

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0122 – Rees Tract

DISTRICT: 5

ZONING FROM: I-RR

TO: SF-5-CO, as amended

ADDRESS: 10221 David Moore Drive

SITE AREA: 6.325 acres

PROPERTY OWNERS: Charles and Janice Rees

AGENT: Dunaway Associates
(Meg Greenfield)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant urban family residence – conditional overlay (SF-5-CO) combining district zoning. The Conditional Overlay is for a maximum of six dwelling units. For a summary of the basis of Staff's recommendation, please see page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 5, 2021: *APPROVED SF-5-CO DISTRICT ZONING, AS STAFF RECOMMENDED*

[H. SMITH; J. KIOLBASSA – 2ND] (10-0) C. ACOSTA – ABSENT

September 21, 2021: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 5, 2021, BY CONSENT*

[H. SMITH; B. GREENBERG – 2ND] (11-0)

CITY COUNCIL ACTION:

November 4, 2021:

ORDINANCE NUMBER:

ISSUES:

On September 29, 2021, the Applicant amended the zoning request to SF-5-CO with the -CO, Conditional Overlay for a maximum of six (6) dwelling units.

CASE MANAGER COMMENTS:

The subject 6.325 acre unplatted tract contains two single family residences and takes its direct access to David Moore Drive, an unpaved driveway along the property frontage. A 30-foot wide access and utility easement parallels this unpaved section of David Moore Drive and extends northwest to the terminus of David Moore Drive which is paved and

serves as the primary access to West Slaughter Lane for the Texas Oaks subdivision. There is also an access and utility easement that extends across an eastern portion of the zoning area and the adjacent tract to the east. The tract has interim – rural residence (I-RR) district zoning and is situated between two other similar-sized I-RR zoned tracts that contain one single family residence each. A floodplain of Slaughter Creek extends through the north portion of the property. Paredes Middle School is further to the north (I-RR) and Mary Moore Searight Metropolitan Park is further to the east (SF-2). There are single family residences in the Texas Oaks subdivision to the south that take access to Shade Tree Drive, Shiny Rock Drive, and Hess Drive (I-SF-2). ***Please see Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant proposes to zone property to the urban family residence – conditional overlay (SF-5-CO) district in order to build up to six (6) single family residences in a condominium regime on the property to accommodate additional family members. Although the property has access to City water and wastewater lines, a cursory review by City staff indicates that upgrades to roadway and utility infrastructure will be needed to accommodate additional single family residences on the property.

As information, the SF-5 district requires location on a collector street and the maximum number of units allowed on an SF-5 zoned site is 10. David Moore Drive functions as a collector street because it is a primary means of vehicular access for several of the surrounding residential subdivisions.

BASIS OF STAFF RECOMMENDATION:

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

The urban family residence (SF-5) district is the designation for a moderate density single-family residence on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse or condominium residential use is permitted in an SF-5 district under development standards that maintain single family characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Based on the location of this tract, its acreage and access, and surrounding SF-2 base district zoning and uses, Staff recommends SF-5-CO as the Applicant has requested. The size of the property allows for additional dwelling units to be built while maintaining a low density residential character. Although SF-5-CO zoning would introduce a new zoning district to the area, the single family residential character of the neighborhood would be maintained due to the limited number of additional units (4) and likely be accompanied by infrastructure upgrades.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Two single family residences
<i>North</i>	I-RR	AISD – Middle School
<i>South</i>	I-SF-2	Single family residences in the Texas Oaks subdivision
<i>East</i>	I-RR; SF-2	One single family residence; City park
<i>West</i>	I-RR	Two single family residences

NEIGHBORHOOD PLANNING AREA: Not ApplicableTIA: Is not requiredWATERSHED: Slaughter Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Casey Elementary School

Paredes Middle School

Akins High School

COMMUNITY REGISTRY LIST:

360 – Texas Oaks South Neighborhood Association

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

1228 – Sierra Club, Austin Regional Group

1363 – SEL Texas

1530 – Friends of Austin Neighborhoods

1531 – South Austin Neighborhood Alliance (SANA)

1616 – Neighborhood Empowerment Foundation

1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0109 – Messinger Tract – 9900 David Moore Dr; 9800 Swansons Ranch Rd	RR; I-RR to SF- 6	To Forward to Council with no recommendation due to lack of an affirmative vote	Apvd SF-6 with a Restrictive Covenant for the conditions of a Neighborhood Traffic Analysis (8-27-2020).
C14-2011-0008 – Hollow at Slaughter Creek Zoning, Phase B – Addresses on Hundred Year Oak Dr, Tillerfield Trl, Middlefield Court, Canopy Creek Way, Wading Pool Path	I-SF-4A to SF- 4A	To Grant, as requested	Apvd (5-12-2011).

C14-00-2027 – Texas Oaks Baptist Church – 9910 Bilbrook Pl	I-RR to LO	To Grant SF-6	Apvd SF-6-CO w/CO for 2,000 trips/day (9-7-2000).
C14-97-0031 – St. Paul's Catholic Church – 10000 David Moore Dr	I-RR to SF-2	To Grant, as requested	Apvd (6-26-1997).
C14-96-0073 – Texas Oaks 4B – 9931 Bilbrook Pl	I-RR to SF-3	To Grant, as requested	Apvd (8-8-1996).
C14-00-2098 – Blackhawk Apartments – 1200 West Slaughter Ln	SF-1 to MF-1-CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Apvd MF-1-CO and LR-CO, with CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15' vegetative buffer along David Moore Rd; list of prohibited uses (1-25-2001).

RELATED CASES:

The property was annexed into the City limits on December 31, 1995 (C7A-95-001, Ordinance No. 951116-S).

There are no subdivision or site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
David Moore Drive	~77 – 120 feet	50 feet	~15 – 23 feet	1	Yes – in some sections	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

The zoning request is located on the northeast side of David Moore Drive, on an unplatted 6.325 acre tract that contains two single family residences. The property is not located within a small area planning area but is approximately one mile from the Slaughter Lane Activity

Corridor, a half mile from the Southpark Meadows Town Center and 0.60 miles from the Slaughter Lane Station Neighborhood Center. Surrounding land uses include undeveloped land and Paredes Middle School to the north; to the south is a single-family subdivision; to the east is undeveloped land and the Mary Moore Searight Metro Park; and to the west is undeveloped land and houses on large lots. The request is to obtain SF-5 zoning to construct additional houses on the site, while retaining the two existing single-family houses on the property, which is part of a family compound.

Connectivity

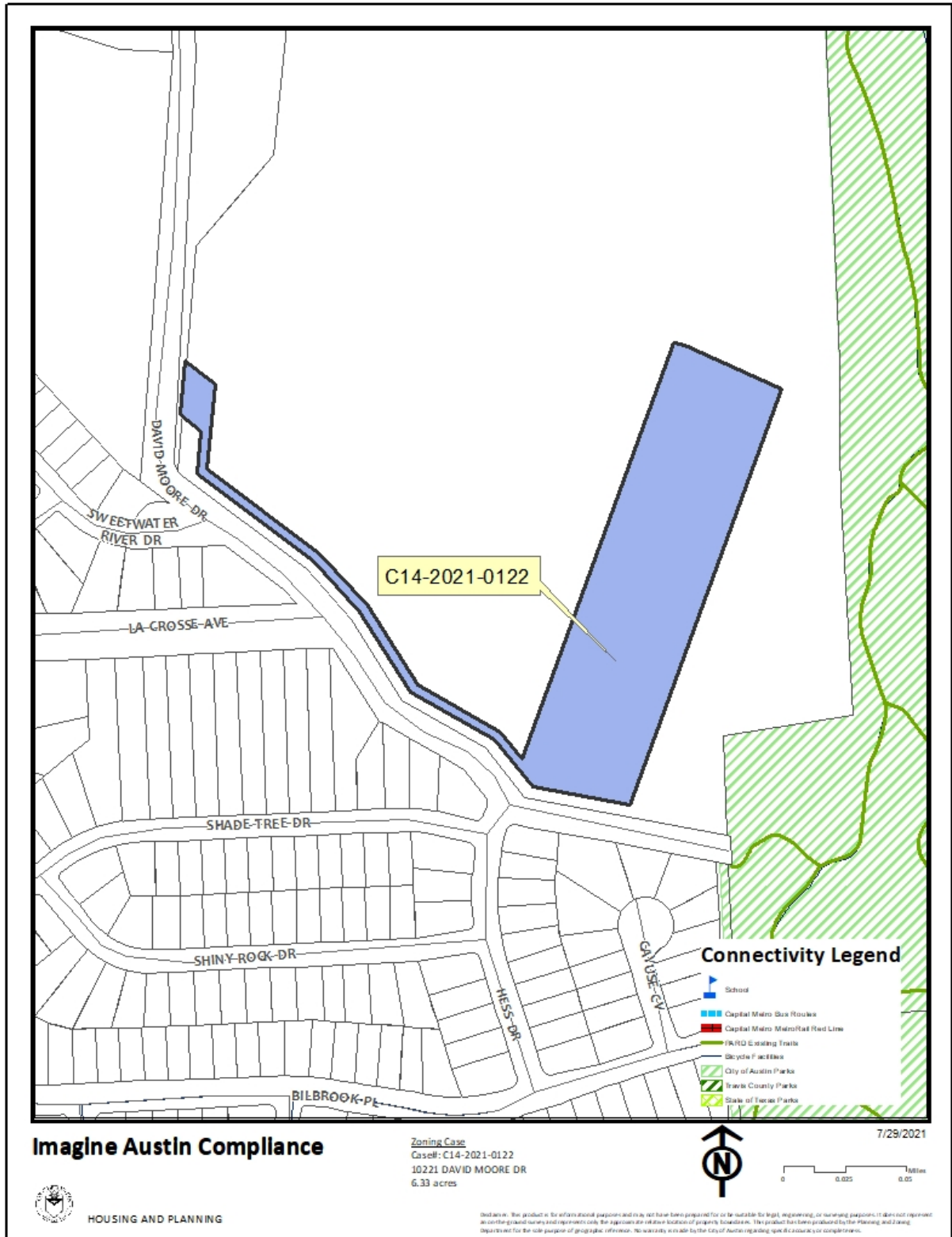
The closest public transit stop is located just over a mile away. This section of David Moore Drive is unpaved. There are no bike lanes. Mobility and connectivity options are below average. The Mary Moore Searight Trail is located within 1,000 feet of the subject property.

Imagine Austin

The property is not located along an Activity Center or near an Activity Corridor. The following Imagine Austin policies are applicable to this case:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based on the project having below average mobility and connectivity options in the area but building additional housing on the property, the project partially supports the policies of the Imagine Austin Comprehensive Plan.



Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not 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 Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists 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 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 requires water quality control with increased capture volume and control of the 2-year storm on site.

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

Impervious Cover

The maximum impervious cover allowed by the SF-5 zoning district would be 55%, which is which is a consistent figure between the watershed regulations and the zoning regulations.

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development includes few new residential units, so there would be minimal parkland dedication requirements as a result.

The Parks and Recreation Department (PARD) would consider the dedication of Slaughter Creek toward satisfying the requirement at time of permitting (whether subdivision or site plan), if applicable. Such a connection would satisfy an acquisition need for Slaughter Creek, a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Site Plan and Compatibility Standards

This project will be reviewed by the Residential Review team when site plans are submitted, and will be subject to Subchapter F.

Changing the zoning from I-RR to SF-5 does not trigger the application of compatibility standards.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted April 11, 2019, calls for 50 feet of right-of-way for David Moore Drive. A traffic impact analysis is not required for this case.

Austin Water Utility

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 land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

A: Zoning Map

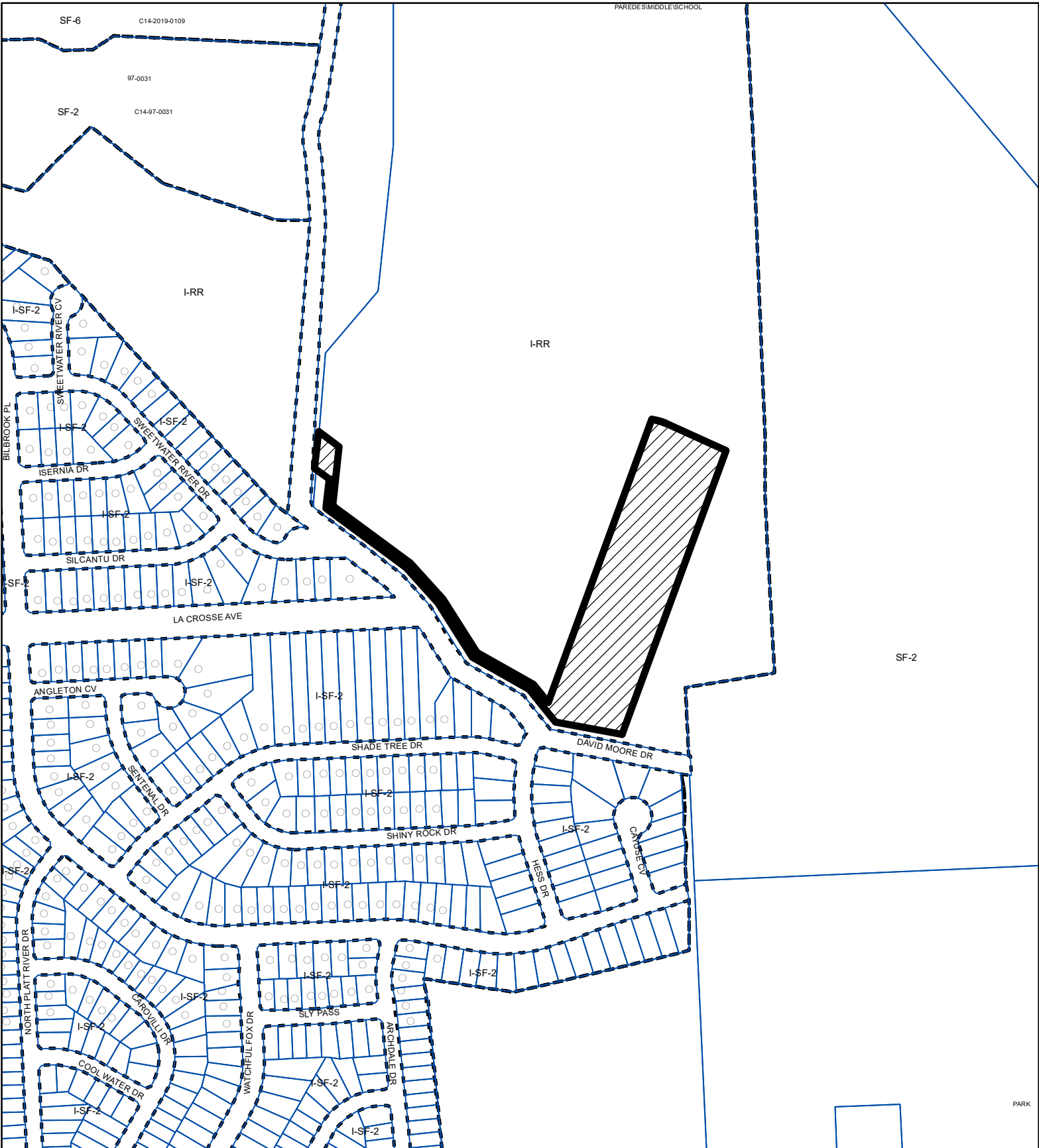
A-1: Aerial Map




Applicant's correspondence

Declaration of Covenants, Conditions, and Restrictions (private Restrictive Covenant, 2013)

Condominium Layout

Correspondence Received



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

ZONING CASE#: C14-2021-0122

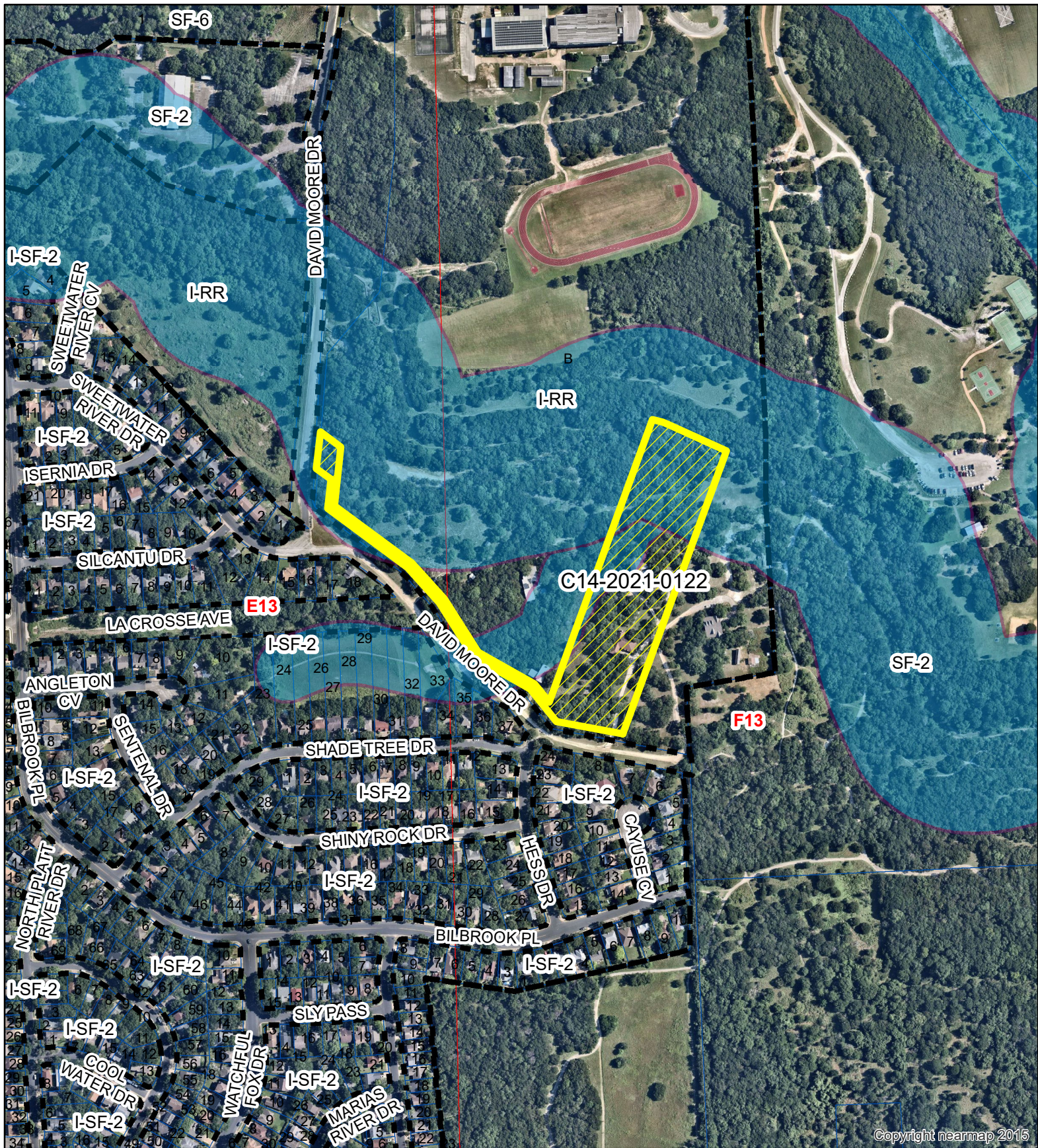
Exhibit A

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 7/27/2021



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1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

Rees Tract

ZONING CASE#: C14-2021-0122
 LOCATION: 10221 David Moore Drive
 SUBJECT AREA: 6.325 Acres
 GRID: E13 & F13
 MANAGER: Wendy Rhoades

Exhibit A - 1

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



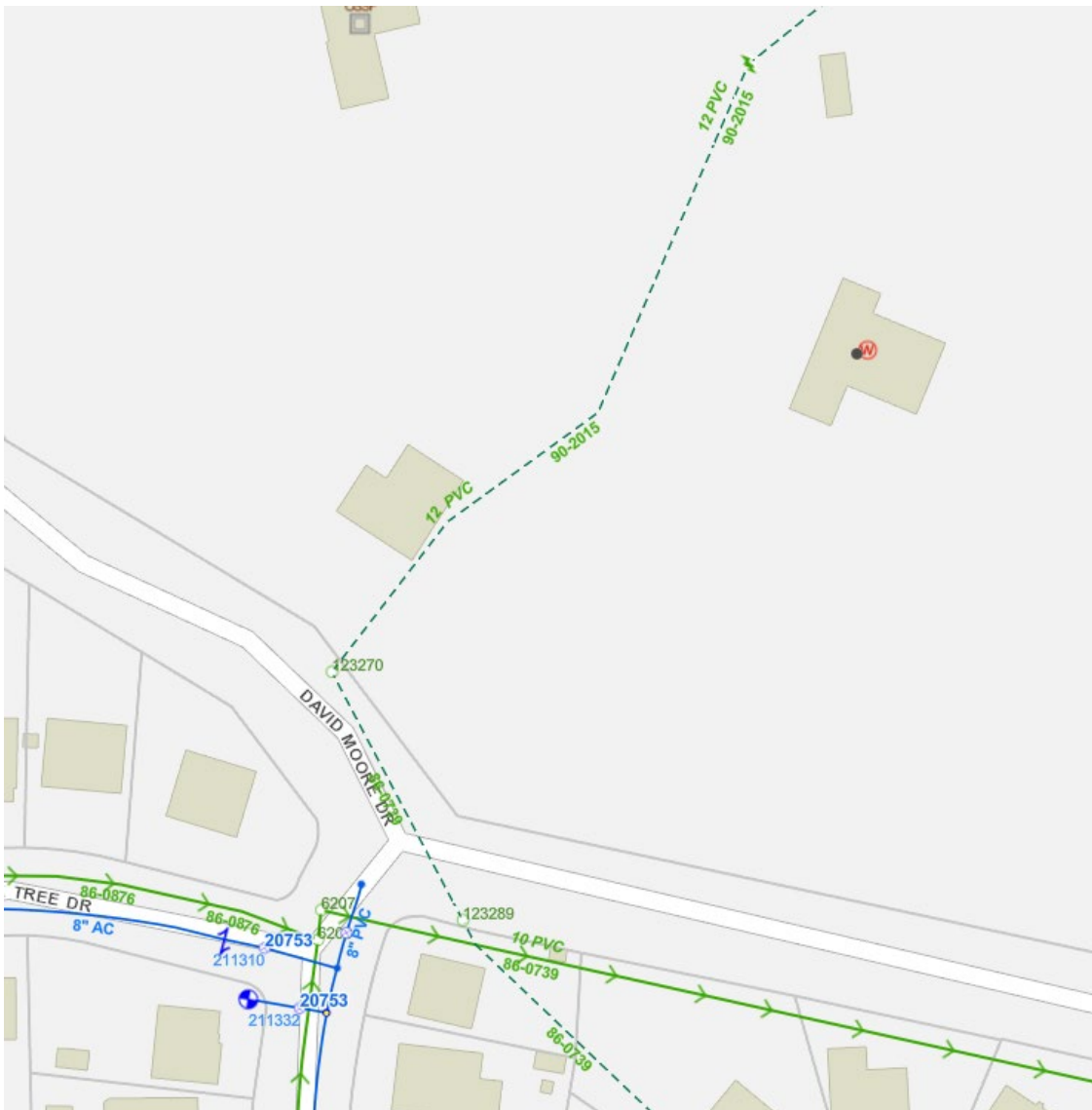
From:
To: [Rhoades, Wendy](#)
Cc:
Subject: C14-2021-0122 - Rees Tract ZAP 10/5
Date: Wednesday, September 29, 2021 1:15:13 PM
Attachments: [image001.png](#)
[image002.png](#)

*** External Email - Exercise Caution ***

Hi Wendy,

We would like to formally request that you include in the new zoning a conditional overlay that limits the client's property to a maximum of 6 total residential dwelling units.

Per your question earlier, the site has access to an 8 inch water line and a 12 inch abandoned wastewater line:



Meg Greenfield

Graduate Planner



Austin • Fort Worth • Midland • San Antonio

C 425.802.9063 •

Dunaway employees are working remotely in accordance with national and local COVID-19 control measures. In 2018, we restructured our whole company to better manage multiple offices, geographies, and services. As a result, we are able to collaborate and leverage resources throughout the company regardless of physical location. This restructuring has and will continue to serve us well as we work with each of you to perform our professional services, without disruption, during this unique pandemic outbreak.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.



DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS; TRV 2002076430

In accordance with the terms of the existing document comprising Declaration of Covenants, Conditions, and Restrictions, titled above and appropriately signed, notarized, and filed with the County of Travis, Texas, this document now permanently replaces it in its entirety. Thus, that original document shall henceforth be considered null and void, and only this document shall represent the Declaration of Covenants, Conditions, and Restrictions ("Declaration").

WHEREAS, Declarant (see Article 4, Definitions) oversees, with respect only to the Declaration, certain real property, more particularly described as Tracts A, B, C, D in Survey, and as 10201, 10211, 10221, and 10231 David Moore Drive, and incorporated herein by reference ("Property"), and

WHEREAS, Declarant may desire to create and carry-out a plan of improvement, development, and sale of any part of the Property for the benefit of the present or future owners of the Property, and to convey said Property subject to certain protective covenants, conditions, easements, restrictions, liens, and charges hereinafter set forth, and

NOW, THEREFORE it is hereby declared (i) that all the Property shall be held, sold, conveyed and occupied subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of and shall run with the Property, shall be binding on all parties having any right, title, or interest in or to the Property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each such party, and (ii) that each contract or deed which may hereafter be executed with regard to the Property or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to the following easements, covenants, conditions and restrictions regardless of whether or not the same are set forth or referred to in said contract or deed.

ARTICLE
GENERAL RESTRICTIONS

All of the Property and any right, title or interest shall be owned, held, encumbered, leased, used, occupied and enjoyed subject to the following limitations and restrictions.

- 1-1 Insurance Rates Nothing shall be done or kept on the Property which would increase the customary rate of insurance or cause the cancellation of insurance on any Lot or any of the Improvements located thereon without the prior written approval of the Declarant.
- 1-2 Subdividing Each Tract, described above, may only be further divided into a total of two (2) or three (3) lots, and no easements or other interests therein less than the whole of each Lot's sub-division shall be conveyed by the Owner thereof. At the effective date and thenceforth, of said conveyance, the new Owner of said Lot or Lot's sub-division shall inherit all rights and responsibilities of Declarant according to DEFINITIONS, below.
- 1-3 Rubbish and Debris No rubbish or debris of any kind shall be placed or permitted to accumulate upon the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other portion of the Property or to its occupants. Refuse, garbage, and trash shall be kept at all times in covered containers.

- 1-4 Noise No exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) shall be located, used or placed on any of the Property. No noise or other nuisance shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to any other portion of the Property or to its occupants.
- 1-5 Construction of Improvements No Improvement constituting a dwelling shall hereafter be constructed upon any of the Property without the prior written approval of the Declarant.
- 1-6 Repair of Buildings All Improvements upon any of the Property shall at all times be kept in good condition and repair and adequately painted or otherwise maintained by the Owner thereof.
- 1-7 Hazardous Activities No activity shall be conducted on the Property and no Improvement shall be constructed on the Property which are or might be unsafe or hazardous to any person or property.
- 1-8 Mobile Homes, Travel Trailers and Recreational Vehicles No mobile homes shall be parked or placed on any Lot at any time, except the existing mobile home parked at Lot D, and no travel trailers or recreational vehicles shall be parked on or near any Lot so as to be visible from adjoining property of public or private thoroughfares for any period in excess of forty-eight (48) hours.
- 1-9 Masonry & Foundation Requirements The exterior of each structure built upon any Lot shall be of at least seventy-five percent (75%) masonry construction. Brick, natural stone, cementitious materials such as those of the Hardie brand, and stucco shall be considered to be masonry for purposes of this section. House foundations shall be engineered and constructed of either pier and beam or slab construction.
- 1-10 Construction Activities Notwithstanding any provision herein to the contrary, this Declaration shall be construed so as unreasonably to interfere with or prevent normal construction activities during the construction of Improvements by an Owner upon any Lot within the Property. Specifically, no such construction activities shall be deemed to constitute a nuisance or a violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, posting of signs or similar activities, provided that such construction is pursued to completion with reasonable diligence and conforms to construction practices customary in the area.
- 1-11 New Materials Only appropriate natural materials, new man-made materials, or used man-made materials where appropriate and not visible on the exterior, shall be utilized in constructing any house situated upon a Lot.
- 1-12 Minimum Floor Area The air-conditioned portion of the primary dwelling structure erected on any Lot shall have a floor area of (1) not less than two thousand (2,000) square feet for any Lot, such area to be exclusive of all porches, carports, garages and other rooms which are not air-conditioned with the main living quarters.
- 1-13 Compliance with Provisions of Restrictions Each Owner shall comply strictly with the provisions of these General Restrictions as from time to time amended. Failure to comply with any of them shall constitute a violation of this Declaration, and shall give rise to a cause of action to recover sums due for damages or injunctive relief or both, maintainable by the Declarant or by any affected Owner.
- 1-14 No Warranty of Enforceability While Declarant has no reason to believe that any of the covenants, terms, or provisions of this Declaration are, or may be, invalid or unenforceable for any reason to any extent, Declarant makes no warranty or representation as to the present or future validity or

enforceability of any such covenant, term or provision. Any Owner acquiring a Lot in reliance on one or more of such covenants, terms or provisions shall assume all risks of the validity and enforceability thereof, and by acquiring such Lot agrees to hold Declarant harmless therefrom.

ARTICLE 2 EASEMENTS

- 2-1 Reserved Easements All dedications, limitations, restrictions and reservations shown on any Survey and all grants and dedications of easements, rights-of-way, restrictions, and related rights made by Declarant prior to the Property becoming subject to this Declaration, are incorporated herein by reference and made a part of this Declaration for all purposes as if fully set forth herein, and shall be construed as being adopted in each and every contract, deed or conveyance executed or to be executed by or on behalf of Declarant conveying any part of the Property. Declarant further reserves the right to make changes in and additions to any such easements and rights-of-way as Declarant deems necessary to efficiently and economically develop the Property. Declarant further reserves the right, without the necessity of the joinder of any Owner or other Person and at any time or from time to time, to grant, dedicate, reserve or otherwise create rights-of-way and easements in favor of any person or entity for public utility purposes (including, without limitation, gas, water, electricity, telephone, television, and drainage) along any Lot line, provided that same shall have a maximum width of ten feet (10') on each side of such Lot line.
- 2-2 Public Utility Easement Dedication Declarant hereby dedicates to the public use forever the utility easements shown on the Surveys ("Utility Easements"), which shall be available to all public utilities for public utility use. Any public utility using the Utility Easements shall have the right to remove all or parts of any such Improvements and to trim overhanging trees which in any way endanger or substantially interfere with the construction, maintenance, or efficiency of or access to its use of the Utility Easements, shall at all times have the full right of ingress and egress to or from and upon said Utility Easements for the purpose of constructing, reconstruction, inspecting, patrolling, maintaining, and adding to or removing all or parts of its utility system situated therein without the necessity at any time of procuring the permission of any Owner, and shall have the right of ingress and egress to the Lots for the purpose of reading meters and any maintenance and service required or ordinarily performed by such public utility with respect to its utility system. In the event any public utility removes or damages any fence, tree, ground cover or other landscaping, paving driveways, or curbs within the Utility Easements, then such public utility shall repair or replace such item so removed or damaged.
- 2-3 Access Easements All access easements shown on the most current Survey of the Property, and related rights shall be accessible at all times and remain free from obstructions such as fences, or other artificial or natural borders, unless otherwise approved by the Declarant, without the necessity of the joinder of any owner, or other person, at any time, or from time to time.

ARTICLE 3 MISCELLANEOUS

- 3-1 Term This Declaration shall be valid until April 15, 2023, unless amended as herein provided. After April 14, 2023, this Declaration shall be automatically extended for successive periods of ten (10) years each, unless terminated by a written instrument executed by the Declarant.

- 3-2 Amendment The Declarant may amend this Declaration at any time. Any amendment shall be effective upon recording in the Travis County Real Property Records of an instrument executed and acknowledged by the Declarant setting forth the amendment.
- 3-3 Interpretation The provisions of this Declaration shall be liberally construed to effectuate the purpose of creating a uniform plan for the development and operation of the Property and of promoting and effectuating the terms and provisions set forth in this Declaration. This Declaration shall be construed and governed under the laws of the State of Texas.
- 3-4 Assignment by Declarant Notwithstanding any provision herein to the contrary, Declarant may assign, in whole or in part, any of its privileges, exemptions, rights and duties under this Declaration to any other person or entity and may permit the participation, in whole or in part, by any other person or entity in any of its privileges, exemptions, rights and duties hereunder. Any such assignment by Declarant shall be effective upon recording in the Travis County Real Property Records of an instrument executed and acknowledged by Declarant evidencing such assignment.
- 3-5 Enforcement and Nonwaiver Except as otherwise provided herein, any Owner at such Owner's expense, or Declarant shall have the right to enforce any and all provisions of this Declaration and its Restrictions. Such right of enforcement shall include both damages for, and injunctive relief against the breach of any such provision. The failure to enforce any such provision at any time shall not constitute a waiver of the right thereafter to enforce any such provision or any other such provision.
- 3-6 General
- (a) The provisions of this Declaration and of the Restrictions shall be deemed independent and severable, and the invalidity or partial invalidity of any provisions or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof.
 - (b) Unless the context required a contrary construction, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter.
 - (c) All captions and titles used in this Declaration are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect the text of the paragraphs, sections and articles hereof.

ARTICLE 4 DEFINITIONS

Former Declarant "Former Declarant" shall mean Lynn Derrick, who, prior to the effective date of this Declaration, was the "Declarant" of the same document, as set forth in the first paragraph, above, and who now permanently assigns all rights and responsibilities pertaining to the Declaration to the Declarant

Declarant "Declarant" shall mean the collective Owners of the Property, including Owners of any subdivision of the Property. All decisions required to be made by the Declarant, according to the terms of the Declaration, shall be made by a simple majority of said Owners. This majority shall be determined as follows: (1) Owners of the original Lots 10201, 10211, 10221, and 10231 David Moore Dr. shall be appointed three votes for each of their lots for a total of twelve votes. (2) If any of these original Lots becomes sub-divided into a total of two
DECLARATION, TRAVIS COUNTY, TX (TRV2002076430)

sub-lots, each of these sub-lots shall have one-and-one-half votes each. (3) If any of these original Lots is becomes sub-divided into a total of three sub-lots, each of these sub-lots shall have 1 vote each. (4) Thus, after any such sub-division, the total vote count for any original Lot shall remain at three, and the total vote count for the Property shall remain at twelve.

Declaration "Declaration" shall mean this instrument, as from time to time amended.

Improvement "Improvement" shall mean every structure and all appurtenances thereto of every type and kind, including but not limited to, buildings, outbuildings, storage sheds, patios, tennis courts, swimming pools, garages, storage buildings, fences, screening walls, retaining walls, stairs, decks, landscaping, poles, signs, exterior air conditioning, water softener fixtures or equipment, poles, pumps, walls, tanks, reservoirs, pipes, lines, meters, antennas, towers, and any facilities used in connection with water, sewer, gas, electric, telephone, regular or cable televisions, or other utilities.

Lot "Lot" shall mean any one of the four parcels of land within the Property shown as a legal lot out of the following addresses on David Moore Dr.: 10201, 10211, 10221, 10231.

Mortgagee "Mortgagee" shall mean the owner and holder of a Mortgage.

Occupied Lot "Occupied Lot" shall mean a Lot upon which Improvements have been constructed and which has been occupied for residential use. Once a Lot has been so occupied and used, it will be deemed an "Occupied Lot for purposes of this Declaration regardless of whether it ceases to be occupied at any time thereafter.

Owner "Owner" shall mean any Person, holding a fee simple interest in any Lot (or its sub-division) of the Property.

Person "Person" shall mean any individual or entity having the legal right to hold title to real property.

Property "Property" shall mean the real property described in Survey and incorporated herein by reference, as from time to time modified in accordance with this Declaration.

Supplemental Declaration "Supplemental Declaration" shall mean any declaration of covenants, conditions, and restrictions which may be hereafter recorded by Declarant which is expressly made subject to all the terms and restrictions of this Declaration, except as otherwise expressly set forth in such Supplemental Declaration.

Survey "Survey" shall mean any document showing one or all of the four Lots as Tract A, B, C, or D, as signed and sealed by Bryson Surveying, corresponding to the following addresses respectively: 10201, 10211, 10221, and 10231 David Moore Drive.

IN WITNESS WHEREOF, Former Declarant as executed by this Declaration as of June 12, 2013

FORMER DECLARANT

LYNN DERRICK

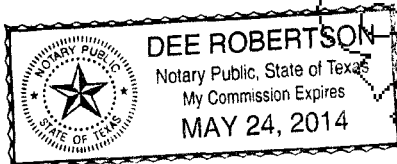
By Lynn Derrick

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 12 of June, 2013,
by Lynn Derrick, Former Declarant

Dee Robertson
NOTARY PUBLIC, State of Texas



sub-lots, each of these sub-lots shall have one-and-one-half votes each. (3) If any of these original Lots is becomes sub-divided into a total of three sub-lots, each of these sub-lots shall have 1 vote each. (4) Thus, after any such sub-division, the total vote count for any original Lot shall remain at three, and the total vote count for the Property shall remain at twelve.

Declaration "Declaration" shall mean this instrument, as from time to time amended.

Improvement "Improvement" shall mean every structure and all appurtenances thereto of every type and kind, including but not limited to buildings, outbuildings, storage sheds, patios, tennis courts, swimming pools, garages, storage buildings, fences, screening walls, retaining walls, stairs, decks, landscaping, poles, signs, exterior air conditioning, water softener fixtures or equipment, poles, pumps, walls, tanks, reservoirs, pipes, lines, meters, antennas, towers, and any facilities used in connection with water, sewer, gas, electric, telephone, regular or cable televisions, or other utilities.

Lot "Lot" shall mean any one of the four parcels of land within the Property shown as a legal lot out of the following addresses on David Moore Dr.: 10201, 10211, 10221, 10231.

Mortgagee "Mortgagee" shall mean the owner and holder of a Mortgage.

Occupied Lot "Occupied Lot" shall mean a Lot upon which Improvements have been constructed and which has been occupied for residential use. Once a Lot has been so occupied and used, it will be deemed an "Occupied Lot for purposes of this Declaration regardless of whether it ceases to be occupied at any time thereafter.

Owner "Owner" shall mean any Person, holding a fee simple interest in any Lot (or its sub-division) of the Property.

Person "Person" shall mean any individual or entity having the legal right to hold title to real property.

Property "Property" shall mean the real property described in Survey and incorporated herein by reference, as from time to time modified in accordance with this Declaration.

Supplemental Declaration "Supplemental Declaration" shall mean any declaration of covenants, conditions, and restrictions which may be hereafter recorded by Declarant which is expressly made subject to all the terms and restrictions of this Declaration, except as otherwise expressly set forth in such Supplemental Declaration.

Survey "Survey" shall mean any document showing one or all of the four Lots as Tract A, B, C, or D, as signed and sealed by Bryson Surveying, corresponding to the following addresses respectively: 10201, 10211, 10221, and 10231 David Moore Drive.

IN WITNESS WHEREOF, Declarant (One of Four Parts: Owner of 10201 David Moore Dr.) as executed by this Declaration as of 14th June 2013

14th June 2013 (Effective Date)

14 June 2013

DECLARANT

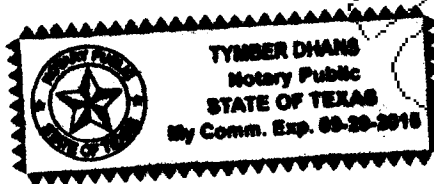
DAMON WILLIAMS

By [Signature]

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 14th of June 2013,
by Damon Williams, Declarant (Owner of 10201 David Moore Dr.)



[Signature]
NOTARY PUBLIC, State of Texas

IN WITNESS WHEREOF, Declarant (One of Four Parts: Co-owner of 10211 David Moore Dr.) as executed by this Declaration as of

7/23/2013 (Effective Date)

DECLARANT

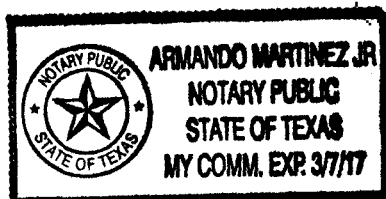
ANDREA ASPBURY

By [Signature]

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 23rd of July 2013, by Andrea Aspbury, Declarant (Co-owner of 10211 David Moore Dr.)



Armando Martinez, Jr
NOTARY PUBLIC, State of Texas

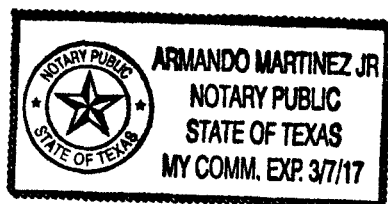
IN WITNESS WHEREOF, Declarant (One of Four Parts: Co-owner of 10211 David Moore Dr.) as executed by this Declaration as of

7/24/2013 (Effective Date)

DECLARANT

CAITLIN GABOR

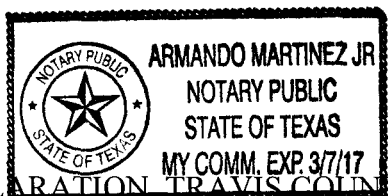
By [Signature]



THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 24th of July 2013, by Caitlin Gabor, Declarant (Co-owner of 10211 David Moore Dr.)



Armando Martinez, Jr
NOTARY PUBLIC, State of Texas

IN WITNESS WHEREOF, Declarant (One of Four Parts: Owner of 10221 David Moore Dr.) as executed by
this Declaration as of

28 June 2013 (Effective Date)

DECLARANT

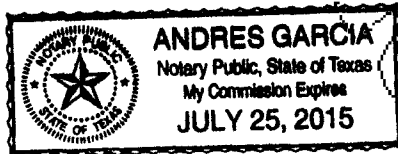
CHARLES SPARKS REES

By Charles Sparks Rees

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 28th of June 2013,
by John Rees, Declarant (One of Four Parts: Owner of 10221 David Moore Dr.)



[Signature]
NOTARY PUBLIC, State of Texas

IN WITNESS WHEREOF, Declarant (One of Four Parts: Owner of 10231 David Moore Dr.) as executed by this Declaration as of

July 5, 2013 (Effective Date)

DECLARANT

DANNY BRADLEY

By Danny Bradley

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 5 of July 2013
by Danny Bradley, Declarant (One of Four Parts: Owner of 10231 David Moore Dr.)



Monica Rose Hernandez
NOTARY PUBLIC, State of Texas

IN WITNESS WHEREOF, Declarant (One of Four Parts: Owner of 10231 David Moore Dr.) as executed by this Declaration as of

July 5, 2013 (Effective Date)

DECLARANT

KAY BRADLEY

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 5 of July 2013
by Kay Bradley, Declarant (One of Four Parts: Owner of 10231 David Moore Dr.)



Monica Rose Hernandez
NOTARY PUBLIC, State of Texas

Return:

Danny Bradley

10231 David Moore Dr.

Austin, TX 78748

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Aug 30, 2013 10:51 AM

2013163412

SCOTT: \$60.00

Dana DeBeauvoir, County Clerk

Travis County, TEXAS

GENERAL NOTES:

1. ALL IMPROVEMENTS AND LAND REFLECTED ON THE CONDOMINIUM MAP ARE DESIGNATED AS GENERAL COMMON ELEMENTS. SAVE AND EXCEPT PORTIONS OF THE REGIME DESIGNATED AS LIMITED COMMON ELEMENTS OR UNITS: (i) IN THE DECLARATION OF CONDOMINIUM REGIME FOR REES CONDOMINIUMS (THE "DECLARATION") OR (ii) ON THE CONDOMINIUM PLAT OF THE REGIME.
2. OWNERSHIP AND USE OF CONDOMINIUM UNITS ARE SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION.
3. THE REGIME IS SUBJECT TO SPECIAL RIGHTS RESERVED BY THE DECLARATNT AS PROVIDED IN THE DECLARATION.
4. VERTICAL BOUNDARIES ARE AS DESCRIBED IN THE DECLARATION.

COVENANTS & EASEMENTS**DESCRIPTION**

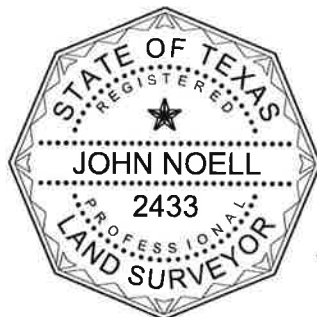
1. ACCESS AND UTILITY EASEMENT DOC. NO. 2002052715
2. 15' WASTEWATER EASEMENT DOC. NO. 2005218750
3. 30' WASTEWATER EASEMENT DOC. NO. 2002052715
4. 30' WATER AND WASTEWATER EASEMENT VOL. 10153 PG. 633
5. 30' ACCESS EASEMENT DOC. NO. 2002052715

SURVEYOR'S NOTES

AS NOTED HEREON
 AS NOTED HEREON
 AS NOTED HEREON
 AS NOTED HEREON
 AS NOTED HEREON

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (1986 ADJUSTMENT), TEXAS CENTRAL ZONE (4203). ALL BEARINGS, DISTANCES AND ACREAGES SHOWN HEREON RELATE TO THIS DATUM AND GRID COORDINATE SYSTEM. BASED UPON GPS MEASUREMENTS.

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES
 THAT THIS PLAT CONFORMS TO SECTION 82.059 OF
 THE TEXAS PROPERTY CODE.



DUNAWAY
 TBPLS 10065900

JOHN NOELL, R.P.L.S. NO. 2433

DATE



TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
 BUILDING 2, SUITE 250
 AUSTIN, TX 78735
 PHONE: 512-306-8252



TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 250
AUSTIN, TX 78735
PHONE: 512-306-8252



SCALE: 1" = 100'

LEGEND

- 5/8" IRON ROD
WITH CAP
(DUNAWAY ASSOC.)
SET
- 1/2" IRON ROD
FOUND

CURVE TABLE

C1
R=183.44'
D=15°41'50"
A=50.26'
T=25.29'
C=50.10'
CB=S73°11'46"E

Water and
Wastewater Easement
Doc. No. 2002052715

Water and Wastewater Easement
Vol. 10153, Pg. 633

Wastewater Easement Doc. No. 2005218750

RESIDENTIAL UNIT 3
3.352 ACRES

ERIC GLOVER AND LAYLA GLOVER
5.442 ACRES
DOC. NO. 2002102516

CHARLES S. REES AND JANICE REES
6.325 ACRES
DOC. NO. 2007096913

KAY P. BRADLEY AND DANNY A. BRADLEY
6.083 ACRES
DOC. NO. 2005144936

RESIDENTIAL UNIT 2
1.296 ACRES

RESIDENTIAL UNIT 1
1.677 ACRES

LEGAL DESCRIPTION
6.325 ACRES OUT OF THE
S.F. SLAUGHTER SURVEY NO. 1
TRAVIS COUNTY, TEXAS
DESCRIBED IN DEED TO
CHARLES S. REES AND JANICE REES
DOC. NO. 2007096913
OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS

REES CONDOMINIUMS
LEGAL DESCRIPTION



TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 250
AUSTIN, TX 78735
PHONE: 512-306-8252

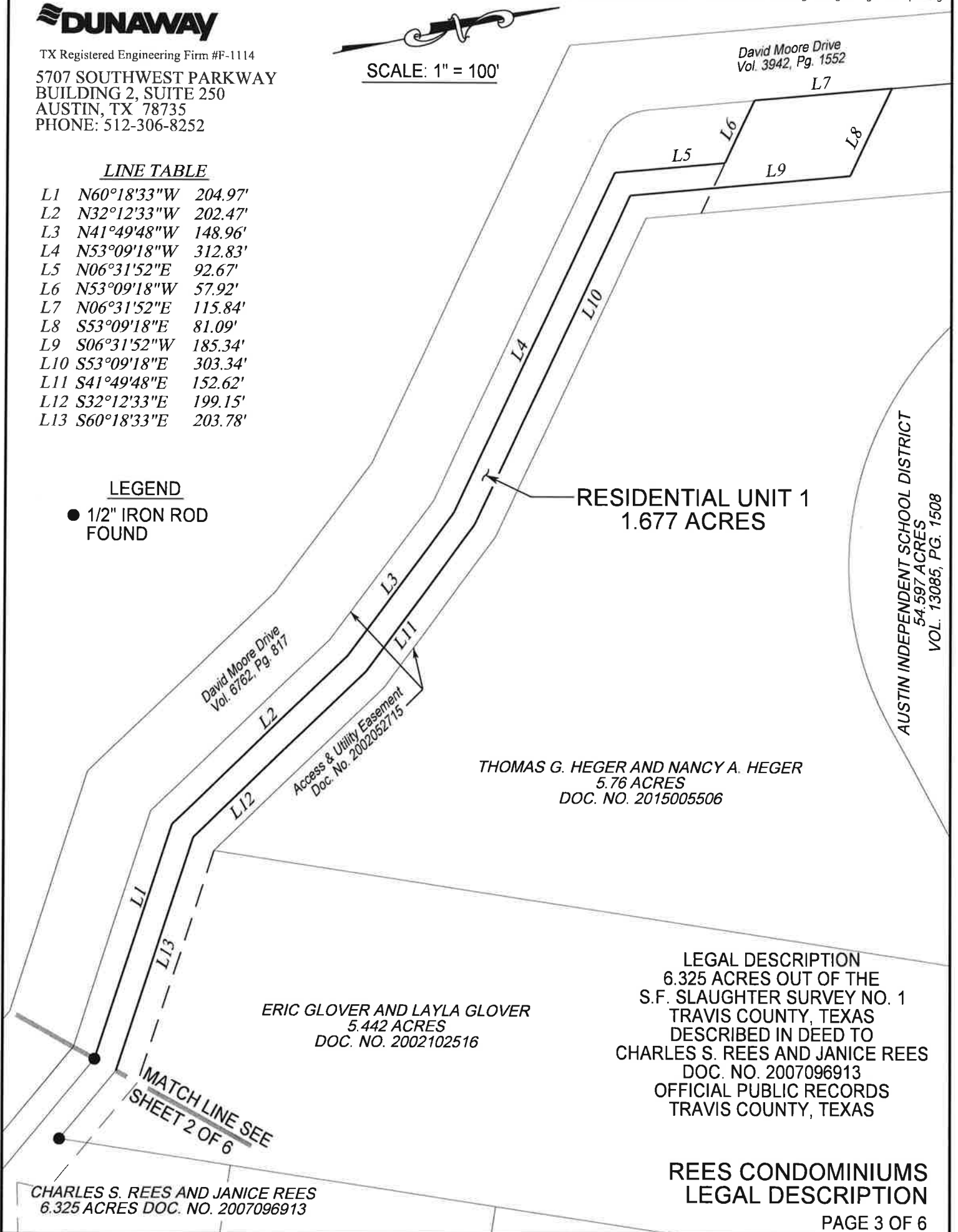
SCALE: 1" = 100'

LINE TABLE

L1	N60°18'33"W	204.97'
L2	N32°12'33"W	202.47'
L3	N41°49'48"W	148.96'
L4	N53°09'18"W	312.83'
L5	N06°31'52"E	92.67'
L6	N53°09'18"W	57.92'
L7	N06°31'52"E	115.84'
L8	S53°09'18"E	81.09'
L9	S06°31'52"W	185.34'
L10	S53°09'18"E	303.34'
L11	S41°49'48"E	152.62'
L12	S32°12'33"E	199.15'
L13	S60°18'33"E	203.78'

LEGEND

- 1/2" IRON ROD FOUND



LEGAL DESCRIPTION
6.325 ACRES OUT OF THE
S.F. SLAUGHTER SURVEY NO. 1
TRAVIS COUNTY, TEXAS
DESCRIBED IN DEED TO
CHARLES S. REES AND JANICE REES
DOC. NO. 2007096913
OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS

REES CONDOMINIUMS
LEGAL DESCRIPTION

PAGE 3 OF 6



TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 250
AUSTIN, TX 78735
PHONE: 512-306-8252



SCALE: 1" = 100'

CURVE TABLE

C1
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D=15°41'50"
A=50.26'
T=25.29'
C=50.10'
CB=S73°11'46"E

AUSTIN INDEPENDENT SCHOOL DISTRICT
54.597 ACRES
VOL. 13085, PG. 1508

Water and
Wastewater Easement
Doc. No. 2002052715

Water and Wastewater Easement
Vol. 10153, Pg. 633

RESIDENTIAL UNIT 3
3.352 ACRES
"NEED NOT BE BUILT"

Wastewater Easement Doc. No. 2005218750

CHARLES S. REES AND
JANICE REES
6.325 ACRES
DOC. NO. 2007096913

569.16'
950.15'

KAY P. BRADLEY AND DANNY A. BRADLEY
6.083 ACRES
DOC. NO. 2005144936

ERIC GLOVER AND LAYLA GLOVER
5.442 ACRES
DOC. NO. 2002102516

EXISTING
HOUSE

EXISTING
UTILITY BUILDING
AND PROPOSED
ADDITION
SEE PAGE 6 OF 6

RESIDENTIAL UNIT 2
1.296 ACRES
"NEED NOT BE BUILT"

EXISTING
HOUSE

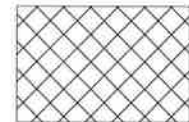
MATCH LINE SEE
SHEET 5 OF 6

S38°32'03"E
73.60'

RESIDENTIAL UNIT 1
1.677 ACRES
"NEED NOT BE BUILT"

David Moore Drive
Vol. 6762, Pg. 817

N79°18'31"W
212.65'



COMMON
AREA



TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 250
AUSTIN, TX 78735
PHONE: 512-306-8252

SCALE: 1" = 100'

LINE TABLE

L1	N60°18'33"W	204.97'
L2	N32°12'33"W	202.47'
L3	N41°49'48"W	148.96'
L4	N53°09'18"W	312.83'
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L11	S41°49'48"E	152.62'
L12	S32°12'33"E	199.15'
L13	S60°18'33"E	203.78'

COMMON
AREA

David Moore Drive
Vol. 6762, Pg. 817

Access & Utility Easement
Doc. No. 2002052715

RESIDENTIAL UNIT 1
1.677 ACRES
"NEED NOT BE BUILT"

THOMAS G. HEGER AND NANCY A. HEGER
5.76 ACRES
DOC. NO. 2015005506

ERIC GLOVER AND LAYLA GLOVER
5.442 ACRES
DOC. NO. 2002102516

MATCH LINE SEE
SHEET 4 OF 6

CHARLES S. REES AND JANICE REES
6.325 ACRES DOC. NO. 2007096913

REES CONDOMINIUMS
CONDOMINIUM UNIT PLAN

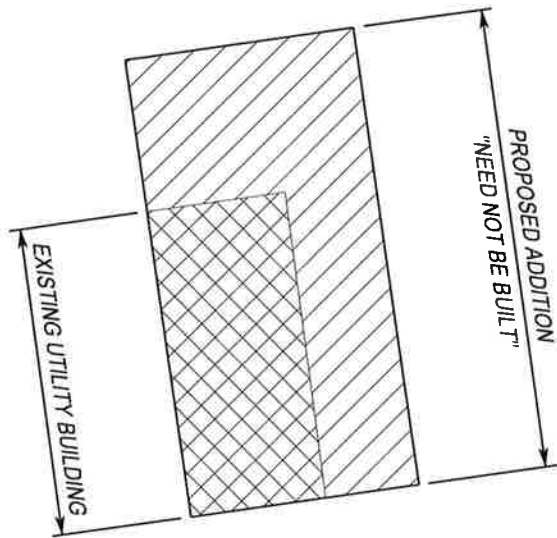
PAGE 5 OF 6

AUSTIN INDEPENDENT SCHOOL DISTRICT
54.597 ACRES
VOL. 13085, PG. 1508

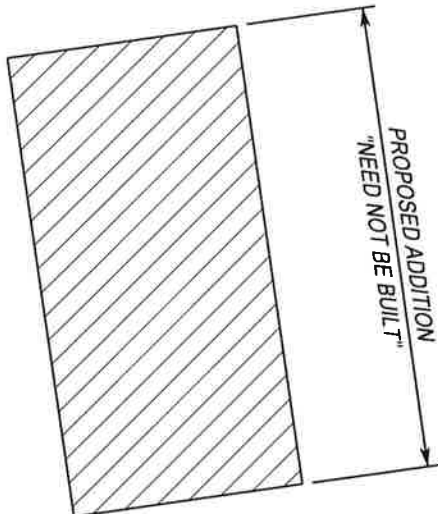


TX Registered Engineering Firm #F-1114

5707 SOUTHWEST PARKWAY
BUILDING 2, SUITE 250
AUSTIN, TX 78735
PHONE: 512-306-8252



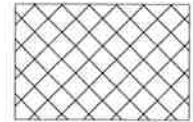
FIRST FLOOR PLAN



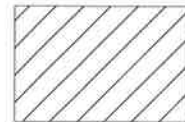
SECOND FLOOR PLAN



SCALE: 1" = 20'



COMMON
AREA



LIMITED
COMMON
AREA

REES CONDOMINIUMS
EXISTING UTILITY BUILDING
AND PROPOSED ADDITION

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Case Number: C14-2021-0122

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 21, 2021, Zoning and Platting Commission

Madison Hogen

Your Name (please print)

☒ I am in favor
☐ I object

726 Shade Tree Dr. Austin TX 78748

Your address(es) affected by this application (optional)

[Signature]

Signature

13 Sep 2021

Date

Daytime Telephone (Optional): _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0122

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 21, 2021, Zoning and Platting Commission

Mark Hagen
Your Name (please print)

728 Shade Tree Dr
Your address(es) affected by this application (optional)

Mark Hagen
Signature

09/13/2021
Date

☒ I am in favor
☐ I object

Daytime Telephone (Optional): 512-925-5569

Comments:

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0122

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 21, 2021, Zoning and Platting Commission

Amy Lynn Terry
Your Name (please print)

☐ I am in favor
☒ I object

10429 Hess Drive
Your address(es) affected by this application (optional)

[Signature] 9/13/21
Signature Date

Daytime Telephone (Optional): 512-584-3450

Comments: I object because this area
is naturally beautiful and this
complex will impact the wildlife
and in the nearby park. This area
has wildlife and decreasing trees!
This will affect this area pollute the
creek! Negative points -
air pollution, noise, taking away from animals
Too close to Park

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

City of Austin

SEP 20 2021

NHCD / AHFC