner of certain real property (the "Property") in Travis County, Texas, described in Exhibit "A" attached to hereto.

The Grantor desires that the Association support Grantor's application to the City of Austin for SF-2 zoning (Single Family Residence – Standard Lot) on the Property. The Association desires that Grantor restrict the number of residential lots that shall ever be platted on the Property to 53 and that the Property never be zoned for any use except for the current RR zoning (Rural Residence), SF-1 zoning (Single Family Residence – Large Lot) or SF-2 zoning.

In consideration for the Grantor's imposition of the restrictive covenants contained herein on the Property, the Association hereby agrees to support Grantor's application to the City of Austin for SF-2 zoning on the Property by (1) providing Grantor with a letter signed by a duly authorized representative of the Association, indicating the Association's support, and (2) as reasonably necessary to confirm such support, making a representative of the Board of Directors reasonably available to confirm such support to City of Austin representatives.

In consideration for the Association's support of Grantor's SF-2 zoning application, Grantor hereby imposes the following restrictive covenants on the Property, effective upon recording, to run with the land and be forever binding on all successors and assigns:

1. Number of Lots. No more than 53 residential lots shall ever be platted on the Property.
2. Zoning. No portion of Property shall be zoned for any use except for the current RR zoning (Rural Residence), SF-1 zoning (Single Family Residence – Large Lot) or SF-2 zoning (Single Family Residence – Standard Lot).

Rights and obligations of the Association hereunder shall be enforced and carried out by the Board of Directors of the Association on behalf of the Association. These restrictive covenants shall be binding on the Property for a period of 10 years from the date of recordation in the Travis County Official Public Records, after which time they will automatically renew for successive 10 year terms. This Restrictive Covenant and Agreement may only be amended or terminated by mutual agreement of the Association and Grantor, or their successors and assigns, and may be enforced by either party.

Agreed to this 18 day of September, 2013.

GRANTOR

Atlas F. Cook IV

Atlas F. Cook, IV

Date: September 18, 2013

STATE OF TEXAS

COUNTY OF TRAVIS

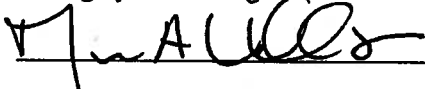
This instrument was acknowledged before me on the 18 day of Sept,  
2013, by Atlas F. Cook, IV in the capacity stated above.

Barry Smith  
Notary Public, State of Texas



GRANTEE:

Oak Parke Homeowners Association, Inc.  
Acting by and through its Board of Directors

By: 


Title: President of Oak Parke Home Owner Association

Printed name: Monique A. Wells

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 16th day of September  
2013, by MONIQUE A. WELLS in the capacity stated above.

  
Notary Public, State of Texas

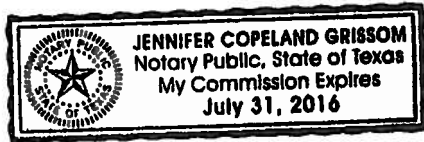


Exhibit "A"

**Approximately 12.82 acres of land as described in that  
Warranty Deed filed of record in Document No. 2003269232,  
Official Public Records of Travis County, Texas.**

**After recording return to  
Niemann & Heyer LLP  
1122 Colorado, Suite 313  
Austin, TX 78701**



**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Dana DeBeauvoir*

**DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS**

**September 20 2013 10:01 AM**

**FEE: \$ 42.00 2013174490**