

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 80**  
**AGENDA DATE: Thu 12/16/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0071 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8423 State Highway 71 West. (Williamson Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Council approved limited office-conditional overlay (LO-CO) combining district zoning at first ordinance reading. First reading on September 2, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## **SECOND READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-04-0071

**REQUEST:**

Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 8423 State Hwy 71 West from interim - rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning.

**DEPARTMENT COMMENTS:**

At the September 2, 2004 hearing, Council requested that the applicant speak with the adjacent property owners and see if a compromise could be reached. The condominium association to the south indicated that they were content with staff's recommendation of LO, as opposed to the applicant's request of LR. The owner of the single-family home to the southwest indicated that he was not opposed to LR-CO, prohibiting service stations. However, at this time staff does not have a letter indicating support for LR-CO.

On May 15, 1985, Mr. Dement submitted a zoning application for the property, seeking a zoning change from I-RR to LO zoning. At that time, the Oak Hill Area Study was going through the process and the owner agreed to zone the property with other properties affected by the City initiated area study. As evidenced in a City Council case, the Austin City Council approved LO on first ordinance reading. At the time, the subject tract was recommended by staff subject to conditions that limited the property to a maximum floor to area ratio of .25 to 1, a maximum impervious cover of 40%, a limitation of one curb cut on Hwy 71 and compliance with the Williamson Creek Watershed regulations. Although Mr. Dement signed a restrictive covenant agreeing to the conditions, it was misplaced and the case never went forward for second and third readings. Staff therefore has agreed to initiate this case on behalf of the property owner in order to complete the zoning that was approved on first reading in 1985.

Although the original request was for LO zoning, the property owner requested that staff notify for LR, neighborhood commercial zoning for the property. Staff posted and notified for LR. However, according to the Council adopted Area Study, the subject tract was recommended for office use.

At this time according to current Geographic Information Systems (GIS) maps, the entire site is within the 100-year flood plain (see attached flood plain map). However, 3 and a half years ago the Oak Hill Regional detention facility was constructed by the City of Austin and the area is going through a reassessment of flood plain impact in this area. The property owner is currently working with the City of Austin to determine if the Oak Hill Regional detention facility has had any affect on the subject tract. The zoning staff is still waiting for information as to whether or not flood plain has been reduced on the property. This case was before you in October of 2002, but expired due to the study not being completed. The applicant has requested to move forward with the case even though the assessment is not done.

Staff has received a letter from the Valley View Condominium Association to the south in support of staff's recommendation of LO. In addition, they have requested that the applicant agree to a 25-foot buffer along the south property line. However, after looking at compatibility, it appears that the applicant will be required to have a 25-foot buffer regardless.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and Zoning Department (Glenn Rhoades)

**DATE OF FIRST READING/VOTE:**

September 2, 2004 – Approved limited office-conditional overlay (LO-CO) combining district zoning (Vote: 7-0).

**CITY COUNCIL DATE:**

September 2, 2004 – Approved limited office-conditional overlay (LO-CO) combining district zoning (Vote: 7-0).

December 2, 2004

**ASSIGNED STAFF:** Glenn Rhoades

**PHONE:** 974-2775

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0071

**Z.A.P. DATE:** June 15, 2004

July 20, 2004

August 3, 2004

**C.C. DATE:** September 2, 2004

December 16, 2004

**ADDRESS:** 8423 State Highway 71 West

**APPLICANT:** City of Austin

**AGENT:** NPZD

(Glenn Rhoades)

**ZONING FROM:** I-RR

**TO:** LR

**AREA:** 2 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is limited office-conditional overlay (LO-CO) combining district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day.

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

June 15, 2004 – Postponed at the request of the applicant to July 20, 2004 (Vote: 9-0).

July 20, 2004 – Postponed at the request of the property owner to August 3, 2004 (Vote: 8-0, J. Pinnelli – absent).

August 3, 2004 – Approved limited office-conditional overlay (LO-CO) district zoning (Vote: 8-0, J. Pinnelli – absent).

### **ISSUES:**

At the September 2, 2004 hearing, Council requested that the applicant speak with the adjacent property owners and see if a compromise could be reached. The condominium association to the south indicated that they were content with staff's recommendation of LO, as opposed to the applicant's request of LR. The owner of the single-family home to the southwest indicated that he was not opposed to LR-CO, prohibiting service stations. However, at this time staff does not have a letter indicating support for LR-CO.

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**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>              |
|--------------|---------------|-------------------------------|
| <i>Site</i>  | I-RR          | Undeveloped                   |
| <i>North</i> | RR, LO<br>LR  | Undeveloped<br>Gas Station    |
| <i>South</i> | SF-1<br>MF-1  | Single Family<br>Condominiums |
| <i>East</i>  | LR            | Offices                       |
| <i>West</i>  | MF-1          | Undeveloped                   |

**AREA STUDY:** Oak Hill Area Study

**TIA:** N/A

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

#384 – Save Barton Creek Association  
#385 – Barton Springs Coalition  
#459 – Wynnrock Area Neighborhood Association  
#605 – City of Rollingwood  
#639 – Hill Country Estates Homeowners Association  
#943 – Save Our Springs Association

**CASE HISTORIES:**

| NUMBER      | REQUEST                | PLANNING COMMISSION   | CITY COUNCIL                                     |
|-------------|------------------------|---|--|
| C14-98-0203 | MF-1 to GR             | Approved GR-CO. The CO limited vehicle trips to 2,000 per day (Vote: 9-0). 1/19/99'   | Approved PC recommendation (Vote: 7-0). 2/25/99. |
| C14-99-0101 | LR to MF-1-CO          | Approved MF-1-CO. The CO limits impervious cover to 25% (Vote: 6-0). 6/22/99.   | Approved PC recommendation (Vote: 6-0). 7/22/99. |
| C14-00-2001 | I-RR to RR             | Approved RR (Vote: 7-0). 3/21/00  | Approved PC recommendation (Vote: 7-0). 4/20/00  |
| C14-00-2088 | MF-1-CO to MF-1        | Approved MF-1 (Vote: 8-0). 6/13/00.   | Approved PC recommendation (Vote: 7-0). 6/22/00  |
| C14-00-2104 | I-RR and RR to MF-1-CO | Approved MF-1-CO. The CO limits trips to 2,000 per day and prohibits access to Mountain Crest drive and Sky Mountain Drive (Vote: 7-0). 7/11/00   | Approved PC recommendation (Vote: 6-0). 11/30/00 |
| C14-02-0153 | I-RR to LR             | Expired   |  |
| C14-04-0068 | RR to CS               | The applicant for this case originally requested CS zoning. However, the property owner has amended the request to LO-MU. The case was postponed indefinitely at the request of the applicant at the 8/17/04 ZAP hearing. |  |

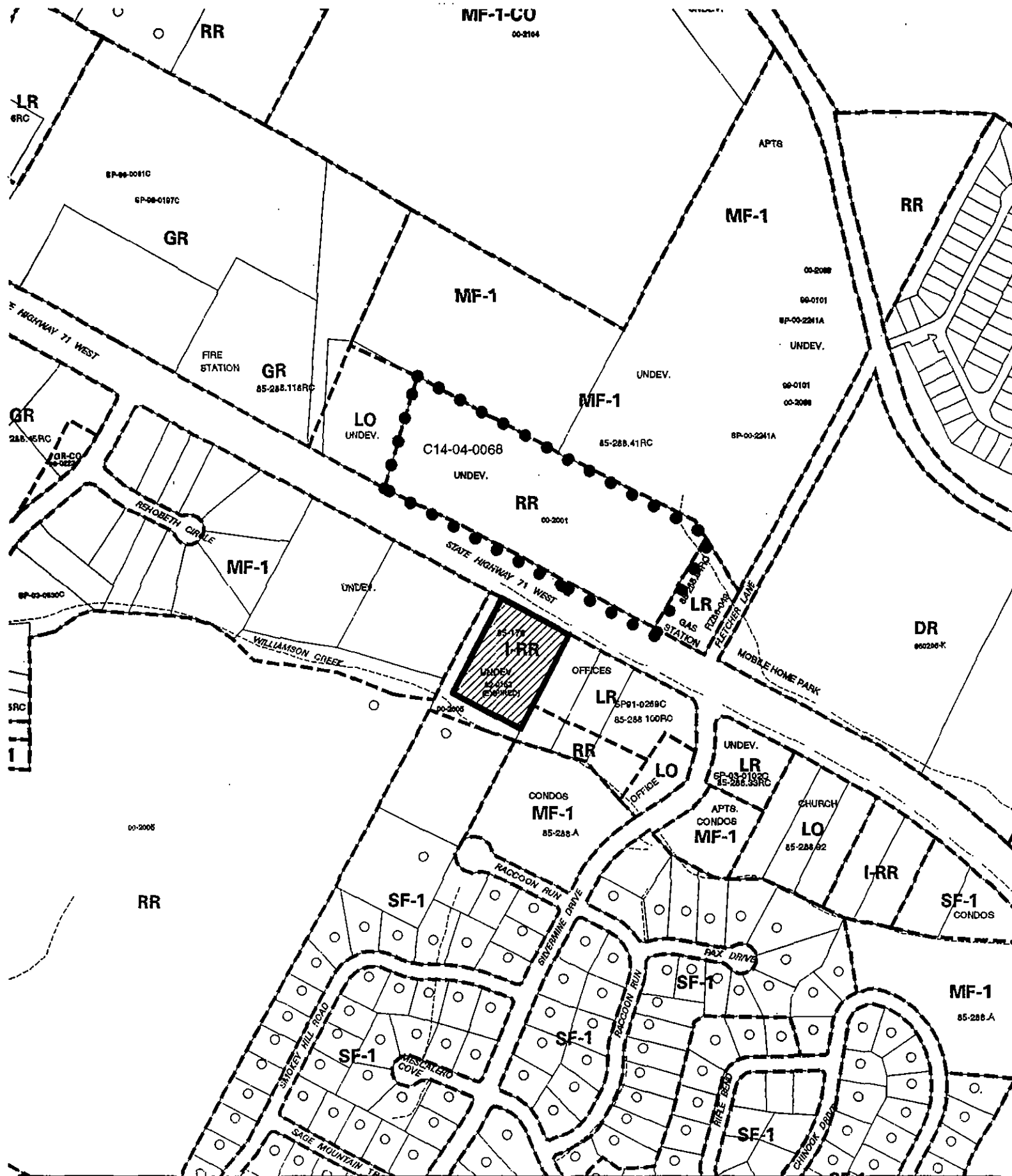
**ABUTTING STREETS:**

| NAME                     | ROW  | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|--------------------------|------|----------|----------------|---------------|
| State Highway 71<br>West | 160' | 75'      | Freeway        | N/A           |

**CITY COUNCIL DATE:** September 2, 2004**ACTION:** Approved LO-CO (Vote: 7-0).

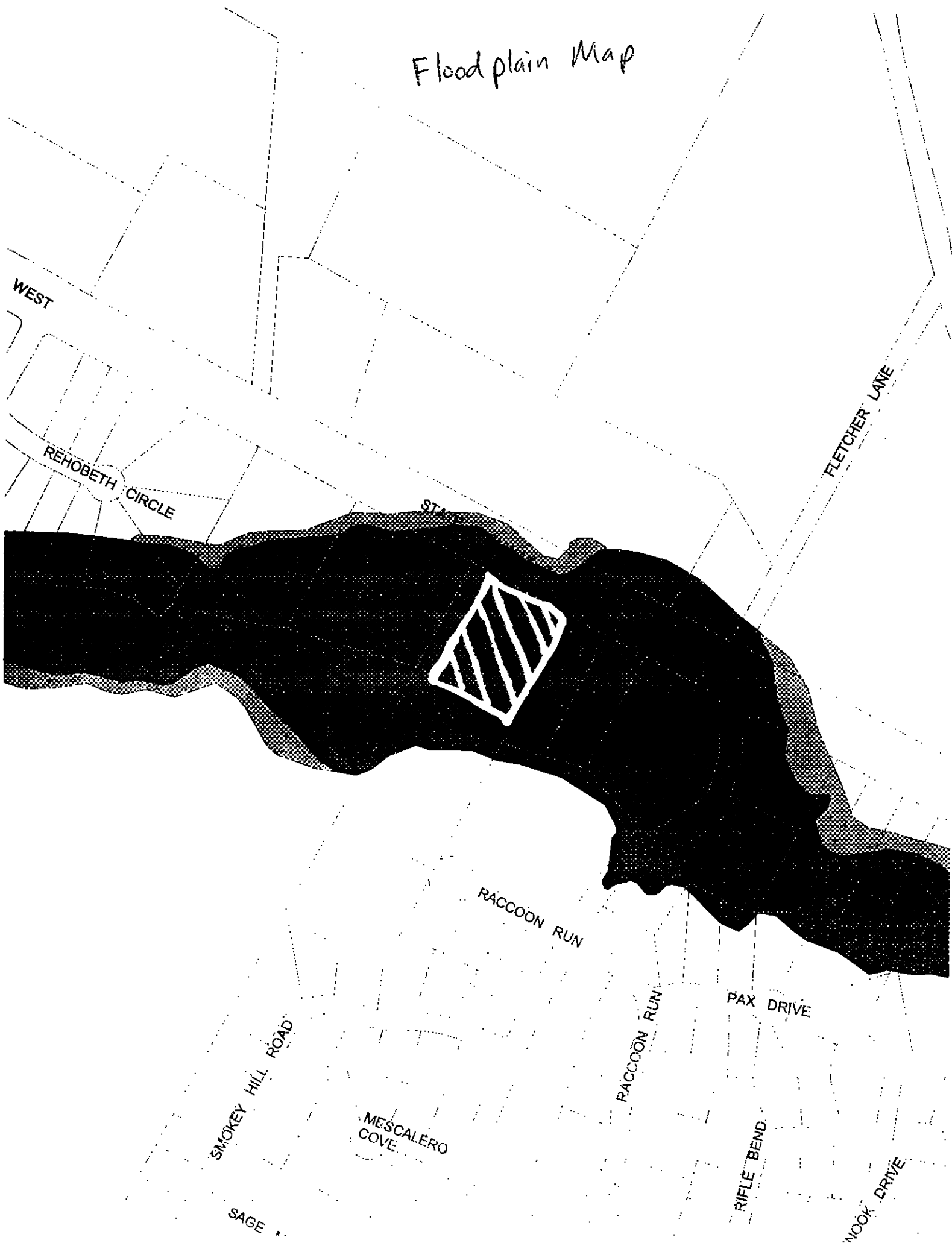
December 16, 2004

**ORDINANCE READINGS:** 1st 9/2/04 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



|               |                      |   |  |                          |   |
|---------------|----------------------|---|--|--------------------------|---|
| <br>1" = 400' | SUBJECT TRACT<br>    | <b>ZONING</b><br>CASE #: C14-04-0071<br>ADDRESS: 8423 W STATE HWY 71<br>SUBJECT AREA (acres): 2 |  | DATE: 04-06<br>INTLS: SM | CITY GRID<br>REFERENCE<br>NUMBER<br>B20 |
|               | PENDING CASE<br>     |   |  |                          |   |
|               | ZONING BOUNDARY<br>  |   |  |                          |   |
|               | CASE MGR: G. RHOADES |   |  |                          |   |

# Flood plain Map





City of Austin  
Infrastructure  
Support Services



Case C14-04-0071

Base  
Subdivision



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Mon Aug 25 14:33:41 2008

## **STAFF RECOMMENDATION**

Staff's alternate recommendation is limited office-conditional overlay (LO-CO) combining district zoning.

## **BASIS FOR RECOMMENDATION**

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

Limited Office district zoning is the designation for an office use that serves neighborhood or community needs and is located in or adjacent to residential neighborhoods.

The Oak Hill Area Study recommended office zoning for this tract and staff is being consistent with what was recommended with the study (see attached study). Since the case was never followed through, staff is recommending the original request, which was recommended by Planning Commission and approved on first reading by City Council in 1985.

In the immediate vicinity, the zoning has generally stayed consistent with what was recommended in the Oak Hill Area Study, with the exception of the LR tracts to the west at the intersection of Silvermine Drive and Hwy 290. Although the zoning to the west is LR, it appears that the building is for an office use.

LO zoning would give the applicant a fair and reasonable use of the property. It will potentially service nearby residences and is consistent with other nearby office uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped.

### **Transportation**

The trip generation under the requested zoning is estimated to be 900 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

There are no existing sidewalks along State Highway 71 West.

There are no bike routes in this general area..

Capital Metro bus service is not available within 1/4 mile of this property.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for State Highway 71. If the requested zoning is granted, then 200 feet of right-of-way reserved from the existing centerline of SH 71 West in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

### **Impervious Cover**

This site is not located over the Southern Edward's Aquifer Recharge Zone. The site is located over the Southern Edward's Aquifer Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 25% impervious cover in the contributing zone.

### **Environmental**

According to flood plain maps, there is flood plain within the project location. There is also Critical Water Quality Zone and Water Quality Transition Zone 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.

At this time, site specific information is unavailable regarding existing trees and 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.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or utility relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water utility. The utility construction must be inspected by the City. The utility plan must be in accordance with the City's utility design criteria and specifications.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

**APPROVAL OF MINUTES**

2. Approve Zoning and Platting Commission minutes for July 20, 2004 & July 26, 2004, Special Called Meeting.

**APPROVED JULY 20, 2004 MINUTES; BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT**

**APPROVED JULY 26, 2004 SPECIAL CALLED MTG. MINUTES; BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (7-0-1) J.D – ABSTAINED; J.P – ABSENT**

**DISCUSSION AND ACTION ON ZONING CASES****CONTINUED CASES**

3. C814-98-0001.01 – SOUTHWEST MARKETPLACE, By: Hay Barn, Ltd. (Carey P. Brownlee), Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann), 4201 – 4515 West William Cannon Drive & 6900-7238 S. Mopac. (Williamson Creek Watershed – Barton Springs Zone). **FROM PUD TO PUD TO CHANGE THE CONDITONS OF ZONING. THIS PROPERTY, LOCATED IN THE BARTON SPRINGS ZONE, HAS BEEN PROPOSED FOR A ZONING CHANGE THAT WILL: 1) MODIFY THE ORIGINAL CONDITIONS OF ZONING, AND 2) MODIFY THE APPLICATION OF CHAPTER 25-8, ARTICLE 12 (SAVE OUR SPRINGS INITIATIVE). RECOMMENDED. City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 5-18 (APPLICANT), 6-15 (STAFF), 7-20 (APPLICANT & STAFF).**

**APPROVED STAFF'S RECOMMENDATION FOR PUD ZONING; BY CONSENT.**

**[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT**

4. C14-04-0071 – DENNIS DEMENT & ASSOCIATES (Dennis Dement), By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), 8423 State Hwy. 71 West. (Williamson Creek). **FROM I-RR TO LR. ALTERNATE RECOMMENDATION: LO-CO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 6-15 (STAFF), 7-20 (APPLICANT).**

**APPROVED LO-CO ZONING.**

**[K.J; B.B 2<sup>ND</sup>] (8-0) J.P – ABSENT**

Valley View Condominium Homeowners Association  
6718 Silvermine Drive, Unit 1204  
Austin, Texas 78736  
(512) 288-3420

June 1, 2004

Mr. Glenn Rhoades  
City of Austin Neighborhood Planning & Zoning Dept.  
505 Barton Springs Road  
P. O. Box 1088  
Austin, Texas 78767-8835

VIA FACSIMILE  
(512) 974-6054

RE: Case No. C14-04-0071  
8423 W State Highway 71

Dear Mr. Rhoades:

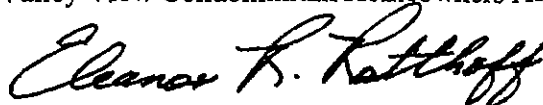
The 68 condominium owners who are members of the Valley View Village Condominium Homeowners Association have asked me to express to the City our collective concern about the captioned request for rezoning filed by Dennis Dement. We certainly recognize Mr. Dement's need to make productive use of his property, but we are concerned about potential adverse impact both on the surrounding residential neighborhood and on Williamson Creek which is of course adjacent to the property.

It should be noted that the intensity of uses on the south side of Highway 71 is much less than it is on the north side of the highway. At a minimum, that is a situation that needs to be preserved.

We support the City's recommendation of LO classification for the property, rather than the LR classification which was originally requested. In addition, we strongly request that a requirement be imposed for a 25-foot vegetative bumper along the creek at the rear of the property. Such a bumper would protect the wildlife along the creek, provide noise abatement, and help to preserve the residential character of the surrounding neighborhood.

Thank you for your attention to our concerns.

Sincerely,  
Valley View Condominium Homeowners Asso.



By: Eleanor R. Rotthoff, President

233-0075 (fax)

bill.schultz@verizon.net

June 14, 2004

Mr. Glenn Rhoades  
Neighborhood Planning and Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-8818

VIA FAX: 974-6054

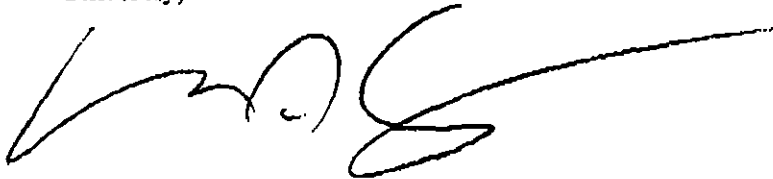
**RE: 8423 Hwy. 71 West  
Rezoning from RR-1 to LR  
COA Case No. C14-04-0071GR**

Dear Mr. Rhoades,

As owner of properties along Hwy. 71 in the Covered Bridge Subdivision immediately to the west of the Dement Tract described in Zoning Case No. C14-04-01GR, I am not in support of the rezoning of the subject tract to LR-Neighborhood Commercial without any (many) conditional overlays. I have spoken to Dennis Dement and I believe that with some extra time some conditional overlays with LR can be achieved, otherwise I would support LO. This portion of Hwy. 71 is in need of both office and retail sites to accommodate the current commercial uses along Hwy. 71 and Hwy. 290 that are being displaced by impending highway improvements in the Oak Hill area.

Please call me if you have any further questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.D. Schultz', with a long horizontal flourish extending to the right.

William D. Schultz  
266-4749

**ADDENDUM**  
**CITY ZONING AND PLATTING COMMISSION**  
**APRIL 2, 2002 [ANNOTATED]**  
**ONE TEXAS CENTER**  
**505 Barton Springs Road, Room 325**  
**3<sup>rd</sup> Floor Conference Room**

**CALL TO ORDER – 6:00 P.M.**

**THE FOLLOWING ITEMS WERE INADVERTENTLY LEFT OFF THE AGENDA**

**DISCUSSION AND ACTION**

- 2a. Discussion and action on a request to initiate the zoning of property locally known as 8423 State Highway 71 West (Williamson Creek Watershed) from I-RR, Interim-Rural Residence District zoning to LO, Limited Office District zoning. Property Owner: Dennis Dement. City Staff: Gregory Guernsey, 974-2387.

***APPROVED BY CONSENT.***

***[J.MARTINEZ, A.A 2<sup>ND</sup>] (7-0) M.C, V.A – ABSENT***

**POSTED: March 29, 2002**

**TIME: 4:00 P.M.**

ZONING AND PLATTING  
COMMISSION

APRIL 2, 2002

LATE SUPPORT MATERIAL





2a  
1

## MEMORANDUM

**To:** Betty Baker, Chair  
and Members of the Zoning and Platting Commission

**From:** Gregory Guernsey, AICP, Development Services Manager  
Neighborhood Planning and Zoning Department

**Date:** March 28, 2002

**Subject:** 8423 State Highway 71 West  
Lot 1, Oak Bridge Subdivision, Travis County, TX.

Please accept this memo as a request to initiate the zoning of the above referenced property from I-RR, Interim-Rural Residence district, zoning to LO, Limited Office district, zoning. On May 15, 1985, Mr. Dennis Dement submitted zoning application (including a \$1,675.00 fee) for the referenced property (file #C14r-85-176). During the summer of 1985, the Oak Hill Area Study was in process and accommodated by a massive zoning case. Mr. Dement agreed to zone his property with other properties affected by the City initiated area study and assigned a new case number (file #C14-85-288.194).

As evidenced in a City of Austin case file, the Austin City Council approved on his property for LO, Limited Office district, zoning on first ordinance reading. The zoning was recommended by Staff subject to conditions that limited the property to a maximum floor-to-area ratio of 0.25 to 1, a maximum impervious cover of 40%, a limitation to one curb cut to S.H. 71 West and compliance with the Williamson Creek Watershed regulations. Although Mr. Dement signed a restrictive covenant agreeing to these conditions and had it delivered to City Staff, the zoning case was not scheduled for final ordinance approval and subsequently expired.

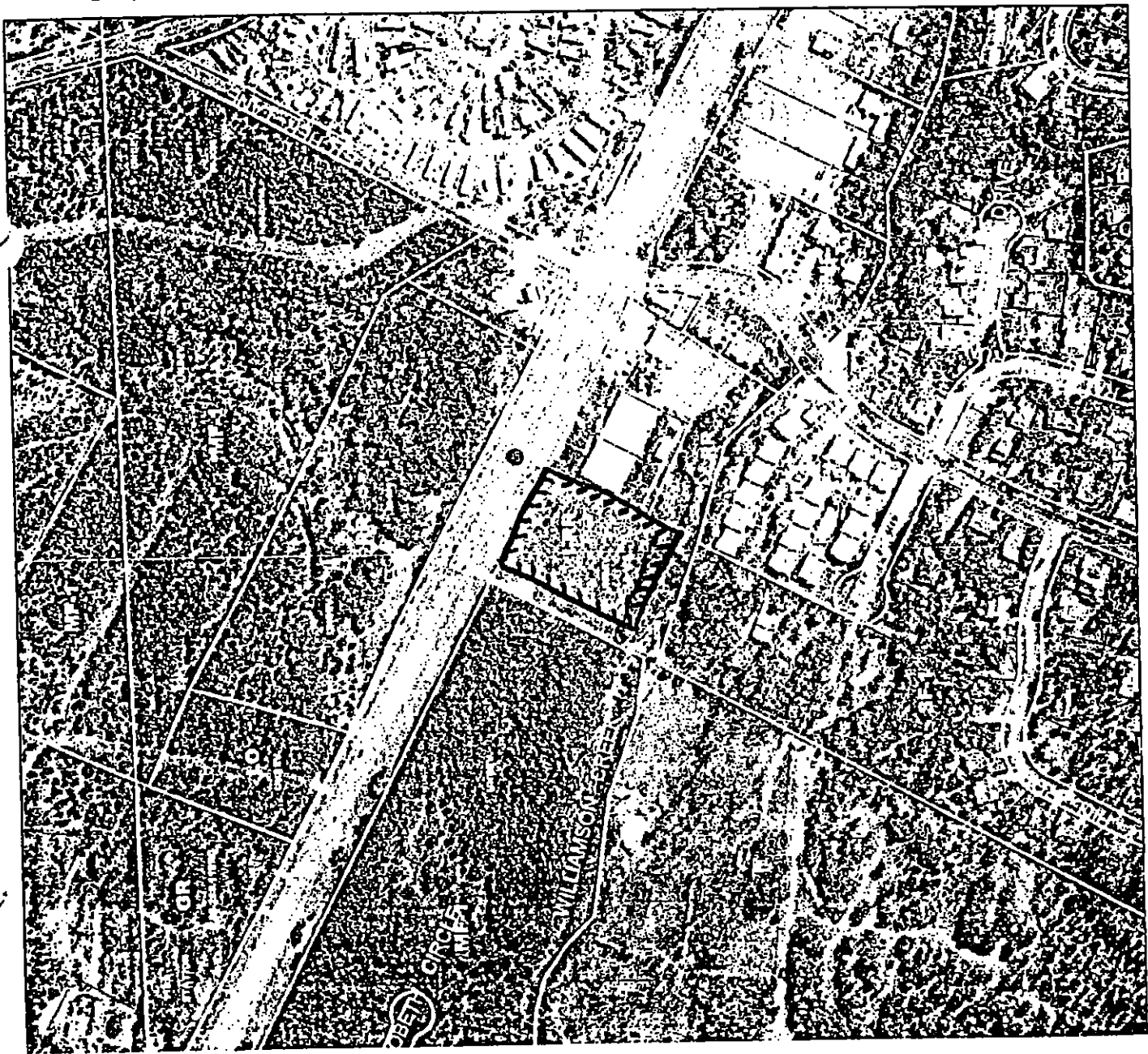
Therefore, Staff is requesting the Zoning and Planning Commission initiate a new zoning application, so the Mr. Dement does not incur an additional expense in permanently zoning his property. If you have any questions, please contact me at (512) 974-2387.

Gregory Guernsey, AICP, Development Services Manager  
Neighborhood Planning and Zoning Department

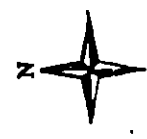
Attachment(s): Maps  
Dennis Dement Letter & attachments

# City of Austin Infrastructure Support Services

8407 U.S. Highway 71 West

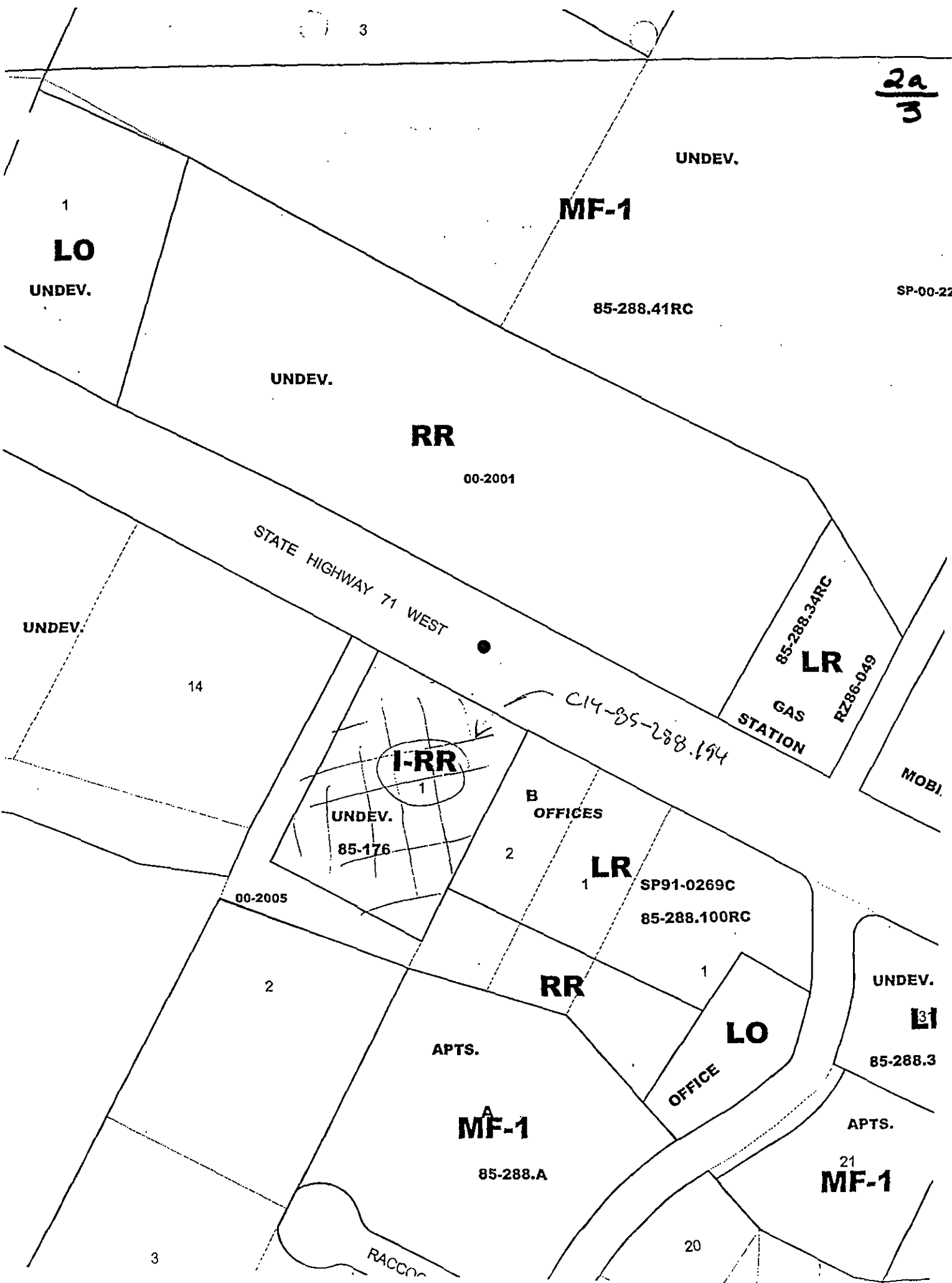


zoning  
base



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2a  
2



LG

UNDEV

RR

STATE HIGHWAY 21 WEST

UNDEV

IRR

UNDEV

LR

STADON

OFFICE

LR

85-284-100RC

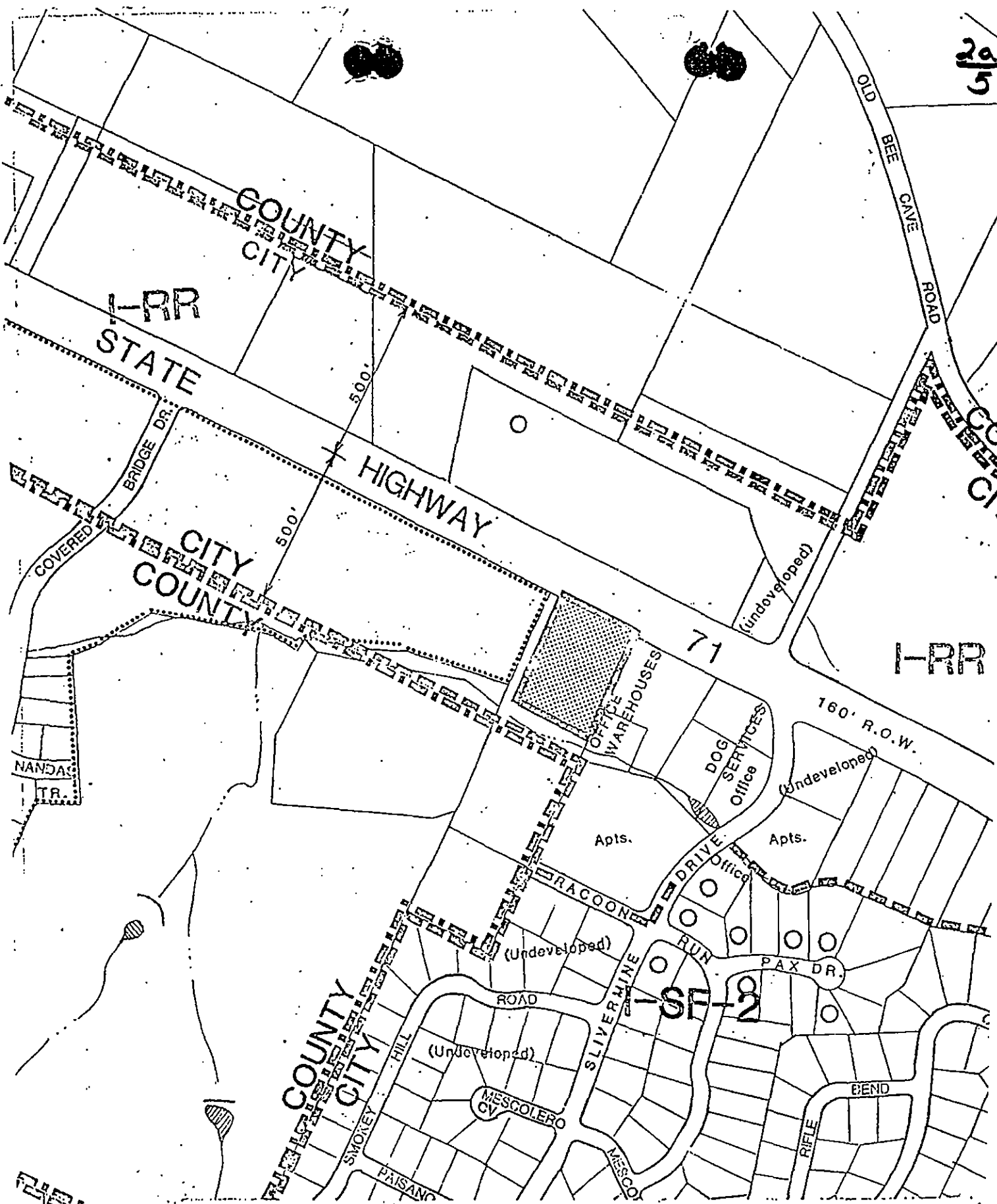
RR


LG

N

ME

ME



|   |                     |                      |                         |      |
|---|---------------------|----------------------|-------------------------|------|
|  | NORTH               | PENDING CASE .....   | SUBJECT TRACT .....     | GRID |
|   |                     | ZONING LINE .....    | SUBJECT ACREAGE 2.0 AC. | B    |
|   | CYCLE 7/85 INTLS PS | CASE NO: C14r-85-176 | 20                      |      |

2a  
6

DENNIS D. DEMENT AND ASSOCIATES

---

1100 Guadalupe  
Austin, Texas 78701  
(512) 476-4873

February 29, 2000

Mr. Ben Heinsath  
Chairman, Comprehensive Plan Subcommittee  
City of Austin  
One Texas Center, 4<sup>th</sup> Floor  
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision  
In the Plat records of Travis County, Texas  
In book 87, page 52A-52B

Dear Mr. Heinsath:

This letter is written and is intended as an official request to change the zoning from IRR to LO on the above described property.

This property was approved as a subdivision by the City Planning Commission on December 9, 1986. The city required specified land usage of all three (3) lots in this three (3) lot subdivision. This was indicated on page 2 of the plat that is recorded in volume 87, page 52B of plat records. This was also indicated on the signature page for Chairman Mary M. Arnold and Secretary J.M. Goodman (see attachment # 1, C8s-86-018). Lot 1 had frontage on SH 71 and was designated as a commercial lot on the approved subdivision plat.

In April of 1986, the Oak Hill area study for rezoning (C14-85-288) of proposed land being annexed by the City of Austin had progressed to the point that certain recommendations had been documented. The study recommended that Lot 1 of Oak Bridge Subdivision be zoned LO as is reported in the attached 5 page study (see attachment # 2). Lot 1 of Oak Bridge is described on E-10, page 3 of the study. The staff recommendation was LO with two (2) conditions: (a) maximum impervious cover of 35%, (b) limited to one curb cut along SH 71. The property described in E-10 on page 3 can be found on the city map dated April 16, 1986, which is located in the City of Austin office.

During the summer of 1987, I was contacted by the City of Austin with regard to the recommended LO zoning of property under the Oak Hill study. The City was told that there would be no objection to LO zoning and we would not initiate a separate zoning request. We agreed to be included in the Oak Hill area rezoning under C14-85-288.194.

The City sent a Restrictive Covenant for our signatures as is indicated on the three (3) page Oak Hill Restrictive Covenants status report dated September 8, 1987 (see attachment # 3). This indication that the Restrictive Covenant was sent is located on page

3 of the report. The Restrictive Covenant was signed, notarized, and hand delivered to the City of Austin offices located at 301 West 2<sup>nd</sup> Street. A copy of the covenant is attached to and made part of this letter (see attachment # 4). The hand delivery slip to the City of Austin was addressed to Ida Meehan and was signed for by Carol Kane (see attachment # 5).

In the past, I've met with Gregory I. Guernsey, a Principal Planner with the Development Review and Inspection Department with the City of Austin. Mr. Guernsey has been very helpful in researching the documentation of the zoning status of this property. Mr. Guernsey has also told me that with his knowledge of the facts surrounding the paperwork in this case, it appears that somehow, the Restrictive Covenant was misplaced after being delivered to Ida Meehan. The property was therefore inadvertently left out of the blanket zoning in C14-85-288. Mr. Guernsey has also said that after review of the facts, his office would not oppose the zoning status of the property to be changed to LO.

I respectfully request your review of the documented events and efforts on our part to comply with the City of Austin. We are not asking for any more than what was originally recommended by the City under the Oak Hill area study and by all rights, this property should have been zoned LO years ago. I submit that we did everything requested of us and am asking the Comprehensive Plan Subcommittee and Planning Commission to change the zoning to LO without further application or fee.

I thank you in advance for your immediate attention to this matter. Please contact me at 476-8453, or my office at 1100 Guadalupe, Austin, Texas 78701 if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis D. Dement". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis D. Dement

CC: Greg Guernsey

Dennis Dement and Associates  
1100 Guadalupe  
Austin, Texas 78701  
(512) 476-8453

Pick Up & Delivery Receipt

Date: 3-1-00 Time: 4:00 PM

From: Dennis D. Dement

☒ Deliver To: Mr. Ben Heinsath  
☐ Pick Up From: C/O

Name: Nikki Hoelter

Address: 505 Barton Springs Rd  
One Texan Ctr 4th Fl.

Need By: ASAP

Special Instructions: Any one may sign

Delivered by: \_\_\_\_\_

Received by: Pam Prustow

Date: 3-01-00 Time: \_\_\_\_\_



DENNIS D. DEMENT AND ASSOCIATES

1100 Guadalupe  
Austin, Texas 78701  
(512) 476-8453

April 13, 2001

Mr. Ben Heinsath  
Chairman, Comprehensive Plan Subcommittee  
City of Austin  
One Texas Center, 4<sup>th</sup> Floor  
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision  
In the Plat Records of Travis County  
Texas Book 87, Page 52A and 52B

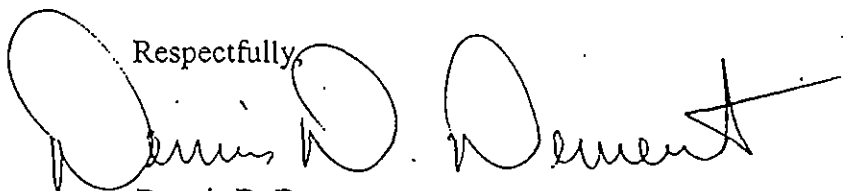
Dear Mr. Heinsath:

Attached is a copy of a letter sent to you February 29, 2000 addressing certain rezoning issues with regard to the above described property. I never received a response to the previous letter.

Please contact me at your earliest convenience or at the least, have one of your staff representatives call or write. This unsolved issue has lingered long enough and needs to be corrected.

I can be reached at 1100 Guadalupe, Austin, Texas 78701, or (512) 476-8453. Your immediate attention to this matter would be greatly appreciated.

Respectfully,

  
Dennis D. Dement

4110  
Speedway

Dennis Dement and Associates  
1100 Guadalupe  
Austin, Texas 78701  
(512) 476-8453

Pick Up & Delivery Receipt

Date: 4-13-01 Time: 12:05 PM

From: Dennis D. Dement

☒ Deliver To: City of Austin  
☐ Pick Up From: Comprehensive Plan Sub-Committee

Name: Mr. Ben Heinsath

Address: One Texas Center 4th Floor  
505 Barton Springs Rd.

Need By: 3:00 PM

Special Instructions: Anyone may sign

Delivered by: Leah Carroll

Received by: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

This letter to Heinsath was left  
on his residence porch by Leah  
Carroll on 4-13-01.

DENNIS D. DEMENT AND ASSOCIATES

1100 Guadalupe  
Austin, Texas 78701  
(512) 476-4873

February 29, 2000

2a  
11

Mr. Gregory I. Guernsey, AICP  
Principal Planner  
Development Review and Inspection Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas

Re: Lot 1 of the Oak Bridge Subdivision  
In the Plat records of Travis County, Texas  
In book 87, page 52A-52B

Dear Greg:

I met with you and Duncan Muir about this property on a couple of occasions back in 1997. It was then that the recommendation to write Chairman Walter Brown was first proposed. For various reasons this was never done, but most recently it has become more important to attempt to get this zoning changed to LO. I have included, for your review, everything that is being sent to Chairman Ben Heinsath. As you will see in my letter, I included that you had previously told me that based on facts and history of this property, you would not oppose the LO zoning. This, of course, was due to the fact that it had been recommended under the Oak Hill area study and had been inadvertently left out. I was not attempting to speak for you, but thought it important to include the research and efforts that had been made in an effort to document the history of this property.

Thank you for the help and courtesy you have shown in the past. Please call with any questions you might have. I can be reached in my office at 476-8453.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis D. Dement", with a long horizontal flourish extending to the right.

Dennis D. Dement

**MEMORANDUM**

DATE:

3-2-00

RE:

7:35

TO:

DDO

Gregg Guernsey  
City of Austin

"I did receive your  
package"

449-2387

SIGNED:

TOPS  FORM 4150

☒ PLEASE REPLY ☐ NO REPLY NEEDED

RESTRICTIVE COVENANT

OWNERS: A. D. S. General Partnership

OWNER'S ADDRESS: 8407 Highway 71 West, Austin, Texas, 78735

CONSIDERATION: One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1 of the Oak Bridge Subdivision as recorded in the Plat Records of Travis County, Texas in Book 87, Page 52A-52B.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. The Property shall be limited to a maximum of .25 to 1 floor to area ratio as defined by Section 1212 of Chapter 13-2A of the Austin City Code.
2. Maximum impervious coverage of the Property shall be 40 percent.
3. The Property shall be limited to one curb cut along State Highway 71.
4. Development of the Property shall be in compliance with Sections 9-10-171 through 9-10-230 and Sections 13-3-401 through 13-3-475 of the Austin City Code, which regulate site development and subdivisions in the Williamson Creek Watershed.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
7. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 31st day of January, 1987.

Elry A. Hudson  
Elry A. Hudson, General Partner

Artie Hudson  
Artie Hudson, General Partner

Dennis D. Dement  
Dennis Dement, General Partner

THE STATE OF TEXAS

§  
§

31 This instrument was acknowledged before me on January, 1987, by Elry A. Hudson, a general partner, on behalf of A. D. S. General Partnership, a partnership.

Bennie Anderson  
Notary Public, State of Texas

BENNIE ANDERSON  
Notary Public, State of Texas  
My Commission Expires 5-04-89

Notary's name (printed)

My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS

§  
§

31 This instrument was acknowledged before me on January, 1987, by Artie Hudson, a general partner, on behalf of A. D. S. General Partnership, a partnership.

Bennie Anderson  
Notary Public, State of Texas

BENNIE ANDERSON  
Notary Public, State of Texas  
My Commission Expires 5-04-89

Notary's name (printed)

My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS

§  
§

This instrument was acknowledged before me on January, 1987, by Dennis Dement, a general partner, on behalf of A. D. S. General Partnership, a partnership.

Bennie Anderson  
Notary Public, State of Texas

BENNIE ANDERSON  
Notary Public, State of Texas  
My Commission Expires 5-04-83  
Notary's name (printed)

My Commission Expires: \_\_\_\_\_

288.194rc

288.194rc

Law Offices of  
**MINTON, BURTON, FOSTER & COLLINS, P.C.**  
1100 Guadalupe Street  
Austin, Texas 78701  
512-476-4873

**Pick Up & Delivery Receipt**

Date: 2-3-88 Time: 10:55 AM  
From: Dennis D. Dement  
ADS Investment

☒ Deliver To:  
☐ Pick Up From: Ida Meehan  
Name: City of Austin  
Address: 2nd & Lavaca

Need By: \_\_\_\_\_

Special Instructions: Hand Deliver  
Restrictive Covenant

Delivered by: \_\_\_\_\_

Received by: Carol Kamm

Date: \_\_\_\_\_ Time: \_\_\_\_\_

re: \_\_\_\_\_



CONDITIONS OF ZONING  
OAK HILL AREA STUDY  
C14-85-288

See Map  
dated April 16, 1986

A. The following conditions apply to all property contained within the boundaries of the Oak Hill Area Study, zoning case C14-85-288:

1. No development on slopes with a gradient of 15% or greater.
2. Compliance with applicable watershed ordinances, as may be amended from time to time, except properties grandfathered from the provisions of the Williamson Creek Watershed Ordinance.

For grandfathered properties, the following is recommended:

Compliance with all provisions of the Williamson Creek Watershed Ordinance, as may be amended from time to time, except Sections 203.3(c), (d) and (e) of Part 1 and all of Part 2 of ordinance 801281-W and part of Section 101.2 (b) reading "... or to a development within a recorded subdivision which was finally approved or disapproved by the Planning Commission prior to December 18, 1980 [.]" and all of Sections 103.3 (c), (d), and (e) of ordinance 810319-M.

B. Conditions that apply to properties whose zoning requests were heard by the Planning Commission Subcommittee are stated on a separate list dated ~~March 11~~ <sup>April 16</sup>, 1986.

C. The following additional condition applies to all properties zoned SF-6:

1. Maximum impervious coverage of 50%.

D. The following additional conditions apply to all properties zoned MF-1:

1. Maximum impervious coverage of 50%.
2. Maximum density of 13.5 units per acre.

E. The following additional conditions apply to all properties zoned NO, LO, and GO:

1. Maximum impervious coverage of 65%, except where coverage is more limited by a specific condition.
2. Maximum F.A.R. of .25 to 1, except in cases in which a maximum building square footage is stated as a specific condition.

Note: This property has not been annexed by the City of Austin.

3. Staff Recommendation: LO (7.7 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 50%.
- b. Limited to one curb cut along S.H. 71.

4. Staff Recommendation: LR (2.96 acres)

LR zoning is recommended subject to the following additional conditions:

- a. No curb cuts within 300 feet of each other.
- b. No curb cuts along Mountain Shadows Drive.

5. Staff Recommendation: CS (2.73 acres)

CS zoning is recommended subject to the following additional condition:

- a. Limited to one curb cut along Old Bee Cave Road and one curb cut along Bell Drive.

6. Staff Recommendation: LR (5.9 acres)

LR zoning is recommended subject to the following additional condition:

- a. Limited to two curb cuts along Old Bee Cave Rd.

7. Staff Recommendation: LO (2.5 acres)

LO zoning is recommended subject to the following additional condition:

- a. Limited to one curb cut along Old Bee Cave Road.

8. Staff Recommendation: GR (23 acres)

GR zoning is recommended subject to the following additional condition:

- a. Limited to two curb cuts along S.H. 71.

9. Staff Recommendation: LO (10.7 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 50%.
- b. Limited to two curb cuts along S.H. 71.

10. Staff Recommendation LO (2.05 acres)

LO zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. Limited to one curb cut along S.H. 71.

11. Staff Recommendation LO (9 acres)  
GR (6 acres)  
LR (4 acres)  
IP (24.23 acres)  
ROW (remaining)

LO and IP zoning is recommended subject to the following additional conditions:

- a. IP use restrictions (See attachment #2).
- b. Maximum F.A.R. of .10 in the Barton Creek Watershed.
- c. Site plan review for tracts adjacent to Boston Lane.

12. Staff Recommendation GO (.68 acres)

GO zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

13. Staff Recommendation SF-6 (7.6 acres)

SF-6 zoning is recommended subject to the following additional condition:

- a. Limited to a maximum density of 7.5 u.p.a.

14. Revised Staff Recommendation: LR (.91 acres)

LR zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

Note: Condition applies to any redevelopment of property.

15. Revised Staff Recommendation: LR (.45 acres)

LR zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

Note: Condition applies to any redevelopment of property.

16. Staff Recommendation: SF-6 (7.7 acres)

SF-6 zoning is recommended subject to the following condition:

- a. Limited to a maximum density of 7.5 u.p.a.

17. Staff Recommendation: CS (9.34 acres)

CS zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 50%.

18. Staff Recommendation: GR (4.8 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

Note: Conditions apply to any redevelopment of the property.

19. Staff Recommendation: GR (3.4 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

Note: Conditions apply to any redevelopment of the property.

20. Staff Recommendation: GR (2.5 acres)

GR zoning is recommended subject to the following additional conditions:

- a. Maximum impervious coverage of 35%.
- b. No curb cuts within 300 feet of each other.

21. Staff Recommendation: CS (1.59 acres)

CS zoning is recommended subject to the following additional condition:

- a. Maximum impervious coverage of 35%.

22. Staff Recommendation: LR (8.4 acres)

LR zoning is recommended subject to the following additional condition:

- a. No curb cuts within 300 feet of each other.
- b. Maximum impervious coverage of 35 %.

Note: Conditions apply to any redevelopment of the property.

23. Staff Recommendation: CS (5.74 acres)

CS zoning is recommended subject to the following additional conditions:

- a. CS limited to the existing use, or the restricted CS uses identified in attachment #1.
- b. Retention of existing home.
- c. Any development is subject to compliance with the compatibility standards.
- d. A visual screen of at least 6 feet in height to buffer the CS use.
- e. Should subdivision occur, then full compliance with the Williamson Creek Watershed Ordinance.

Oak Hill Restrictive Covenants  
Status Report  
September 8, 1987

2a  
2c

- a) C14-85-288.3A Haskell & Jean Hudson; 7924 U.S. 290 West  
1) On 9-24-87 agenda.
- b) C14-85-288.3B Haskell & Jean Hudson; 7936 U.S. 290 West  
1) On 9-24-87 agenda.
- c) C14-85-288.16 Haskell & Jean Hudson; 6703 Wolfcreek Pass  
1) RC sent to attorney for owners.
- d) C14-85-288.21 Jerry Angerman  
1) RC sent to attorney for owner.
- e) C14-85-288.23 Stephen Simon  
1) RC sent to Ida for review. Needs field notes.
- f) C14-85-288.30 Sanford Hurwitz  
1) RC done and sent to owner for signature 5-14-87.
- g) C14-85-288.31 Ray F. Atkins  
1) RC sent to owner.
- h) C14-85-288.32 M.D. Lowe  
1) Draft RC per request.
- i) C14-85-288.35 Lonnie Cooper; 7805-7810 Old Bee Cave Rd.  
1) RC sent to agent for owner.
- j) C14-85-288.37 J.T. Lanehart Electric  
1) On 9-24-87 agenda.
- k) C14-85-288.38 Tommy Nelms  
1) RC sent to Ida for review.
- l) C14-85-288.40 H.E. & Wilma Thomas  
1) RC sent to owners.
- m) C14-85-288.41 Ray D. Robertson  
1) RC sent to agent for owner.
- n) C14-85-288.43 HCA Properties Inc.  
1) Revised RC sent to attorney for owner.
- o) C14-85-288.57 John Gould & Alexander Lee  
1) RC drafted and sent to Ida to review. Also waiting for 3 sets of field notes.
- p) C14-85-288.58 Evelyn & Marvin Bassford  
1) Revised RC sent to owners.
- q) C14-85-288.61 Bud Johnson  
1) Needs street deed; revise per Ida's instructions.
- r) C14-85-288.85A Haskell & Jean Hudson  
1) RC sent to Jim Huber for review. Needs certified field notes.
- s) C14-85-288.85B Jerry Dixon  
1) RC sent to Jim Huber for review. Needs certified field notes.
- t) C14-85-288.85C B.D. Collier  
1) RC sent to Jim Huber for review. Needs certified field notes.
- u) C14-85-288.93 Mt. Olive Lutheran Church  
1) RC sent to owner.
- v) C14-85-288.100A KMW Associates; 8303-8311 Hwy 71 West  
1) RC drafted; need field notes to complete. *RC done,*
- w) C14-85-288.100B Andrew & Sylvion Kivlin; 8317 Highway 71 West  
1) RC done. Must wait for field notes from owner to complete.

- DRIVE
- 2) RC sent to owners.
  - 1) C14-85-288.101 Haskell & Jean Hudson; 6707 Hill Oaks Drive
  - 1) RC sent to attorney for owners.
  - 2) C14-85-288.103A Elry & Barbara Hudson; 8016 U.S. 290 West
  - 1) RC sent to owner.
  - ad) C14-85-288.103B Elry & Barbara Hudson; Adjoins 8016 U.S. 290 West
  - 1) RC sent to owner.
  - ? ab) C14-85-288.106 Cedar Wholesale Supply Co.
  - 1) RC sent to owners.
  - ac) C14-85-288.118 Saddleback Joint Venture
  - 1) RC sent to agent for owner.
  - ad) C14-85-288.136
  - 1) RC sent to owner 4-24-87.
  - ae) C14-85-288.138 Betty J. Oliver
  - 1) RC sent to owner.
  - af) C14-85-288.139 Howard Kells; 8739 Old Bee Caves Road
  - 1) RC sent to Ida for review.
  - ag) C14-85-288.153 B.J. & Pearl Bartley
  - 1) RC sent to owners.
  - ah) C14-85-288.154 B.D. & Thelma Collier
  - 1) RC sent to owners.
  - ai) C14-85-288.158 Travis Cook Joint Venture
  - 1) Need change of zoning categories to place on agenda.
  - aj) C14-85-288.162 Gerald & Bettina Powell
  - 1) RC sent to owners.
  - ak) C14-85-288.164 Oak Hill Plaza
  - 1) RC sent to owners.
  - al) C14-85-288.165 Lillian L. Porter
  - 1) RC done; needs field notes
  - am) C14-85-288.166 Boston Lane G.L.S. Joint Venture
  - 1) RC sent to owner.
  - an) C14-85-288.167 Dan B. Priest
  - 1) RC sent to owner.
  - ao) C14-85-288.168A & C14-85-288.168B Haskell & Jean Hudson
  - 1) On 9-24-87 agenda.
  - ap) C14-85-288.170 Sherill Jeter, Merry Miller
  - 1) Revised RC sent to agent for owners.
  - aq) C14-85-288.180 Haskell & Jean Hudson; Corner of Haskell Drive & Boling Drive near U.S. 290 West
  - 1) On 9-24-87 agenda.
  - ar) C14-85-288.181 Haskell & Jean Hudson; 6707 Hilloaks Drive
  - 1) On 9-24-87 agenda.
  - as) C14-85-288.182 Haskell Hudson, E.A. Hudson, & Erlene Reynolds; intersection of S.H. 71 & U.S. 290
  - 1) RC sent to owners.
  - at) C14-85-288.183 Haskell & Jean Hudson; 6765 U.S. 290 West
  - 1) On 9-24-87 agenda.
  - au) C14-85-288.184 Haskell & Jean Hudson; 6753 U.S. 290 West
  - 1) On 9-24-87 agenda.
  - av) C14-85-288.185 Haskell & Jean Hudson; 6739 U.S. 290 West
  - 1) On 9-24-87 agenda.
  - aw) C14-85-288.186A Elry & Barbara Hudson; 7800 Hwy 71 West
  - 1) RC sent to owners.

- 2a  
24
- 1) RC sent to owners.
- .ay) C14-85-288. 7 Elry & Barbara Hudson; 20 U.S. 290 West  
1) RC sent to owners.
- .az) C14-85-288.188 Elry & Barbara Hudson; 6800 U.S. 290 West  
1) RC sent to owners.
- .ba) C14-85-288.189 Elry & Barbara Hudson; 6812 U.S. 290 West  
1) RC sent to owners.
- .bb) C14-85-288.191 James M. Schorr and Thomas N. Schorr;  
7201-7209 Old Bee Cave Road  
1) RC sent to owners.
- .bc) C14-85-288.192 Gary C & Susan A Matlock  
1) RC reviewed by planner & conditions verified; needs good  
legal description.
- .bd) C14-85-288.193 Artie & Bodie Hudson  
1) RC sent to owners.
- .be) C14-85-288.194 A.D.S. General Partnership; 8407 Hwy 71 West  
1) RC sent to owners.
- .bf) C14-85-288.195 Randy C. Rogers  
1) RC approved by planner; waiting for field notes.
- .bg) C14-85-288.198 Josephine Elizabeth McCullough and the  
Estate of Welty McCullough (deceased)  
1) RC drafted. Need copy of deed and name of executor or  
administrator of the estate to complete RC.
- .bh) C14-85-288.199 John Byram  
1) RC sent to owner.

60

10 or 9/24 again