



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, December 9, 2020 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 9th day of December 2020 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the order of the Office of the Governor issued March 16, 2020, the City Council of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19).

The public may participate in this meeting by dialing in to the following toll free number: (346) 248-7799, Meeting ID 881 6445 4773, Password: 724389

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.org by 1:00 P.M. on December 9, 2020

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.org. Comments must be received by 1:00 P.M. on December 9, 2020

1. Call to Order
2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
 - a. Approval of the November 11, 2020 Regular Meeting Minutes
4. Land Use **895 Live Oak Circle:** Discuss and Consider Action on a Variance Request to Build a Front Yard Fence That Encroaches the Front Building Setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners: Thomas & Gesine Seifert
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard
5. Land Use **702 Loma Linda:** Discuss and Consider Action on a Variance Request to Remove Six Trees 14" Or Greater in Order to Construct a New Home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard
6. Land Use **1801 Westlake Drive:** Discuss and Consider Action on an Ordinance and Zoning Map Amendment to Rezone 1801 Westlake Drive From Transitional Residential District (R-3) to a Planned Development District (PDD) With a Base Zoning District Of R-3 in Order to Construct Residential Condominiums (West Lake Hills Code Sec. 38.05.092 and Sec. 38.06). Applicants 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC.
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard
7. Ordinance Discuss And Consider Action For Approval Of An Ordinance Of The City Of West Lake Hills, Texas, Amending Chapter 38, Article 38.04, Division 2, Of The Code Of Ordinances, To Amend The Administrative Procedures For Approval Of A Special Use Permit; Providing For The Following: Findings Of Fact; Repealer; Severability; Effective Date; Codification; Proper Notice & Meeting
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard
8. Ordinance Discuss And Consider Action For Approval Of An Ordinance Of The City Of West Lake Hills, Texas Amending Chapter 18, Article 18.03, Division 3, Section 18.03.066, Of The Code Of Ordinances, To Amend The West Lake Hills On-Site Sewage Facilities Amendments; Providing For The Following: Findings Of Fact; Repealer; Severability; Effective Date; Codification; Proper Notice & Meeting
 - a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard

9. Ordinance Ordinance. Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 22, Article 22.03 of the Code of Ordinances to Establish Regulations for Demolition of Structures, and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Penalty; Codification; Effective Date; and Proper Notice & Meeting.

- a. Citizens Communications: All Persons Wishing to Speak on this Matter Shall be Heard

10. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the December 9, 2020 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, December 4, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, November 11, 2020 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:00 p.m. to announce the promotion of Chris Vasquez to Sergeant. The meeting was then adjourned at 7:08 p.m.

Mayor Anthony called the meeting back to order at 7:25 pm

Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Brian Plunkett, Beth South and Darin Walker. Councilmember Rhonda McCollough was absent.

2. Announcements Promotion of Chris Vasquez to Sergeant

Mayor Anthony announced the promotion of Chris Vasquez. Chief Gerdes facilitated a pinning ceremony for Sergeant Vasquez

3. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed

4. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen

- a. Approval of the October 28, 2020 Regular Meeting Minutes
- b. Approval of the October 26, 2020 Special Called Meeting Minutes

Motion for Approval made by Councilmember Plunkett with a Second by Mayor Pro Tem O'Connor
Motion for Approval carried unanimously by a vote of 4 ayes to 0 nays, with Councilmember McCollough absent

5. Finance Discuss and Consider Action on a Resolution to approve Local Government Investment Cooperative (LOGIC) Investment Pool as an Authorized Investment

- a. Citizens Communications: All persons wishing to speak on this matter shall be heard

Motion for Approval made by Mayor Pro Tem O'Connor with a Second by Councilmember Plunkett

Motion for Approval carried unanimously by a vote of 4 ayes to 0 nays, with Councilmember McCollough absent

6. Ordinance Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 38, Article 38.04, Division 2, of the Code of Ordinances, to amend the administrative procedures for approval of a special use permit; providing for the following: findings of fact; repealer; severability; effective date; codification; proper notice & meeting
 - a. Public Hearing: All persons wishing to speak for or against shall be heard.

This item was postponed to a future meeting, December 9, 2020

7. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, Section 551 for:
 - a. Consultation with City Attorney Regarding Pending Litigation in Cause No. 2019032801; City of West Lake Hills, Plaintiff, v. Jaffe Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D1GN19007546: City of West Lake Hills, Plaintiff v. Jaffe Ventures, LLC and Douglas Jaffe III (Texas Government Code Section 551.071)
 - b. Consultation with City Attorney Regarding City Property Located at 110 Westlake Drive

Council went into Executive Session at 7:51 p.m. and reconvened in Open Session at 8:20 p.m.

After Executive Session, Councilmember Walker made a motion to Authorize Mayor Anthony to Execute a Settlement Agreement with Jaffe Ventures, as proposed, with a Second by CouMayor Pro Tem O'Connor

Motion for Approval carried unanimously by a vote of 4 ayes to 0 nays, with Councilmember McCollough absent

8. Adjournment

Motion to adjourn the meeting at 8:22 pm made by Councilmember Walker with a Second by Mayor Pro Tem O'Connor

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2020.



FENCE VARIANCE STAFF REPORT

DECEMBER 9, 2020

Project Address: 895 Live Oak Circle

Project Number: 16210

Agenda Item: Land Use: 895 Live Oak Circle: Discussion/recommendation on a variance request to build a front yard fence that encroaches the front building setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners Thomas & Gesine Seifert.

Applicant Information: Homeowners Thomas and Gesine Seifert

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 City Council

Location: The subject property is located north of Yaupon Valley Road, west of Laurel Valley Road, and south of Redbud Trail.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 1.46 acres.

Background & Analysis:

The homeowners Mr. and Mrs. Seifert are applying for a front yard fence variance to construct a fence that encroaches the front yard fence setback. Properties that are 0.75 acre and larger are subject to a 30ft front yard fence setback. The proposed is located 12ft – 15ft from the road. Mr. and Mrs. Seifert would like a privacy fence to shield their home from the street, and are proposing a 4ft fence. Due to the steep topography and location of a large retaining wall, they are limited in the location of the fence. The fence would also have to be taller if it were located closer to the house.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – “Our home is completely transparent from the street and passers-by can look in (some even wave when they walk by). In terms of this

ordinance are strictly or literally enforced, the front yard fence would be too close to the existing retaining wall by the driveway. Also, due to the steep slope of the front yard, the fence would have to be significantly higher than the proposed 4ft in order to achieve a minimum of privacy, both for the neighbors passing-by and ourselves. A 6-ft fence sitting right above the retaining wall would give the appearance of a tall wall when looking out from the home.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “The proposed front yard fence will not have any impact on the existing flora and trees. On the contrary: with the proposed material of rusted steel at the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “If we follow the ordinance in terms of distance from the road, we would need to increase the height of the fence to the maximum allowed height of 6ft. Not only would that add significantly to the cost of the project, but would also not be as aesthetically pleasing as the proposed 4ft-fence at 12-15ft from the road.”

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – “We believe that the variance we are requesting is the right trade-off: it allows us to keep the fence low at 4ft, aesthetically pleasing within a reasonable budget and still significantly farther from the road than the previous fence.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “The fence that was on the property from 1984 – 2020 was not even on the property, but in the right-of-way. Our proposed front yard fence takes the fence back 12 – 15 feet from the road and in terms of design and materials will be much better integrated in the existing landscape.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The proposed front yard fence will have about the same distance from the road as the fence of the property across the street. It doesn’t intervene with any views of the neighboring properties. It complements the design of our modern home, enhances the overall beauty of the neighborhood and has been seen favorably by the neighbors we have discussed the project with.”

Lighting

Outdoor lighting is not proposed with this variance request/not applicable.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the regular November 18, 2020 meeting, the Commissioners recommended approval of the requested variance by a vote of 4 – 1.

Staff Recommendation

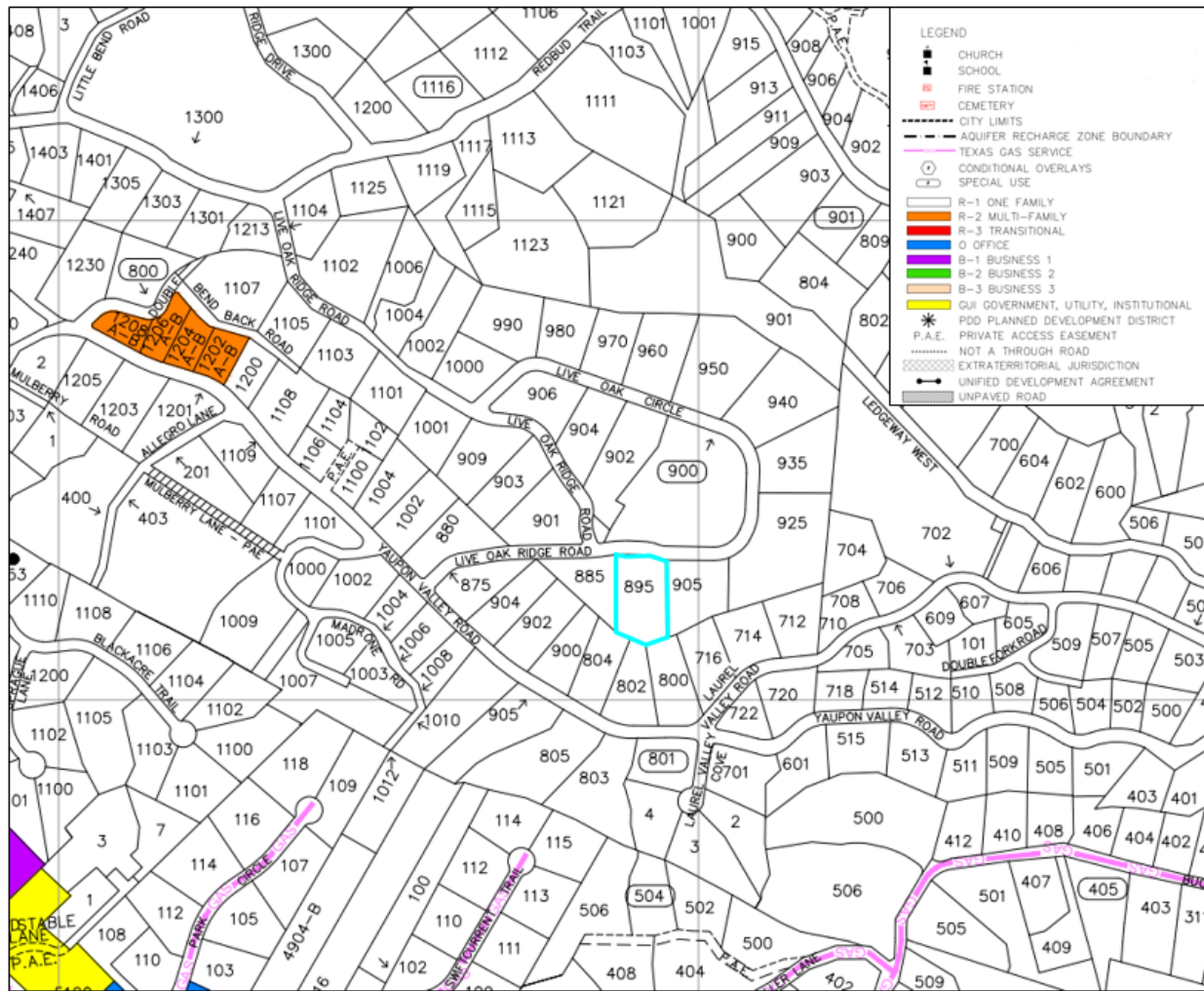
The staff recommendation is approval as there are no other feasible locations for the proposed fence, and the applicants are minimizing the request by having a shorter fence than the maximum permitted height.

Links to Relevant Code:

- [Sec. 22.03.173 Fences](#)

(Maps to follow)

Zoning:



Aerial:



DRAFT

**CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 18, 2020 at 6:30 PM**



1. Call to Order. Chairman Robert Meisel.

With a quorum present, ZAPCO Chairman Meisel called the meeting to order at 6:30 p.m.

Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, James Vaughan, Karen Bartoletti and Laurie Maccini.

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the October 21, 2020 Regular Meeting Minutes.

Vice-Chairman Pledger: Suggests we spent a lot of time at the last meeting that were associated with the condo project. Those need more information because it is an important component.

Bill Harwell: Jim was listed instead of Bill Harwell.

Chairman Meisel: Bring them back for final approval.

3. Personnel Recognition of Commissioner Bill Vandersteel for his several years of service.

Chairman Meisel recognizes Bill Vandersteel's service. It has always been a joy and want to say thank you for everything you've done.

Chairman Meisel welcomes Karen Bartoletti to the Commission.

Commissioner Bartoletti: I'll try my best.

4. Personnel Welcome new Commissioner Karen Bartoletti.
5. Land Use 416 Ridgewood Road: Discussion/recommendation on a variance request to encroach a setback in order to construct an accessory building to serve as a home office or school room (West Lake Hills Code Sec. 22.03.001) Applicant Victoria Keith.
 - a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to the lack of physical hardship.

- b. Presentation by applicant

Victoria Keith is the applicant. I bought the house in 2019 and have a 13 year old son. Working and schooling from home has created the request. The building is 10 x 12 and would be painted the same colors as the home. The hardship is the loss of use to my backyard.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vaughan: Is page 30 where I see a photo of the neighbor's house?

Planner Naini: It shows the neighbors.

Victoria: Both are non-conforming.

Chairman Meisel: Be sure to point out to Board of Adjustment that it has not been built. Nobody anticipated having to work from home so we might be getting more of these requests.

Commissioner Bartoletti: If this was an addition to the home and no closer to the setback, would it be grandfathered?

Chairman Meisel: Extending a non-conforming encroachment, we don't have that in our code.

Vice-Chairman Pledger: I'm still not seeing a hardship.

Chairman Meisel: We need to be ready to make that accommodation to allow home offices due to unexpected conditions.

Commissioner Maccini: She is on an extremely small lot. In this case I'm in favor and doing it in a thoughtful manner.

Commissioner Vaughan: Is this structure slab built, pier and beam?

Victoria: I'm going to do a skid foundation on wood. It could be moved and will have no plumbing.

**COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (5-0) APPROVAL.**

6. **Land Use 895 Live Oak Circle:** Discussion/recommendation on a variance request to build a front yard fence that encroaches the front building setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners Thomas & Gesine Seifert.

- a. Staff Briefing

Planner Naini gives staff briefing. Staff Recommendation: Denial.

Vice-Chairman Pledger: Did you receive photos of the fence?

Planner Naini: If you click on the individual exhibits under the agenda item.

Commissioner Maccini: Those are sketches.

- b. Presentation by applicant

Gesine and Thomas Seifert: We did provide photos so they should be with your documents. We want the fence for not only privacy but for dogs and children. If we push the fence back it would need to be higher and would be on top of a 3' retaining wall. The design will match the modern design of the house. The original fence was even closer.

- c. **Public Hearing:** All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Vice-Chairman Pledger: I drove by and looked at the layout and there was a cord or line that indicated the location of the fence. Is that where the fence would be?

Thomas Seifert: Yes.

Vice-Chairman Pledger: It is a very steep lot and being close to the road, it has a lot of glass and it would benefit from a little bit of privacy.

Commissioner Maccini: It would have a double gate inward, that wouldn't cause trouble with cars coming in and out? I'm a little concerned about that and the height.

Thomas Seifert: The gate would be further back than the fence.

Vice-Chairman Pledger: There is a representation of where the gate would be. Have you considered landscaping along the street to achieve the same effect?

Gesine Seifert: Security for the grandchildren and the dogs.

Commissioner Vaughan: The neighbors providing support, can they see the gate?

Thomas Seifert: The 900 Live Oak Circle property is right across from us.

Commissioner Vaughan: I'm appreciative of the need for grandchildren having a fence.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. (4-1) APPROVAL. COMMISSIONER HARWELL OBJECTS.

7. **Land Use 1 Sweet Sky Road:** Discussion/recommendation on a variance request for three variances for the construction of a fence and driveway gate: 1) side yard fence encroaching front fence setback; 2) install driveway gate encroaching the front setback; 3) install front fence connecting to driveway gate that encroaches the front setback. (West Lake Hills Code Sec. 22.03.173). Applicants/Owners Kevin Stutz & Jeannette Spinelli.

- a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to lack of hardship for the driveway gates and fence.

- b. Presentation by applicant

Kevin Stutz and Jeannette Spinelli are the applicants. There is a safety issue with the wall. We've had two incidents where 2 people have fallen off that wall. 70% of the lot is too steep to be used.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

Vice-Chairman Pledger: I got the impression that the guardrail was a good guardrail. If I'm looking at the topo and the area between the street and house, where were the people that fell off the ledge?

Jeannette: About the 8' line.

Commissioner Bartoletti: I thought that fence was going to be covered by council?

Planner Naini: You are correct.

Jeannette: We can put the gate at 30' but it would create more of a wall. We're pushing for safety.

Commissioner Maccini: There was something turned in as a letter. What is that encroachment?

Jeannette: From where the 15' marker in the street, that is where the hydrant is located.

Commissioner Maccini: What is that side setback?

Planner Naini clarifies the side yard ordinance.

Commissioner Maccini: It would be nice to know there would be fire access to that valley.

Vice-Chairman Pledger: Anybody that wants access will come to the lower side.

Chairman Meisel: This is no pre-existing condition. It sounds like a design driven variance request.

Vice-Chairman Pledger: The drop off is not anything that the homeowners designed. I'm not a fan of putting a fence along a guardrail.

Commissioner Vaughan: Points out the HOA.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL OF VARIANCES AS REQUESTED. COMMISSIONER VAUGHAN SECONDS. MOTION DIES WITH NO VOTE.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND DENIAL. VICE-CHAIRMAN PLEDGER SECONDS. (3-2) DENIAL.

8. **Land Use 310 Westhaven Drive:** Discussion/recommendation on a request for two variances to remodel an existing nonconforming cabana: 1) building setback encroachment; and 2) exceed maximum allowed impervious cover. (West Lake Hills Code Sec. 22.03.281). Applicants/Owners Andrew Schwartz and Sylvia Arabian.

a. Staff Briefing

Planner Naini gives the staff report. Staff Recommendation: Approval as proposed.

b. Presentation by applicant

Andrew Schwartz is the applicant and discusses the previously approved variances.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

Commissioner Maccini: I voted to approve in 2018.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) APPROVAL.

9. **Land Use 702 Loma Linda:** Discussion/recommendation on a variance request to remove six trees 14" or greater in order to construct a new home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya.

a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Approval of Tree 649 and Tree 604. Denial of Trees 607, 595, 597 and 626. They may need to be considered differently.

b. Presentation by applicant

Adam Mosier explains the request of the owners. The hardship is the lot shape and would be difficult to build a functional home with the setbacks. The majority of the trees removed are cedars.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Vice-Chairman Pledger: I thought the recommendations Ms. Naini made sense. I'm comfortable with the staff recommendation for the removal of trees.

VICE-CHAIRMAN PLEDGER MAKES THAT A MOTION. COMMISSIONER BARTOLETTI SECONDS.

Commissioner Bartoletti: The staff recommendation makes sense to me.

Commissioner Harwell: In the recommendation regarding septic field, is there a plan for that?

Adam: There is no other place for the septic field.

Chairman Meisel: We cannot protect trees and enforce setbacks. We have to decide I think the applicant has made a reasonable choice. It's up to the city to move forward. I think we should approve it.

Vice-Chairman Pledger: If there are trees that cause a septic problem, we should delegate that distinction.

Commissioner Maccini: I appreciate wanting to save as many as we possibly came.

Vice-Chairman Pledger: I want a septic engineer to say it's critical to the septic system.

Commissioner Maccini: I agree.

Commissioner Vaughan: Are the trees directly related to the septic field?

Commissioner Bartoletti: We might have to reconsider those trees that effect the septic.

Planner Naini: There are two site plans in the packet, they don't have the same septic field. On page 99 you can see the field there is different.

Mr. Montoya: We've tried our best to save as many trees as we could.

Vice-Chairman Pledger: My original motion was on the smaller septic field.

Adam: The larger field is accurate.

Commissioner Maccini: I'd be real careful of any amendment we make.

VICE-CHAIRMAN PLEDGER AMENDS THE MOTION TO GRANT VARIANCES OTHER THAN TREE #626. UNANIMOUS (5-0) APPROVAL OF AMENDMENT.

VOTE ON ORIGINAL MOTION. (5-0) UNANIMOUS APPROVAL.

10. Land Use **4611 Bee Cave Road (Eagle Center)**: Discussion/recommendation on a variance request to construct a new monument sign that exceeds the maximum allowed height, sign base height, and area. (West Lake Hills Code Sec. 32.03.006). Applicant David Alsmeyer.

a. Staff Briefing

Planner Naini states applicant chose to withdraw.

b. Presentation by applicant

N/A

c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

NO ACTION TAKEN.

11. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

DRAFT

These minutes were approved on _____, 2020.

DRAFT

October 7, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, TX 78746

Dear Mr. Chairman:

We are seeking a variance to build a front yard fence that is set back from the street not 30ft but 12-15ft.

The home on the property is new construction that was finished in April 2020. It has a very contemporary design and is completely transparent from the street. The lot slopes rather steeply from the street to the house. If the terms of the ordinance are strictly enforced, we would need to increase the height of the fence to the maximum allowed height of 6ft in order to achieve a minimum of privacy, both for the neighbors passing-by and for ourselves. That option would not be as aesthetically pleasing as the proposed 4-ft fence, and it would also add significantly to the cost of the project.

The proposed front yard fence would have about the same distance from the street as the fence of the property across the street. It doesn't intervene with any views of the neighboring properties, complements the design of our modern home and enhances the overall beauty of the neighborhood. It is worthwhile to point out that the fence that was originally on the property from 1984-2020 was right next to the street and in the right-of-way.

The proposed front yard fence will not have any impact on the existing flora and fauna. On the contrary: with the proposed material of rusted steel on the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Seifert", followed by a large, stylized flourish or scribble.

APPLICATION COVER SHEET

Property Address: 895 Live Oak Circle, West Lake Hills, TX 78746
Applicant Name: Thomas and Gesine Seifert
Designated Agent (if any, Power of Attorney Required): n/a
Applicant Phone Number: 512.671.0404 Email Address: [REDACTED]
Date Application was Submitted: 10/07/2020
Variance(s) Requested: Front Yard Fence Closer to Road (12-15 ft) than Specified in Ordinance (30ft)

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____
Postponement History (if any): _____
Notes: _____

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

1. Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Our home is completely transparent from the street and passers-by can look in (some even wave when they walk by).

If the terms of this ordinance are strictly or literally enforced, the front yard fence would be too close to the existing retaining wall by the driveway. Also, due to the steep slope of the front yard, the fence would have to be significantly higher than the proposed 4ft in order to achieve a minimum of privacy, both for the neighbors passing-by and ourselves. A 6-ft fence sitting right above the retaining wall would give the appearance of a tall wall when looking out from the home.

2. Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

The proposed front yard fence will not have any impact on the existing flora and trees. On the contrary: with the proposed material of rusted steel at the upper edge and plantings of native mountain laurel it will blend in with the natural terrain very nicely.

3. What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

If we follow the ordinance in terms of distance from the road, we would need to increase the height of the fence to the maximum allowed height of 6ft. Not only would that add significantly to the cost of the project, but would also not be as aesthetically pleasing as the proposed 4-ft-fence at 12-15ft from the road.

4. Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

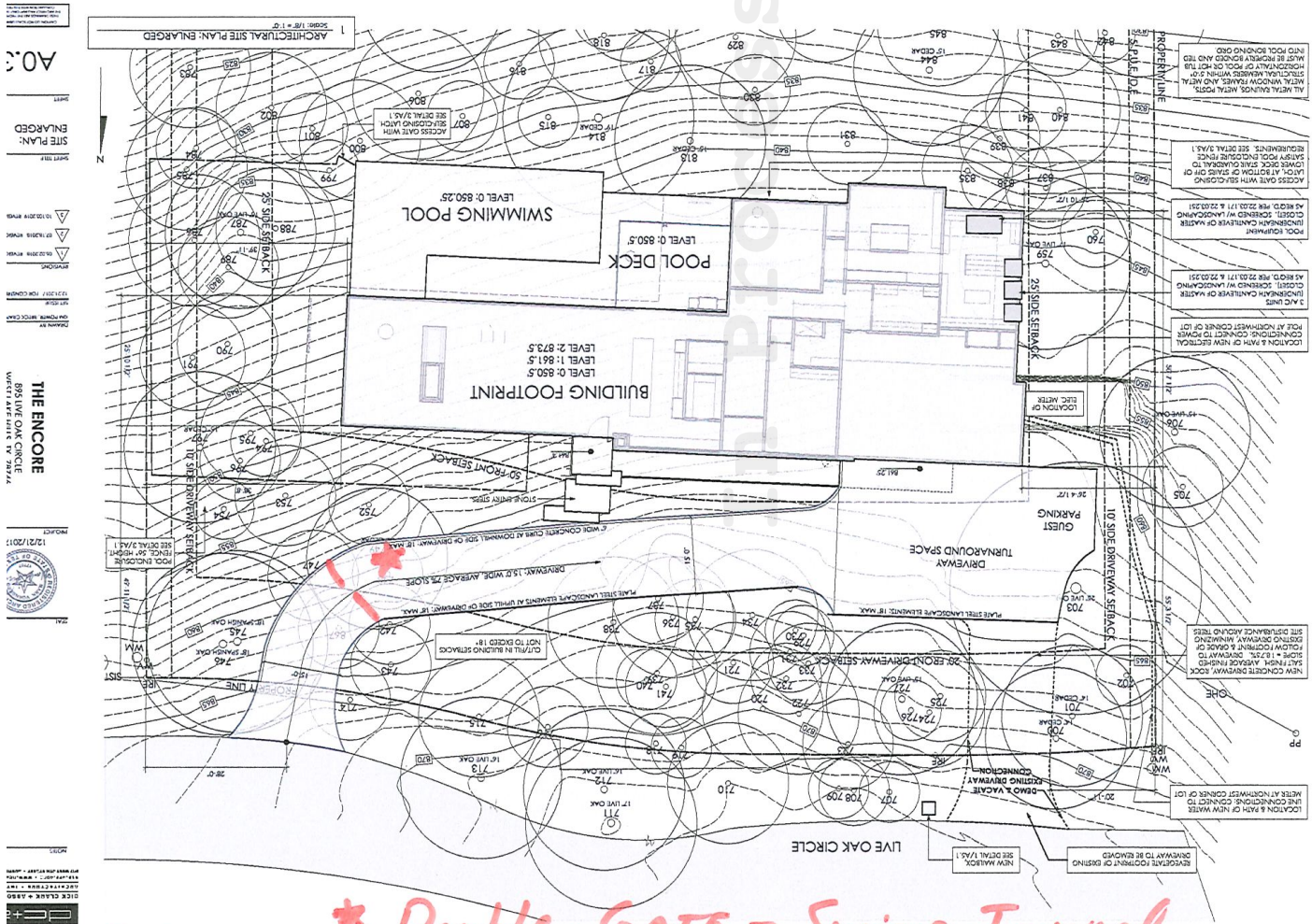
We believe that the variance we are requesting is the right trade-off: It allows us to keep the fence low at 4ft, aesthetically pleasing within a reasonable budget and still significantly farther from the road than the previous fence.

5. Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

The fence that was on the property from 1984 - 2020 was not even on the property, but in the right-of-way. Our proposed front yard fence takes the fence back 12-15 feet from the road and in terms of design and materials will be much better integrated in the existing landscape.

6. Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The proposed front yard fence will have about the same distance from the road as the fence of the property across the street. It doesn't intervene with any views of the neighboring properties. It complements the design of our modern home, enhances the overall beauty of the neighborhood and has been seen favorably by the neighbors we have discussed the project with.



TE: Pictures provided

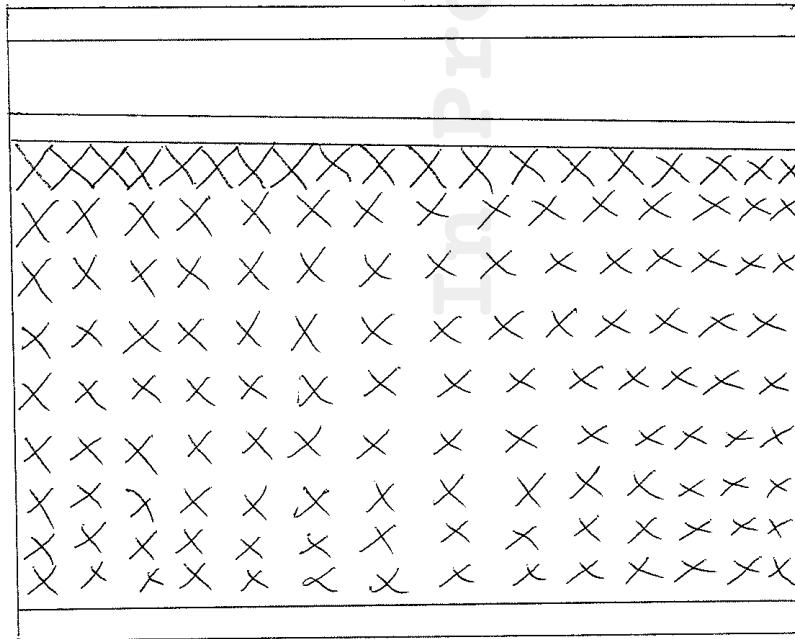
* Double GATE - Swings Inward
- Height 6' - 30+ ft from roadw

Front fence

4' 6" Tall

Framed by 2"x2" tubing - 3 rail Smooth Top/Smooth Bottom

Posts 2"x2" Tubing (set in concrete) approx. 2' to insure stability



Color: Raw Steel for natural look

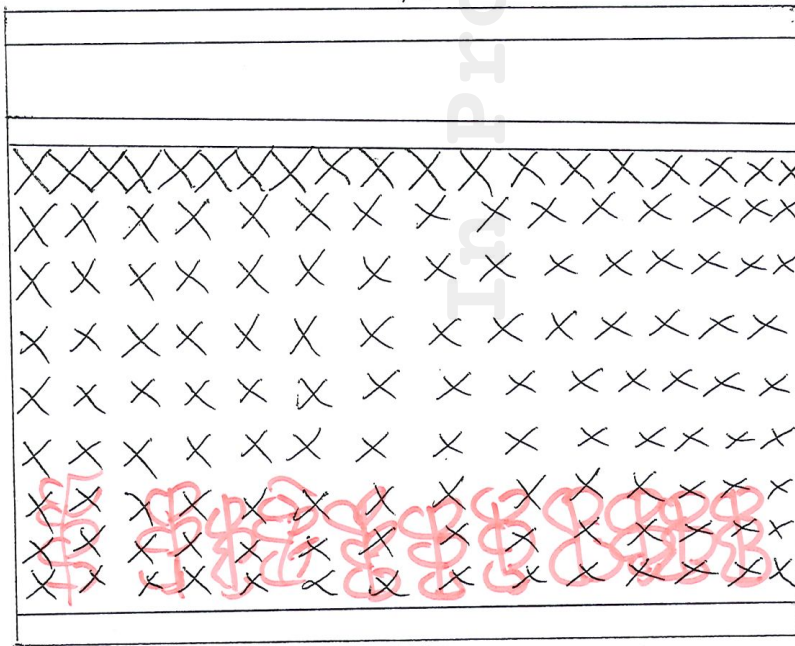
Front fence

4' 6" Tall

Framed by 2"x2" tubing - 3 rail Smooth Top/Smooth Bottom

posts 2"x2" tubing (set in concrete) approx. 2' to insure stability

NOTE:
10 gallon
mtn. laurels
on 6' centers



Color: Raw Steel for natural look

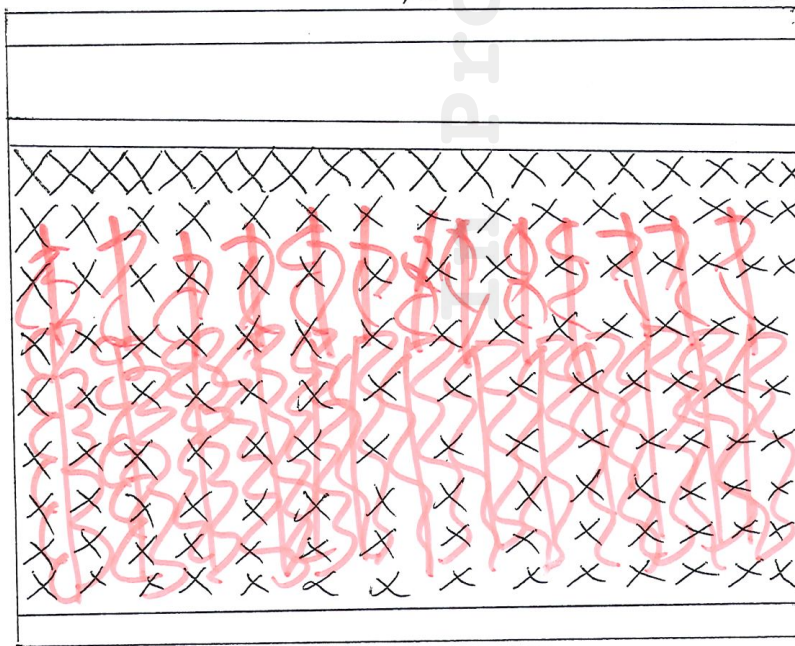
Front fence

4' 6" Tall

Framed by 2"x2" tubing - 3 rail Smooth Top/Smooth Bottom
posts 2"x2" tubing (set in concrete) approx. 2' to insure stability

NOTE:

3 year
estimated
Height

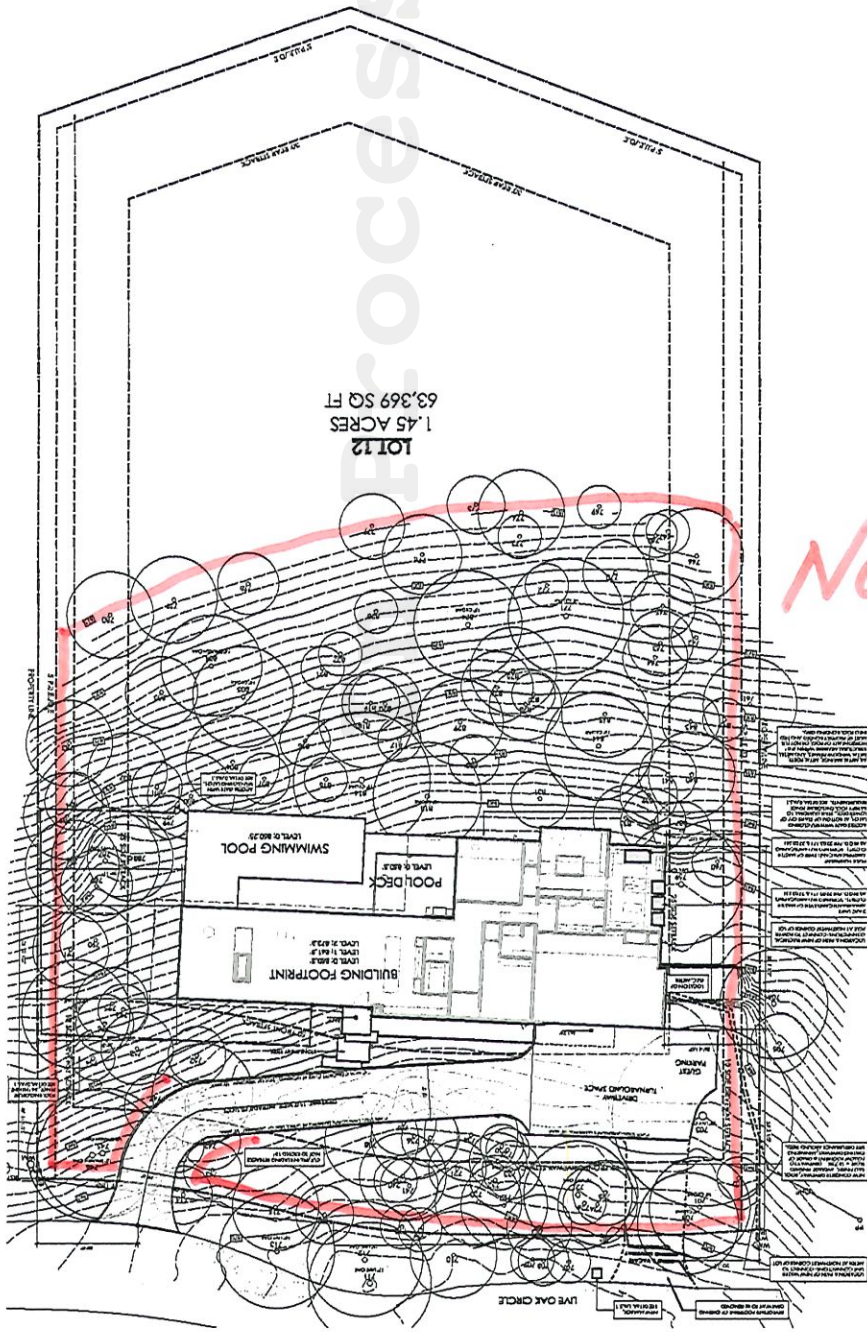


Color: Raw Steel for natural look

0.

[illegible]

FILE SPRINKLER NOTE
INSTALLATION OF AN APPROVED 130 FIRE SPRINKLER
SYSTEM, WITHOUT EXCEPTIONS, IS REQUIRED.
EXTENSOR OR STRUCTURE MUST BE CONSTRUCTED WITH
"CLASS 1" IGNITION-RESISTANT CONSTRUCTION.
MATERIALS AND METHODS IN ACCORDANCE WITH 201
INTERNATIONAL WIRELESS-URBAN INTERFACE CODE
SECTION 504.5 ARE MANDATED. DEMONSTRATION AND
MAINTAINING COMPLIANCE WITH THE MIGRATION
MEASURES PROVIDED IN DIVISION 9 OF THE CITY OF
WEST LAKE'S CODE OF ORDINANCES IS REQUIRED.



Fence

NOTE:

Pictures provide

Variance Application for Front Yard Fence at 895 Live Oak Circle, Supporting Photos



Proposed fence design



View of the house from the street
with the proposed front yard fence
location in yellow



View of the front yard with
proposed location of fence in yellow.
The design of the fence would
compliment the existing retaining
wall.



View of the driveway, retaining wall and front yard with the proposed location of the fence in yellow



View of the front yard with the proposed location of the fence in yellow



The previous fence (1984-2020) was much closer to the street. It was in fact in the right-of-way, as seen in the MLS listing (1995)

Anjali Naini
City of West Lake Hills
911 Westlake Dr.
West Lake Hills, TX 78746

October 7, 2020

Dear Ms. Naini,

First, my wife and I would like to thank you for all your help thus far with the permitting for our house. We know we are doing a lot and your attentiveness and understanding has been greatly appreciated!

We have new neighbors at 895 Live Oak, the Seiferts, who have asked us about putting in a fence in their front yard. Many of us are trying to improve and beautify our neighborhood, and we have no objections to the Seifert's proposed front yard fence. Based on the pictures they showed us, we believe it is going to look great.

Sincerely,

Jason and Jessica Karp
900 Live Oak Circle,
West Lake Hills, TX 78746

The image shows two handwritten signatures in black ink. The signature on the left is 'Jason Karp' and the signature on the right is 'Jessica Karp'. Both are written in a cursive, flowing style.

Kirk and Cathy Van Sickle
905 Live Oak Circle
West Lake Hills, TX 78746
Tel: (832) 296-6250

October 2, 2020

Anjali Naini
City of West Lake Hills
911 Westlake Dr.
West Lake Hills, TX 78746

To Whom it May Concern,

We would like to express our full support for the Seiferts' fence project. Not only will the fence be farther away from the road than the previous fence, but with its design it will enhance the appearance of the front yard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kirk Van Sickle", written in a cursive style.



TREE VARIANCES STAFF REPORT

DECEMBER 9, 2020

Project Address: 702 Loma Linda

Project Number: 16215

Agenda Item: Land Use: 702 Loma Linda: Discussion/recommendation on a variance request to remove six trees 14" or greater in order to construct a new home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya.

Applicant Information: Applicant Adam Mosier | Mosier Luxury Homes, LLC | Owners Santiago & Jenna

Hearing Dates:

November 18, 2020 ZAPCO

December 9, 2020 City Council

Location: The subject property is located on a cul-de-sac and is north of Spurlock Valley, south of Basin Ledge and between Terrace Mountain Drive to the west and east.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 0.56 acre. There was a prior home on the property that was demolished.

Background & Analysis:

The applicant is requesting variances for the removal of six trees that are 14" or greater in order to construct a new home. A building permit application and swimming pool permit application were filed but are on hold due to the tree variances. The prior home was located in the building setbacks, and the new proposed home will be in compliance with the setback regulations but accordingly would require tree variances to be approved.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – “The house cannot be constructed because of the smaller, pie shaped lot located in a cul-de-sac, significantly restricting development when side setbacks are applied. The proposed layout is the minimum request to bring the property into compliance as the current foundation lies in the left side setback. Alternate configurations would result in requesting variances for larger, healthier trees.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “Existing terrain and slope will not be altered. The variance request is associated with removal of existing trees that currently prohibit functional use of the lot. Existing vegetation will be protected or replaced or ensure erosion will not occur. Trees will be replaced in accordance with mitigation requirements.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “There are two state sized oaks (#563 and 564) with half critical root zones of 11’ and 17’, respectively. Because of the location of these two beautiful oaks and the pie shaped, smaller sized lot, the placement of the structure had to be pushed down the lot to its current location. Additionally, the existing slab (to be demolished) is in the side setback. The septic system cannot be placed in an alternate location...”

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – “Placing the structure in another portion of the property will severely restrict the size of the structure proposed and create a disjointed, dysfunctional layout.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “The zoning ordinance is based on conforming lots (1 acre or greater) and assumes a standard shaped lot. This lot is approximately 0.5 acres and odd shaped because it is in a cul-de-sac. The replacement of “cedars” with more beneficial species will be additive to the current situation and will bring the property into compliance in regard to a fire defensible space plan.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The trees to be removed are interior to the property lines and are effectively unseen by neighbors. Neighbors will benefit from the removal of these three trees because they will be replaced with 150% more trees that are safer and more beneficial than cedars.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the regular November 18, 2020 meeting, the Commissioners unanimously recommended approval of the tree variances, except for Tree # 626, by a vote of 5 – 0.

Staff Recommendation

Staff recommends approval of the requested tree variances due to the irregularly shaped lot, steep topography and limited building area.

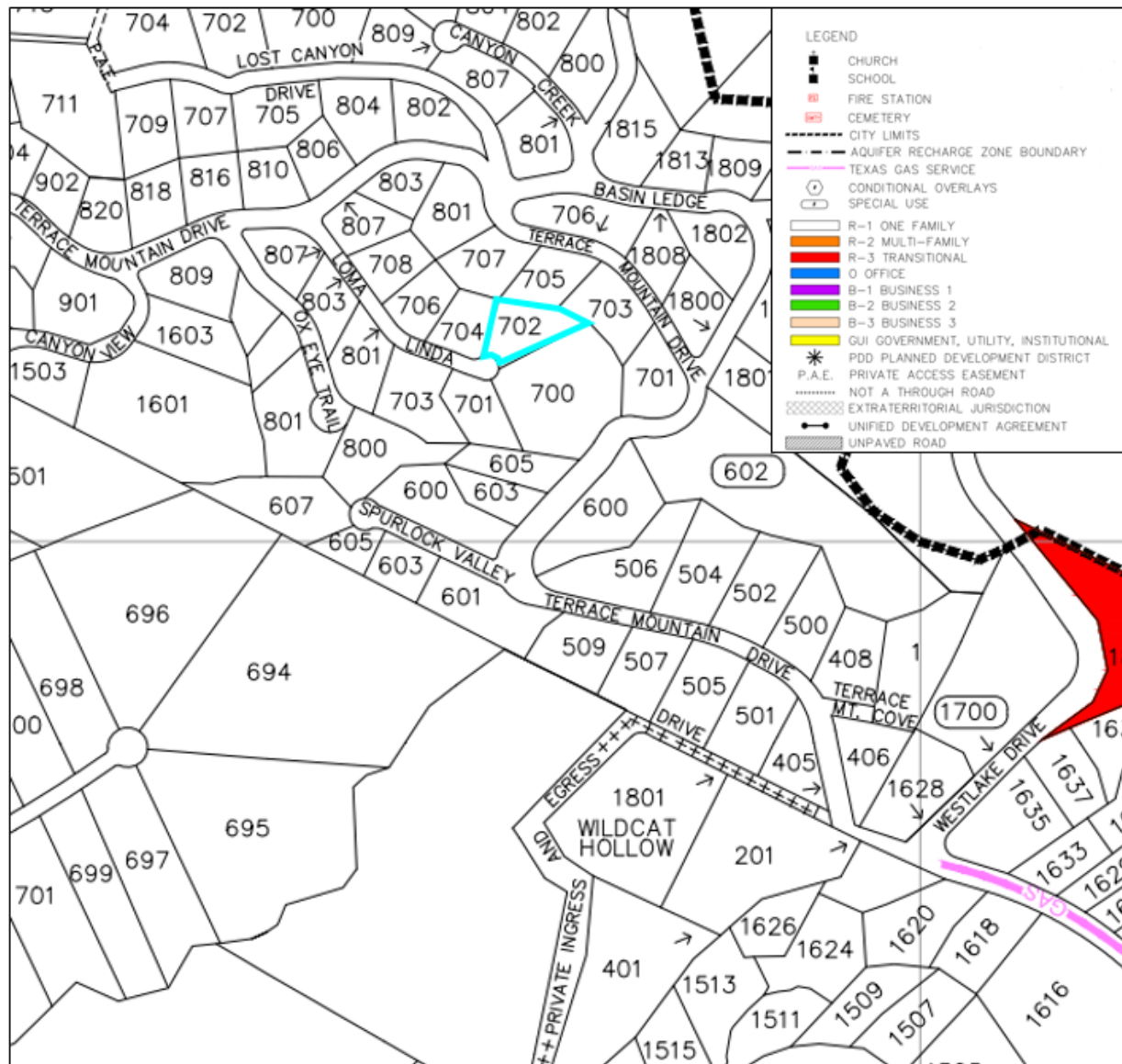
Removal of trees 14" and greater require mitigation at 150%.

Links to Relevant Code:

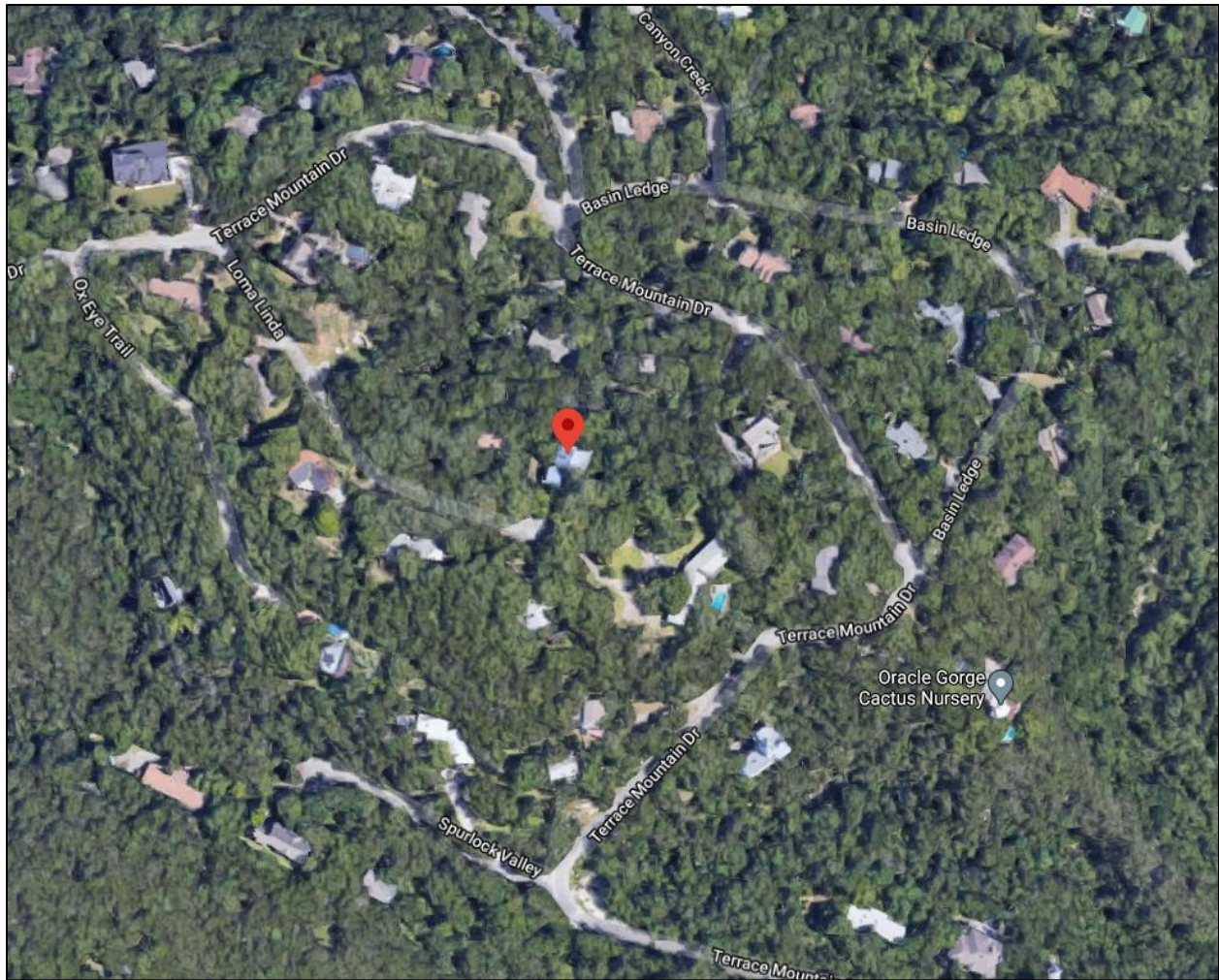
- [Sec. 22.03.304 Tree and vegetation removal and replacement](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

Property Address: 702 Loma Linda 78746
Applicant Name: Santiago and Jenna Montoya
Designated Agent (if any, Power of Attorney Required): Adam Mosier / Mosier Luxury Homes
Applicant Phone Number: 512-845-8069 Email Address: [REDACTED]
Date Application was Submitted: 8/22/20
Variance(s) Requested:
Removal of trees: 595, 597, 604, 607, 626, 649

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____
Postponement History (if any): _____
Notes: _____



September 29, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
91 I Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman:

My client is requesting a variance for the removal of the following trees:

- #595 is a 17" Spanish Oak
- #597 is a 15.5" Cedar
- #604 is an 18" Live Oak
- #607 is a 34.5" multi trunked cedar
- #626 is a 14" Cedar
- #649 is a 14" Cedar
- #714 was removed by the prior owner during home demolition (Please review attached email with Darin Walker and the owner's agent)

I have attached pictures of each of these trees, the site plan, and the survey for your review. Because of the lot size and shape, the house and septic drainage field cannot be located or situated in other areas without requesting larger, healthier trees be removed. Additionally, the septic engineer maintains that soil tests on other parts of the property have too much clay and are not conducive to proper operation of the septic drain fields.

The existing foundation on the property currently exists in the side setback and the proposed, new structure will bring this property into compliance if these tree removal variances are granted.

The removal of these interior trees will not alter the privacy of the property as it relates to the neighbors and it will create a defensible fire zone around the future structure. The owner has every intention of mitigating the removal of these trees in accordance with the City of West Lake Hills requirements for tree 14" and greater.

No additional variances are being requested.

Sincerely,

Adam Mosier
Mosier Luxury Homes LLC

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. (Feel free to respond to these questions on a separate page or document.)

(1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The house cannot be constructed because of the smaller, pie shaped lot located in a cul-de-sac, significantly restricting development when side setbacks are applied. The proposed layout is the minimum request to bring the property into compliance as the current foundation lies in the left side setback. Alternate configurations would result in requesting variances for larger, healthier trees.

(2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

Existing terrain and slope will not be altered. The variance request is associated with removal of existing trees that currently prohibit functional use of the lot. Existing vegetation will be protected or replaced to ensure erosion will not occur. Trees will be replaced in accordance with mitigation requirements.

(3) What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

There are two state size oaks (#563 & 564) with *half* critical root zones of 11' and 17', respectively. Because of the location of these two beautiful oaks and the pie shaped, smaller sized lot, the placement of the structure had to be pushed down the lot to its current location. Additionally, the existing slab (to be demolished) is in the side setback. The septic system cannot be placed in an alternate location because soil samples were taken by the soils engineer and designer and it was determined that too much clayey soil existed and he maintains that this would not be conducive to proper dispersion and absorption of the septic field discharge.

(4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Placing the structure in another portion of the property will severely restrict the size of the structure proposed and create a disjointed, dysfunctional layout. The existing structure, which will be demolished, currently sits in the side setback. Replacement trees of a different species will also be less hazardous from a fire fuel perspective.

(5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

The zoning ordinance is based on conforming lots (1 acre or greater) and assumes a standard shaped lot. This lot is approximately 0.5 acres and odd shaped because it is in a cul-de-sac. The replacement of "cedars" with more beneficial species will be additive to the current situation and will bring the property into compliance in regard to a fire defensible space plan.

(6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The trees to be removed are interior to the property lines and are effectively unseen by neighbors. Neighbors will benefit from the removal of these three trees because they will be replaced with 150% more trees that are safer and more beneficial than cedars.

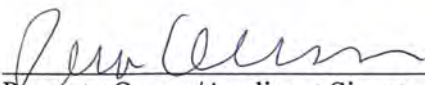
Property Address: 702 Loma Linda



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Santiago Montoya / Jennifer Gillies
have made, constituted and appointed Adam Mosier / Mosier Luxury Homes LLC
to be my duly authorized representative in connection with an application dated 08/13/2020,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

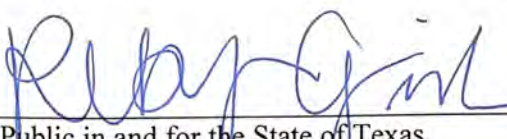
Santiago Montoya / Jennifer Gillies
Property Owner/Applicant Name

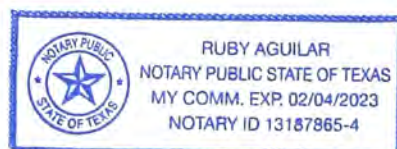

Property Owner/Applicant Signature

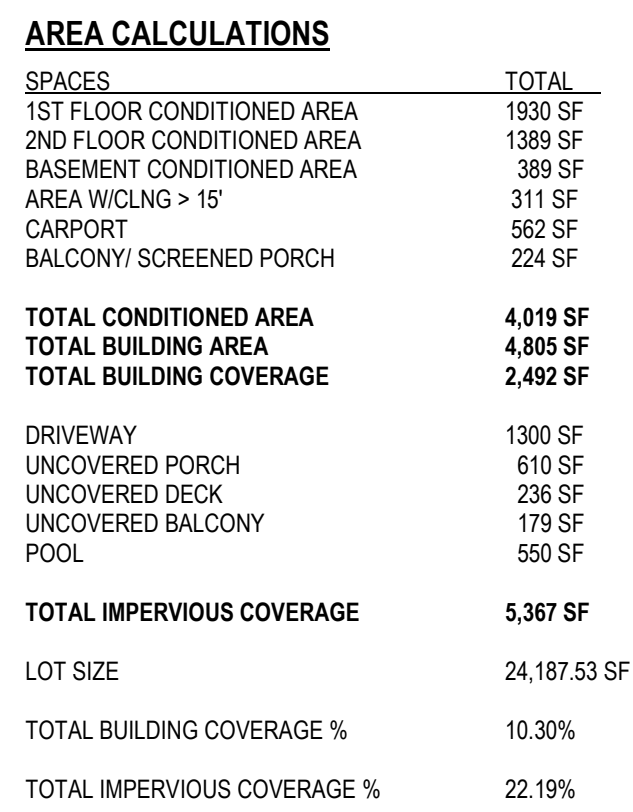
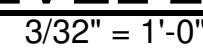
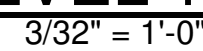
<u>800 S. Lamar #243</u>	<u>Austin</u>	<u>TX</u>	<u>78704</u>
Street Address	City	State	Zip Code

512-565-8103
Property Owner/Applicant Phone Number

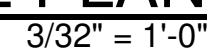
This instrument was acknowledged before me on this the 29th day of September 2020.


Notary Public in and for the State of Texas




$$3/32'' = 1'-0''$$


1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS AND TREENATURAL AREA PROTECTIVE FENCING PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING, OR EXCAVATION).
2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL CRITERIA MANUAL AND THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.
3. PERMANENT EROSION CONTROL AREAS, ALL DISTURBED AREAS SHALL BE RESTORED PER COA RULES AND REGULATIONS.
4. PROVIDE TREE PROTECTION PER COA GUIDELINES AT ALL TIMES.
5. NO CUT OR FILL GREATER THAN 4" IS ALLOWED WITHIN THE 1/2 CRZ OF PROTECTED TREES (19' OR GREATER), AND THERE IS NO IMPACT ALLOWED WITHIN THE 1/4 CRZ.
6. DEMOLITION WITHIN THE 1/4 AND 1/2 CRZ OF PROTECTED TREES MUST BE DONE WITH HAND TOOLS.

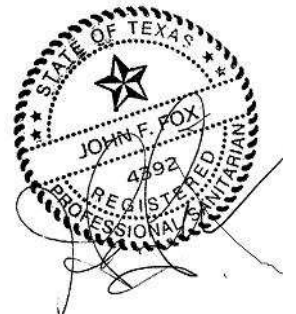


- ✕ Air relief valve
- Check valve

1' OSSF setback from PUE
5' Field setback from Tanks
5' Tank setback from surface structures
10' OSSF setback from water lines
50' Tank setback from domestic wells
100' OSSF field setback from domestic wells
150 OSSF setback from ERZ features

Site plan Erosion Control Fence
mapped by builder's Engineer

7/22/20



N

Fwd: 702 Loma Linda

Jenna Gillies [REDACTED] >
To: Adam Mosier [REDACTED] >
Cc: Santiago Montoya [REDACTED]

Tue, Sep 29, 2020 at 9:08 AM

See below for explanation of the 2 trees.

Begin forwarded message:

From: Jenna Gillies [REDACTED] >
Date: September 29, 2020 at 9:06:53 AM CDT
To: Santiago Montoya [REDACTED]
Subject: Fwd: 702 Loma Linda

Begin forwarded message:

From: Amy Mosier [REDACTED]
Date: January 2, 2020 at 12:17:20 PM CST
To: [REDACTED] Adam Mosier
[REDACTED] >
Subject: Fwd: 702 Loma Linda

Jenna and Santi, please take a look at the email and attachments below that Darin (listing agent) sent me after our phone conversation.

Let me know if tomorrow at 11:45am works for the two of you to meet at Loma Linda.

Thanks!



AMY MOSIER

Realtor®, GRI, SRS, GREEN, ABR

Institute for Luxury Home Marketing Member

c 512.947.7255 | SEED Property Group | AMP

----- Forwarded message -----

From: Darin Walker [REDACTED]
Date: Thu, Jan 2, 2020 at 11:53 AM

Subject: 702 Loma Linda

To: <amy[REDACTED]>

Amy,

Attached is the tree and topo survey and site plans and floor plan Cornerstone Architects has worked up. Under this plan, the slab would be demoed and the house will be removed from the side setback. Also two cedar trees that were behind the preexisting house were removed with permission from the city as they would have been damaged in the demo of the house.

Bob Wetmore with Cornerstone knows City of West Lake Hills building codes extremely well and does a great job of designing homes that can be cost efficiently built on the lot. He's more than happy to meet with your clients to design a floorplan for just 3k sqft that gets them what they want.

Thanks,
Darin

--



and



DARIN S. WALKER

Elite 25 Member

[View my agent biography film](#)

c 512.560.7633 **o** 512.328.0058

w darinwalkeraustin.com

e darin.walker@sothebysrealty.com

a 2700 Barton Creek Blvd #200

Austin, Texas 78735



3 attachments

 **Tree and Topo Survey 702 Loma Linda.pdf**
517K

 **Loma Linda Concept Site Plan 19-12-11.pdf**
3403K

 **Loma Linda Concept Plan 19-12-11.pdf**
4150K



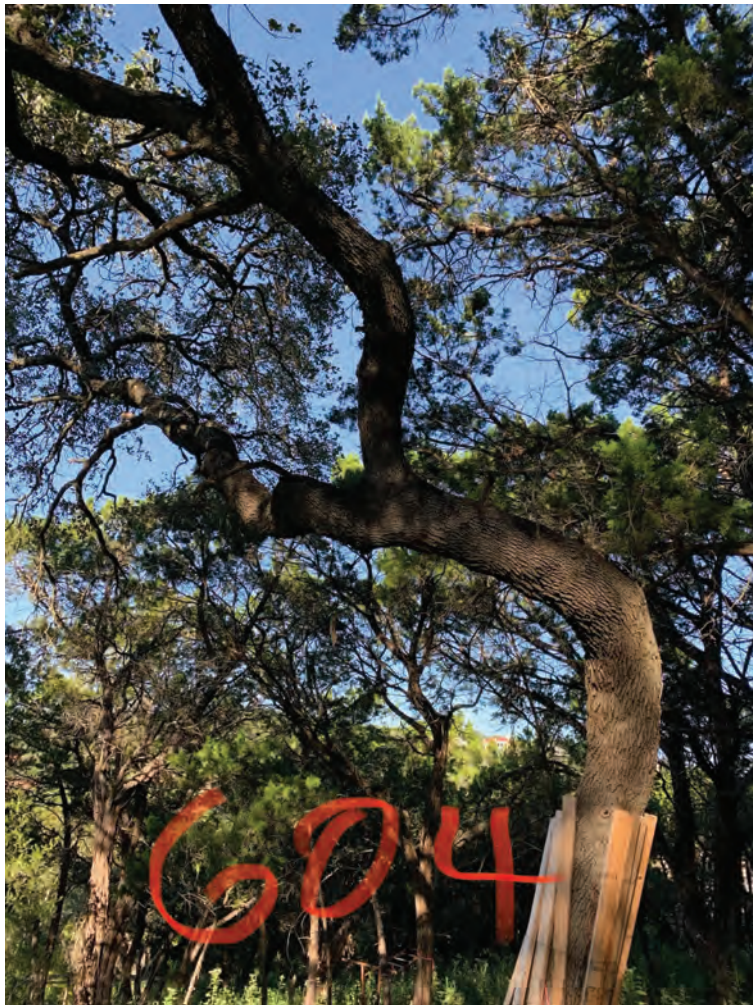
Centerview of lot with several subject trees for removal shown



Tree #714 was removed during demolition by prior property owner



Current Foundation lies in left setback



#604
18" Live Oak



Tree #607
34.5" Multitrunk Cedar



#595
17" Spanish Oak

595 - 17" Span Oak



#597
15.5" Cedar



#626
14" Cedar

GENERAL NOTES

1.

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, ORDINANCES AND STANDARDS HAVING JURISDICTION. IF THERE ARE ANY QUESTION OR CONFLICTS CONCERNING COMPLIANCE WITH SUCH CODES, ORDINANCES OR STANDARDS, THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE ARCHITECT BEFORE PROCEEDING WITH THE WORK IN QUESTION. ALL NECESSARY PERMITS, LICENSES, CERTIFICATES, TESTS, ETC. SHALL BE PROCURED AND PAID FOR BY THE CONTRACTOR.
2.

ALL WORK RELATING TO THIS CONSTRUCTION SHALL COMPLY WITH U.S. DEPARTMENT OF LABOR, THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND ALL RELATED LOCAL BUILDING CODES AND ORDINANCES.
3.

THE CONTRACTOR SHALL CERTIFY SIZE AND LOCATION OF ALL REQUIRED OPENINGS FOR STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING WORK AND EQUIPMENT WITH TRADES INVOLVED.
4.

THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING EXISTING CONDITIONS AT THE JOB SITE BEFORE SUBMITTING PROPOSALS. SUBMISSION OF PROPOSALS SHALL BE TAKEN AS EVIDENCE THAT SUCH INSPECTIONS HAVE BEEN MADE. CLAIMS FOR EXTRA COMPENSATION FOR WORK THAT COULD HAVE BEEN FORESEEN BY SUCH INSPECTION, WHETHER SHOWN ON CONTRACT DOCUMENTS OR NOT, SHALL NOT BE ACCEPTED OR PAID.
5.

ALL MATERIALS FURNISHED UNDER THIS CONTRACT SHALL BE NEW UNLESS OTHERWISE NOTED. ALL WORK SHALL BE GUARANTEED AGAINST DEFECTIVE MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION OR ACCEPTANCE OF THE WORK. THE CONTRACTOR SHALL REPAIR OR REPLACE, AT HIS OWN EXPENSE WHEN ORDERED TO DO SO, ALL WORK THAT MAY DEVELOP DEFECTS IN MATERIAL OR WORKMANSHIP WITHIN SAID PERIOD OF TIME.
6.

ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S PUBLISHED RECOMMENDATIONS FOR SERVICE INTENDED, AS INTERPRETED BY THE ENGINEER. THE INSTALLATION OF ALL EQUIPMENT SHALL BE MADE BY EXPERIENCED CRAFTSMEN IN A NEAT, WORKMANLIKE MANNER. ALL MATERIALS, TOOLS, COSTS AND SERVICES NECESSARY TO COMPLETELY INSTALL ALL MECHANICAL, ELECTRICAL AND PLUMBING WORK SHALL BE PROVIDED BY THE CONTRACTOR.
7.

CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE AND MISALIGNMENT ACCORDING TO APPLICABLE CODES, STANDARDS, AND GOOD CONSTRUCTION PRACTICES. CONTRACTOR SHALL TAKE PROPER PRECAUTIONS TO PROTECT ALL EXISTING OPERATIONS AND PROPERTY ADJACENT, WITH WHICH WORK COMES IN CONTACT, OR OVER OR UNDER WHICH HE MAY TRANSPORT, HOIST, OR MOVE MATERIALS, EQUIPMENT, DEBRIS, ETC., AND SHALL REPAIR SATISFACTORILY ALL DAMAGES CAUSED BY HIM DURING CONSTRUCTION.
8.

THE CONTRACTOR SHALL VERIFY AND COORDINATE SIZES, LOCATIONS AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT TO BE FURNISHED BY THE OWNER, OR OTHERS WITH THE MANUFACTURER OR SUPPLIER BEFORE ANY CONSTRUCTION IS BEGUN.
9.

THE CONTRACTOR SHALL SUBMIT TO THE ARCHITECT CONFIRMATIONS OF ORDERS, INCLUDING DELIVERY DATES, FOR ALL MATERIALS AND EQUIPMENT WHOSE TIMELY DELIVERY IS REQUIRED TO AVOID CHANGES IN THE CONSTRUCTION DOCUMENTS OR IN THE CONSTRUCTION SCHEDULE.
10.

THE CONTRACTOR MUST SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION. THE CONTRACTOR REMAINS RESPONSIBLE FOR DETAILS AND ACCURACY, FOR CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS, FOR SELECTING FABRICATION PROCESSES, FOR TECHNIQUES OR ASSEMBLY, FOR PERFORMING THE WORK IN A SAFE MANNER, AND FOR ADHERING TO ALL APPLICABLE CODES AND STANDARDS.
11.

LOCATION OF ALL CEILING MOUNTED ITEMS ON THE ARCHITECTURAL DRAWINGS HAVE PRECEDENCE OVER MEP DRAWINGS. ARCHITECT SHOULD BE NOTIFIED OF ANY CONFLICTS PRIOR TO CONSTRUCTION.
12.

IT IS THE INTENT AND MEANINGS OF THE CONTRACT DOCUMENTS THAT THE CONTRACTOR SHALL PROVIDE A MECHANICAL, ELECTRICAL, AND PLUMBING INSTALLATION THAT IS COMPLETE, AND ALL ITEMS AND APPURTENANCES NECESSARY, REASONABLY INCIDENTAL, OR CUSTOMARILY INCLUDED, EVEN THOUGH EACH AND EVERY ITEM IS NOT SPECIFICALLY CALLED OUT OR SHOWN IN THE CONSTRUCTION DOCUMENTS SHALL BE PROVIDED.
13.

ALL MEP RELATED ITEMS SHOULD BE REVIEWED BY THE ENGINEER AND MAY BE ADJUSTED PENDING NOTICE TO AND APPROVAL OF THE ARCHITECT.
14.

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
15.

ALL WORK NOTED "N.I.C." OR "NOT IN CONTRACT" IS TO BE ACCOMPLISHED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR AND IS NOT TO BE PART OF THE CONSTRUCTION AGREEMENT.
16.

"ALIGN" AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES IN THE SAME PLANE.
17.

"TYPICAL" OR "TYP." AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR ALL SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED.
18.

"SIMILAR" OR "SIM." AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS SIMILAR TO A CONDITION DETAILED FOR ANOTHER LOCATION.
19.

THE CONTRACTOR SHALL PROVIDE RECORD DOCUMENTS OF AS-BUILT CONDITIONS WHEN DIFFERENT FROM CONSTRUCTION DOCUMENTS, AND SHALL PROVIDE SAID DOCUMENTATION TO ARCHITECT WITHIN 30 CALENDAR DAYS OF COMPLETION OF CONSTRUCTION.
20.

THIS COVER SHEET IS A MASTER INDEX. NOT ALL SYMBOLS/ITEMS WILL BE INCLUDED IN DRAWINGS.
21.

DO NOT DISASSEMBLE THIS SET. COVER SHEET CONTAINS DATA PERTINENT TO ALL SHEETS.
22.

REFER TO ADDITIONAL INFORMATION FOR ADDITIONAL GENERAL NOTES, IF ANY.

ADDITIONAL NOTES

1.

OWNER/CONTRACTOR TO ENSURE COMPLIANCE OF EXISTING CONDITIONS WITH TAS SECTION 4.1.6(2) - (ALTERATIONS TO AN AREA CONTAINING A PRIMARY FUNCTION); ENSURE THAT CERTAIN EXISTING CONDITIONS COMPLY WITH, OR ARE BROUGHT INTO COMPLIANCE WITH, THE TEXAS ACCESSIBILITY STANDARDS; THE EXTERIOR AND INTERIOR ACCESSIBLE ROUTE FROM THE ACCESSIBLE PARKING TO THE TO THE ENTRANCE OF THE ALTERED AREA SHALL COMPLY WITH ALL SECTION 4.3 "ACCESSIBLE ROUTE" REQUIREMENTS.
2.

ALL CONSTRUCTION SHALL BE IN STRICT COMPLIANCE WITH THE APPLICABLE LOCAL, STATE AND FEDERAL CODES, ORDINANCES, AND LAWS. WORKS MUST COMPLY WITH THE US DEPARTMENTS OF LABOR, OCCUPATIONAL HEALTH AND SAFETY STANDARDS.
3.

DIMENSIONS ARE TO FACE OF GYPSUM BOARD AND STRUCTURAL GRID, UNLESS NOTED OTHERWISE (U.N.O.)
4.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE DRAWINGS.
5.

ALL DRAWING AND SPECIFICATION NOTES BY THE ARCHITECT ARE COMPLEMENTARY. ANY IS CALLED FOR BY ONE WILL BE BINDING AS CALLED FOR BY ALL. ANY WORK SHOWN OR REFERRED TO ON ANY ONE DOCUMENT SHALL BE PROVIDED AS THOUGH SHOWN ON ALL DOCUMENTS. WHEN DISCREPANCIES BETWEEN THE DRAWINGS AND THE REQUIREMENTS OF CODES ARISE, THE CODES SHALL TAKE PRECEDENCE. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY.
6.

EACH CONTRACTOR SHALL OBTAIN ALL LICENSES AND PERMITS AND PAY ANY FEES THAT MAY BE REQUIRED BY PUBLIC AUTHORITIES AND SERVICE CORPORATIONS HAVING JURISDICTION IN CONNECTION WITH THE WORK UNDER THIS CONTRACT. THE CONTRACTOR FOR CONSTRUCTION WORK SHALL ALSO OBTAIN AND PAY FOR THE GENERAL BUILDING PERMIT AS NECESSARY.
7.

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL SUB-TRADE INSPECTIONS AND CERTIFICATE OF OCCUPATION.
8.

THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL CAREFULLY REVIEW THE DRAWINGS, SPECIFICATIONS, DETAILS AND NOTES FOR INFORMATION REGARDING THE SCOPE OF THE WORK INTENDED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES IN THE PLANS AND/OR SPECIFICATIONS PRIOR TO BIDDING AND INSTALLATION OF ANY SUCH ITEMS.
9.

THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, AND SITE CONDITIONS BEFORE STARTING WORK, NOTIFY THE OWNER IMMEDIATELY OF ANY DISCREPANCY. COMMENCEMENT OF THE WORK IMPLIES ACCEPTANCE OF CONDITIONS. THE CONTRACTOR SHALL MAKE FIELD MEASUREMENTS FOR THE WORK AND BE RESPONSIBLE FOR THE ACCURACY OF THOSE MEASUREMENTS. ALL ELEVATIONS ARE RELATIVE TO THE FINISH FLOOR ELEVATION OF 0'-0".
10.

THE GENERAL CONTRACTOR SHALL SECURE AND PAY FOR ALL CERTIFICATES OF INSPECTION AND OCCUPANCY THAT MAY BE REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER THE WORK, INCLUDING THE BOARD OF FIRE UNDERWRITERS CERTIFICATES, AND SHALL DELIVER THEM TO THE OWNER UPON COMPLETION OF THE WORK.
11.

THE GENERAL CONTRACTOR SHALL COORDINATE DOOR OPERATION AND HARDWARE WITH OWNER PRIOR TO INSTALLATION.
12.

DOOR STOPS ARE REQUIRED AT ALL DOORS WITHOUT CLOSERS.
13.

GENERAL CONTRACTOR TO FIELD VERIFY ALL OPENING DIMENSIONS PRIOR TO ORDERING DOORS AND WINDOWS.
14.

GENERAL CONTRACTOR SHALL FURNISH AND INSTALL 5/8" WRC GYPSUM BOARD AT ALL WALL SURFACES SCHEDULED TO RECEIVE WALL TILE.
15.

GENERAL CONTRACTOR TO NEATLY CUT / DRILL ALL OPENINGS REQUIRED FOR CONDUIT, RECEPTACLES AND WIRING IN CASEWORK ASSEMBLIES.
16.

GENERAL CONTRACTOR TO PAINT SURFACES TO A BRILLIANCE OF COLOR DESIRED, THIS MAY REQUIRE THREE OR MORE COATS OF PAINT.
17.

GENERAL CONTRACTOR TO PAINT ALL AIR SUPPLY AND RETURN GRILLES, BATTERY PACK UNITS AND LIGHT FIXTURE RINGS TO MATCH ADJACENT SURFACE.
18.

WALL BASE MATERIAL TO BE PRE-MOULDED TO OUTSIDE CORNERS AND MITERED INTO INSIDE CORNERS.
19.

OUTLET COVER AND SWITCH PLATES TO BE WHITE (U.N.O.).
20.

ALL STAIR TREADS TO BE 1" DEEP TREAD-TO-TREAD MINIMUM. RISERS SHALL BE FROM 4" – 7" HIGH, EQUALLY SPACED, WITH NO MORE THAN 3/8" VARIATION IN A FLIGHT TO OBTAIN ELEVATION NOTED.
21.

EACH CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING INSURANCE OF THE TYPE AND QUANTITY AS REQUIRED BY THE OWNER, SUBCONTRACTORS, AND LOCAL AND/OR STATE JURISDICTIONS.
22.

WORK SHALL NOT COMMENCE UNTIL THE CONTRACTOR RECEIVES A NOTICE TO PROCEED FROM THE OWNER.
23.

THE CONTRACTOR SHALL MAINTAIN A CLEAN AND ORDERLY SITE AND STORAGE AREA.
24.

THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR RECEIVING AND PROTECTION AND SAFEKEEPING OF PRODUCTS STORED AT THE SITE, INCLUDING ALL OWNER PROVIDED FIXTURES, FURNISHINGS AND EQUIPMENT.
25.

THE GENERAL CONTRACTOR SHALL POST AND MAINTAIN SIGNS, NOTICES AND OTHER SAFEGUARDS REQUIRED BY LAW OR ORDINANCE.
26.

LARGE SCALE DETAILS OR DRAWINGS SHALL GOVERN SCALE DRAWINGS FOR WHICH THEY ARE INTENDED TO AMPLIFY. DIMENSIONS SHALL BE FIGURED – DO NOT SCALE DRAWINGS.
27.

IF ANY SUBSTITUTIONS ARE PROPOSED AND APPROVED FOR SPECIFIED EQUIPMENT, THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ALL COORDINATION, INCLUDING HVAC, PLUMBING AND ELECTRICAL.
28.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNER AND ARCHITECT OF MATERIALS OR WORK SHOWN FOR WHICH NO QUALITY OR GRADE IS CLEARLY SPECIFIED, UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR ASSUME GRADE OR QUALITY FOR PRODUCTS OR WORK SHOWN.
29.

USE PREMISES FOR EXECUTION OF WORK AND FOR STORAGE AS DIRECTED BY THE OWNER, DO NOT UNREASONABLY ENCUMBER PREMISES AND ADJOINING STREETS WITH PRODUCTS OR EQUIPMENT.
30.

GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVAL AND STORAGE OF ITEMS SCHEDULED TO REMAIN, BUT REQUIRED FOR CONSTRUCTION.
31.

THE PAINTING CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PATCHING OF NAIL HOLES, CRACKS, ETC. PRIOR TO FINAL PAINTING. REFER TO FINISH SCHEDULE FOR EXTENT OF PAINTING WORK REQUIRED.
32.

PROVIDE SUFFICIENT WOOD BLOCKING AT ALL STUDS FOR SECURING OF ALL ITEMS, WHETHER FURNISHED BY OWNER OR CONTRACTOR, INCLUDING AND NOT LIMITED AND NOT LIMITED TO, COUNTERS, SHELVING, CASEWORK, SIGNAGE, FURNITURE, ETC. SIGN LOCATIONS AND WEIGHTS SHALL BE COORDINATED WITH OWNERS SIGN SUPPLIER PRIOR TO BLOCKING INSTALLATION. EXACT LOCATIONS FOR SIGNS, BLOCKING REQUIREMENTS AND ELECTRICAL REQUIREMENTS TO BE CONFIRMED BY G.C. INFORMATION SHOULD BE INCLUDED IN SIGN COMPANY SHOP DRAWINGS. PROVIDE SIGN VENDOR SHOPS FOR ARCHITECTURAL REVIEW.
33.

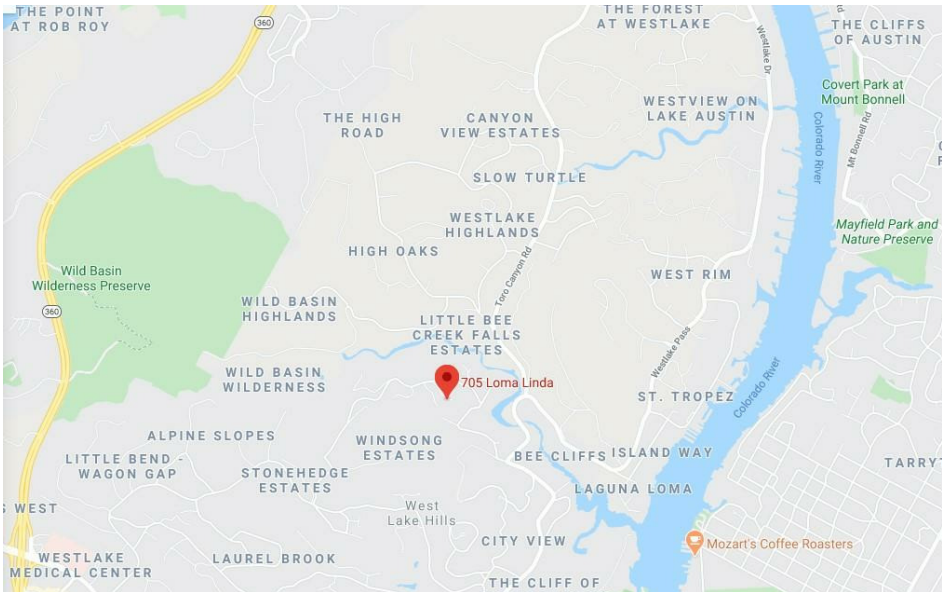
ALL WOOD INCLUDING CONCEALED WOOD IS TO BE FIRE RETARDANT TREATED UNLESS NOTED OTHERWISE. EXCEPT PAINTED OR STAINED FINISH TRIM.
34.

GENERAL CONTRACTOR TO SUBMIT ALL FIRE SUPPRESSION SYSTEM (SPRINKLER) PLANS TO CITY FOR APPROVAL PRIOR TO INSTALLATION. (IF NOTED ON DRAWINGS)
35.

GENERAL CONTRACTOR TO SEAL ALL PENETRATIONS IN WALLS FOR SMOKE PENETRATION.
36.

GENERAL CONTRACTOR TO COORDINATE FINAL FIRE DEPT. CONNECTION WITH CITY PRIOR TO INSTALLATION.
37.

NO ASBESTOS-CONTAINING MATERIALS SHALL BE USED. CONTRACTOR SHALL PROVIDE A LETTER CERTIFYING THAT NO ASBESTOS CONTAINING MATERIALS WERE USED.



VICINITY MAP



PROJECT TEAM

ARCHITECT:

WORKSHOP NO.5
BHAVANI SINGAL
PO BOX 300126
AUSTIN TEXAS 78703
832.641.2370
VANI@WORKSHOPNO5.COM

STRUCTURAL ENGINEER:

ARCH Consulting
BRAD FARRIS
1510 SOUTH CONGRESS, SUITE B100
AUSTIN, TEXAS 78704
512.328.5353
BRADF@ARCHCEE.NET

CONTRACTOR:

MOSIER LUXURY HOMES
ADAM MOSIER
3616 FAR WEST BLVD
AUSTIN, TEXAS 78731
512.845.8069
ADAM@MOSIERLUXURYHOMES.COM

SHEET INDEX	
SHEET NO.	SHEET NAME
A000	COVER SHEET
A100	SITE PLAN
A101	TREE PRESERVATION
2 A102	EROSION & SEDIMENTATION CONTROLS
A300	FLOOR PLAN LEVEL B
A301	FLOOR PLAN LEVEL 1
A302	FLOOR PLAN LEVEL 2
A400	EXTERIOR ELEVATIONS
A401	EXTERIOR ELEVATIONS
A402	EXTERIOR ELEVATIONS
A500	BUILDING SECTIONS
A600	ROOF PLAN
A700	INTERIOR ELEVATIONS
A701	INTERIOR ELEVATIONS
A800	DOORS AND WINDOWS
A900	ELECTRICAL PLAN-LEVEL 1 & LEVEL B
A901	ELECTRICAL PLAN-LEVEL 2

LEGAL DISCRIPTION

LOT 22 BLK N STONEHEDGE ESTATES BLK N

PROJECT SCOPE

NEW CONSTRUCTION OF A SINGLE FAMILY HOME APPROX 4,109 SF WITH A DETACHED CARPORT.

PROJECT INFORMATION

PROJECT NAME	LOMA LINDA RESIDENCE
PROJECT NUMBER	2020-02
PROJECT LOCATION	702 LOMA LINDA WEST LAKE HILLS, TX 78746
ZONING	R1
BUILDING COMPONENTS	WOOD FRAMED RESIDENCE
PREPARED BY	BHAVANI SINGAL

APPLICABLE CODES & ORDINANCES

LOCAL BUILDING CODE EDITION	2015 INTERNATIONAL BUILDING CODE AS AMENDED BY CITY WESTLAKE HILLS
BUILDING DEPARTMENT	CITY OF WEST LAKE HILLS
ADDRESS	911 WESTLAKE DR, WESTLAKE HILLS, TEXAS 78746
PHONE	512- 327-3628
CONTACT	-
ZONING ORDINANCES	CITY OF WEST LAKE HILLS
BUILDING CODE	2015 INTERNATIONAL RESIDENTIAL CODE
ACCESSIBILITY CODE	-
OTHER CODES	25-12 TECHNICAL CODE

WORKSHOP



ARCHITECTURE • INTERIORS
3027 N. LAMAR BLVD. #3028
AUSTIN, TX 78705
512.243.8346

Seal:



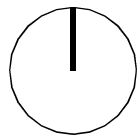
10.29.2020

SHEET IS FORMATTED TO 22" x 34".
SCALES ARE ONE HALF OF NOTED
WHEN PRINTED AT HALF SIZE.

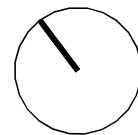
LOMA LINDA RESIDENCE

702 LOMA LINDA
WESTLAKE HILLS, TX
78746

Plan North



True North



Issue

- 1

08.11.2020

PERMIT SET
- 2

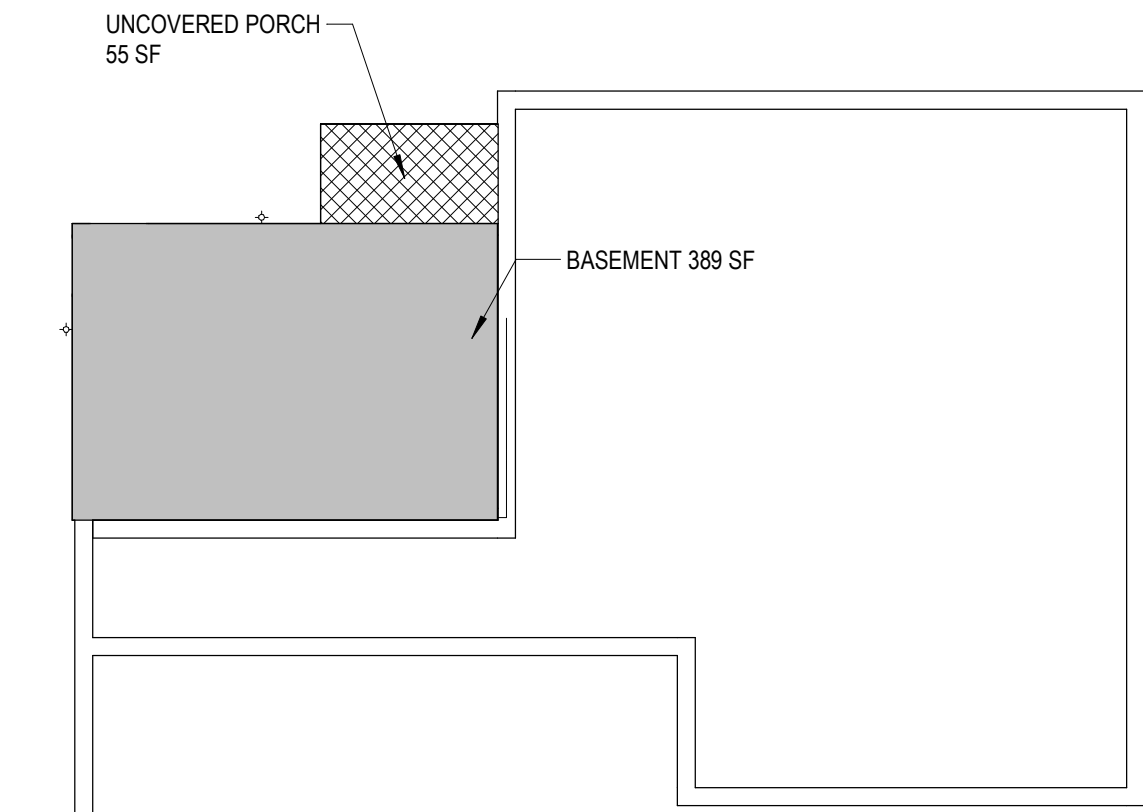
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PERMIT REVISION

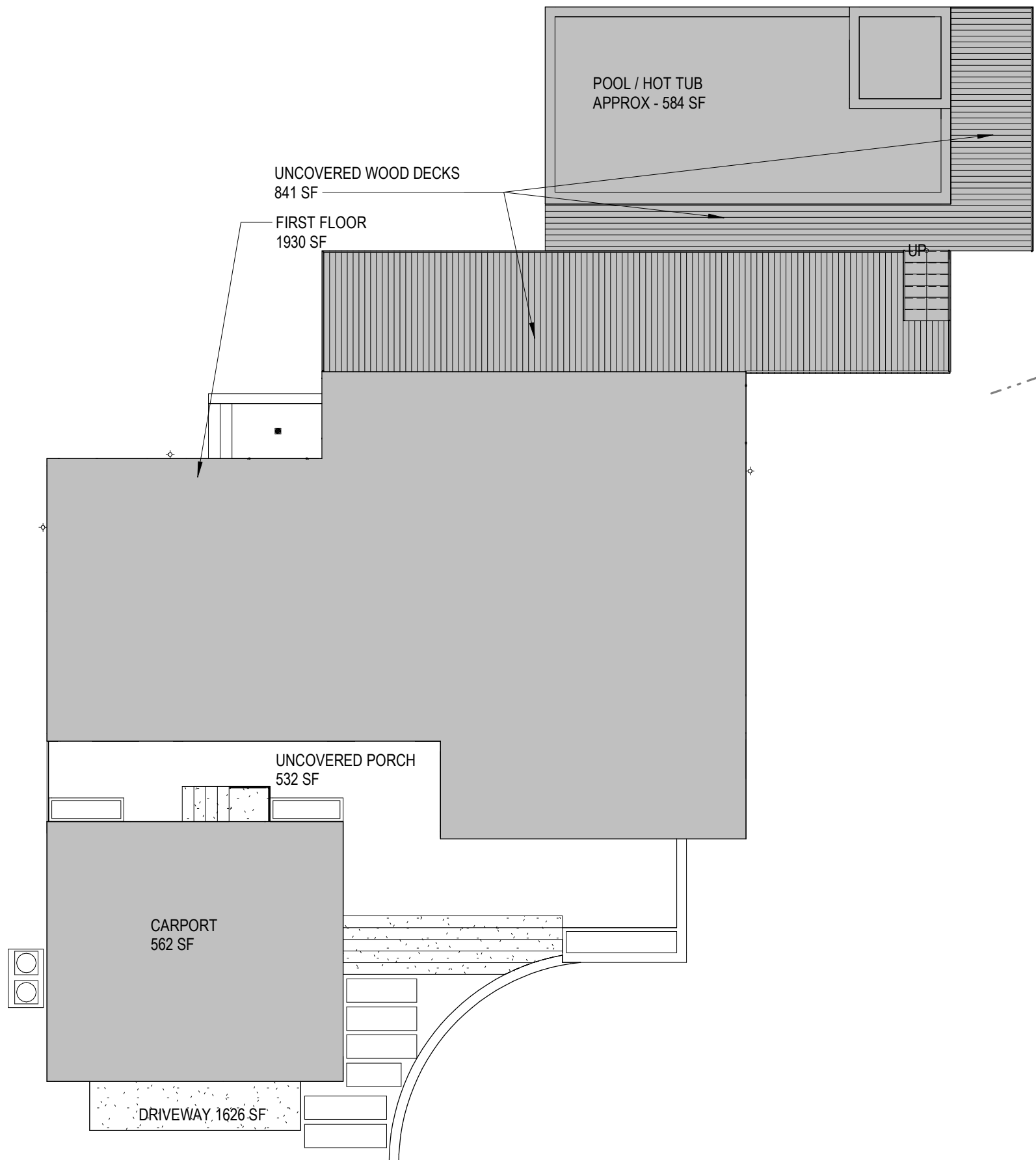
Project Number, 2020-02
Drawn By, BS
Checked By, BS

COVER SHEET

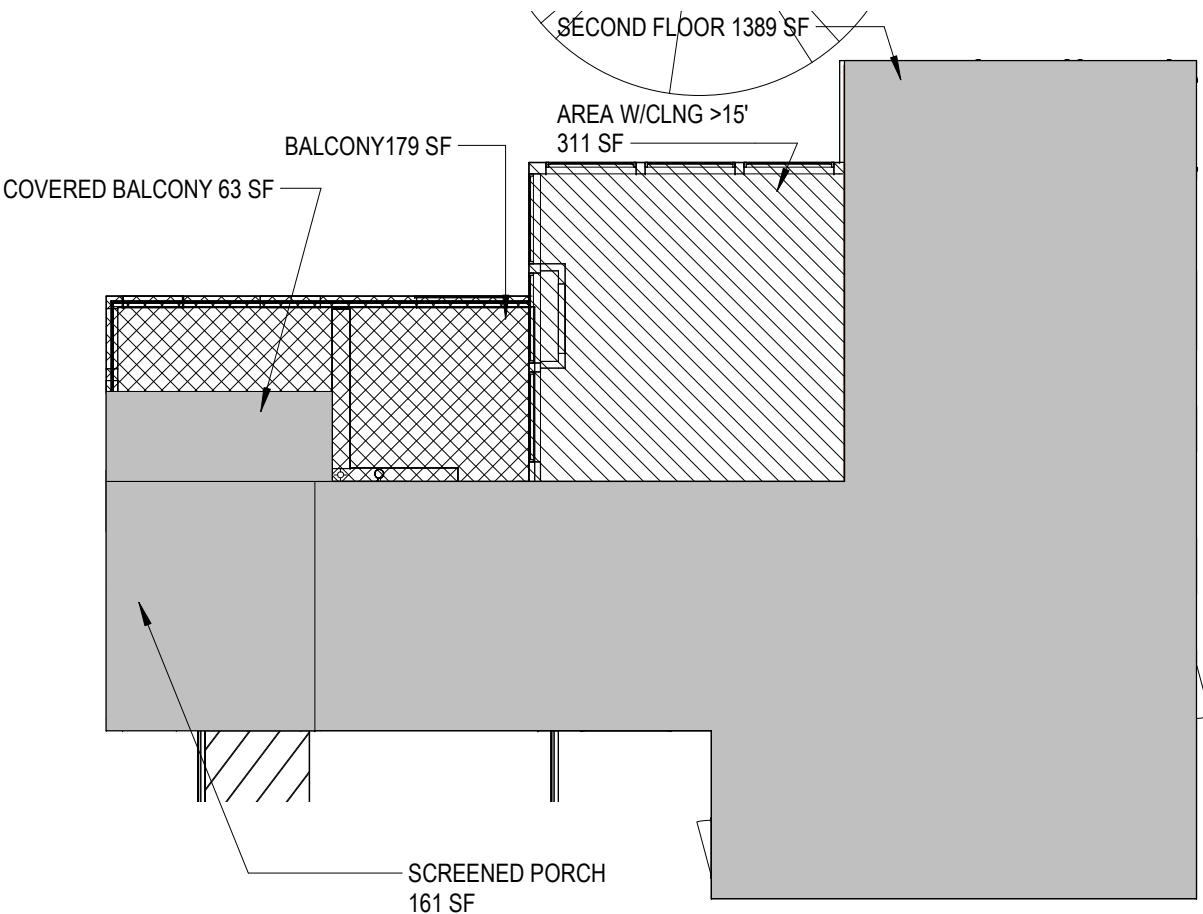
A000



AREA ANALYSIS BASEMENT
3/32" = 1'-0"



AREA ANALYSIS LEVEL 1
3/32" = 1'-0"



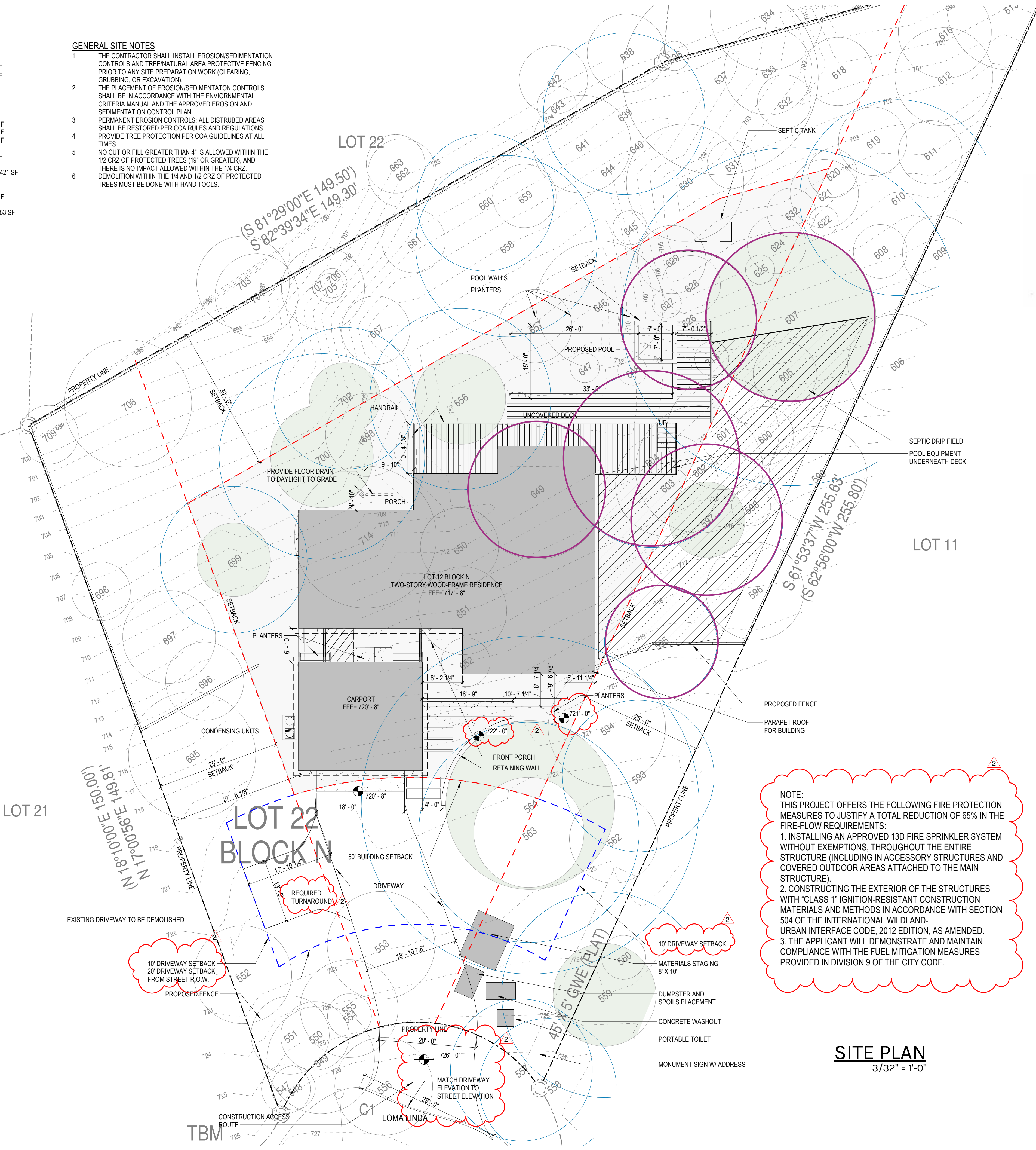
AREA ANALYSIS LEVEL 2
3/32" = 1'-0"

AREA CALCULATIONS

SPACES	TOTAL
1ST FLOOR CONDITIONED AREA	1930 SF
2ND FLOOR CONDITIONED AREA	1389 SF
BASEMENT CONDITIONED AREA	389 SF
AREA W/CLNG > 15'	311 SF
CARPORT	562 SF
BALCONY/ SCREENED PORCH	403 SF
TOTAL CONDITIONED AREA	4,019 SF
TOTAL BUILDING AREA	4,984 SF
TOTAL BUILDING COVERAGE	2,492 SF
DRIVEWAY	1626 SF
UNCOVERED PORCH	587 SF
UNCOVERED DECK	841/2= 421 SF
POOL	584 SF
TOTAL IMPERVIOUS COVERAGE	5,710 SF
LOT SIZE	24,187.53 SF
TOTAL BUILDING COVERAGE %	10.30%
TOTAL IMPERVIOUS COVERAGE %	23.61%

GENERAL SITE NOTES

1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS AND TREE/NATURAL AREA PROTECTIVE FENCING PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING, OR EXCAVATION).
2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL CRITERIA MANUAL AND THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.
3. PERMANENT EROSION CONTROLS: ALL DISTURBED AREAS SHALL BE RESTORED PER COA RULES AND REGULATIONS. PROVIDE TREE PROTECTION PER COA GUIDELINES AT ALL TIMES.
4. NO CUT OR FILL GREATER THAN 4" IS ALLOWED WITHIN THE 1/2 CRZ OF PROTECTED TREES (19" OR GREATER), AND THERE IS NO IMPACT ALLOWED WITHIN THE 1/4 CRZ.
5. DEMOLITION WITHIN THE 1/4 AND 1/2 CRZ OF PROTECTED TREES MUST BE DONE WITH HAND TOOLS.



NOTE:
THIS PROJECT OFFERS THE FOLLOWING FIRE PROTECTION MEASURES TO JUSTIFY A TOTAL REDUCTION OF 65% IN THE FIRE-FLOW REQUIREMENTS:
1. INSTALLING AN APPROVED 13D FIRE SPRINKLER SYSTEM WITHOUT EXEMPTIONS, THROUGHOUT THE ENTIRE STRUCTURE (INCLUDING IN ACCESSORY STRUCTURES AND COVERED OUTDOOR AREAS ATTACHED TO THE MAIN STRUCTURE).
2. CONSTRUCTING THE EXTERIOR OF THE STRUCTURES WITH "CLASS 1" IGNITION-RESISTANT CONSTRUCTION MATERIALS AND METHODS IN ACCORDANCE WITH SECTION 504 OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2012 EDITION, AS AMENDED.
3. THE APPLICANT WILL DEMONSTRATE AND MAINTAIN COMPLIANCE WITH THE FUEL MITIGATION MEASURES PROVIDED IN DIVISION 9 OF THE CITY CODE.

SITE PLAN
3/32" = 1'-0"

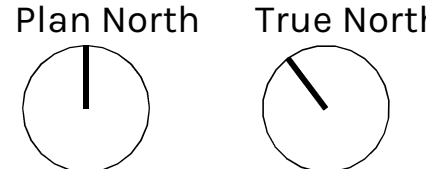


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LOMA LINDA
RESIDENCE

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WESTLAKE HILLS, TX
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Issue

1	08.11.2020	PERMIT SET
2	10.29.2020	PERMIT REVISION

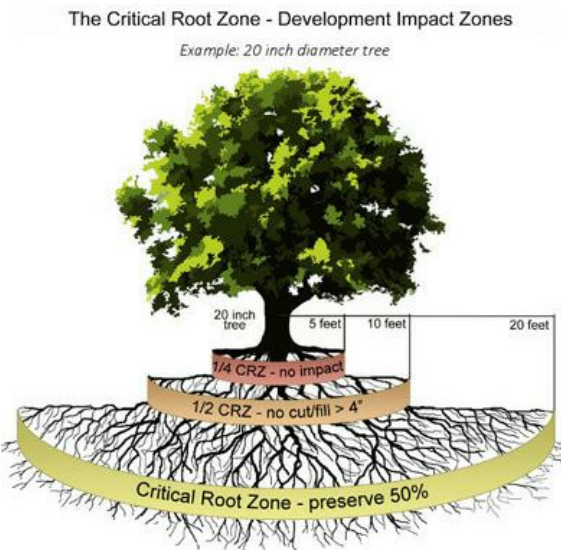
Project Number, 2020-02
Drawn By, BS
Checked By, BS

SITE PLAN

A100

GENERAL SITE NOTES

1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS AND TREE/NATURAL AREA PROTECTIVE FENCING PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING, OR EXCAVATION).
2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL CRITERIA MANUAL AND THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.
3. PERMANENT EROSION CONTROLS: ALL DISTURBED AREAS SHALL BE RESTORED PER COA RULES AND REGULATIONS. PROVIDE TREE PROTECTION PER COA GUIDELINES AT ALL TIMES.
4. NO CUT OR FILL GREATER THAN 4" IS ALLOWED WITHIN THE 1/2 CRZ OF PROTECTED TREES (19" OR GREATER), AND THERE IS NO IMPACT ALLOWED WITHIN THE 1/4 CRZ.
5. DEMOLITION WITHIN THE 1/4 AND 1/2 CRZ OF PROTECTED TREES MUST BE DONE WITH HAND TOOLS.



TREE ANALYSIS LEGEND

- 2" X 4" X 8' PLANKING ATTACHED TO THE TRUNK OF PROTECTED TREE
- ON GRADE TREE FENCE
- WOOD CHIP MULCH AREA (4" - 6" DEPTH)
- EXISTING STRUCTURE IMPACTING CRZ
- NEW STRUCTURE IMPACTING CRZ
- NEW SITEWORK IMPACTING CRZ
- PROTECTED TREE FULL CRZ
- 1/4 CRZ
- 1/2 CRZ
- NON-PROTECTED TREE CRZ

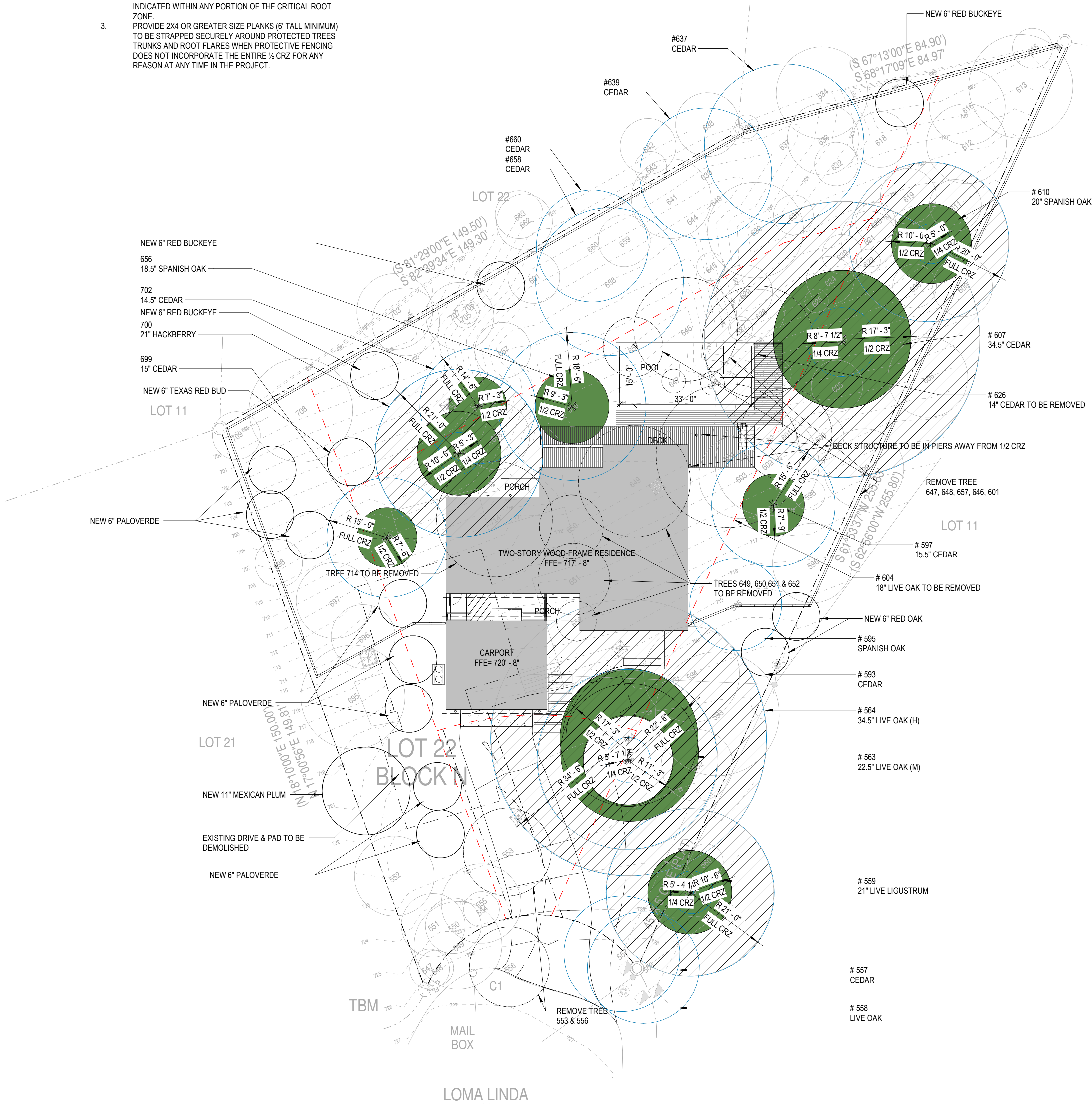
GENERAL TREE NOTES

1. NO BATTER BOARD OR FOUNDATION FORMWORK STAKES WITHIN THE 1/2 CRZ EXCEPT #5 REBAR W/POINTED TIP. USE A STRONG-BACK DESIGN TO GET ANY LARGER STAKES OUT OF THE 1/2 CRZ.
2. FENCING IS REQUIRED TO BE CHAIN-LINK MESH AT A MINIMUM HEIGHT OF FIVE FEET. WHEN THE TREE PROTECTION FENCING CANNOT INCORPORATE THE ENTIRE 1/2 CRITICAL ROOT ZONE, AN EIGHT INCH LAYER OF MULCH WITHIN THE ENTIRE AVAILABLE ROOT ZONE AREA IS REQUIRED FOR ALL TREES WHICH HAVE ANY DISTURBANCE INDICATED WITHIN ANY PORTION OF THE CRITICAL ROOT ZONE.
3. PROVIDE 2X4 OR GREATER SIZE PLANKS (6' TALL MINIMUM) TO BE STRAPPED SECURELY AROUND PROTECTED TREES TRUNKS AND ROOT FLARES WHEN PROTECTIVE FENCING DOES NOT INCORPORATE THE ENTIRE 1/2 CRZ FOR ANY REASON AT ANY TIME IN THE PROJECT.

TREE LIST			
647	5" CEDAR	600	11.5" CEDAR
648	4.5" LIGUSTRUM	602	13" CEDAR
649	11.5" AMERICAN ELM	603	10.5" CEDAR
650	7" CEDAR	604	18" LIVE OAK
651	8" TALLOW	605	6.5" CEDAR
652	10" CREPE MYRTLE (M)	606	10" CEDAR (M)
653	11" CEDAR ELM	607	34.5" CEDAR (M)
654	4.5" TALLOW	608	5.5" CEDAR (M)
655	7" LIGUSTRUM (M)	609	7.5" CEDAR
656	9" AMERICAN ELM (M)	610	20" SPANISH OAK (M) (P)
657	14.5" CEDAR	611	6.5" CEDAR
658	14" LIVE OAK	612	10" CEDAR (M)
659	21" LIGUSTRUM (M)	613	13" CEDAR (M)
660	4.5" ASH	614	5" CEDAR
661	9" LIVE OAK (M)	615	9.5" CEDAR
662	22.5" LIVE OAK (P)	616	7" CEDAR
663	34.5" LIVE OAK (H)	617	7" CEDAR
664	15.5" CEDAR	618	5" CEDAR
665	12" SPANISH OAK (M)	619	7" CEDAR
666	17" SPANISH OAK (M)	620	3" CEDAR
667	10" CEDAR	621	5.5" CEDAR
668	15.5" CEDAR (M)	622	6" CEDAR
669	4" CEDAR	623	3" CEDAR
670	10" CEDAR	624	14" CEDAR (M)
671	6" CEDAR	625	3" CEDAR
672	11.5" CEDAR	626	7" CEDAR
673	18.5" CEDAR	627	5" CEDAR
674	6.5" CEDAR	628	12" CEDAR
675	6" SPANISH OAK	629	5" CEDAR
676	7" SPANISH OAK	630	14" CEDAR (M)
677	8.5" CEDAR	631	5.5" POST OAK (M)
678	13" LIGUSTRUM (M)	632	9" CEDAR
679	8" CEDAR	633	12" CEDAR (M)
680	16.5" CEDAR (M)	634	3" CEDAR
681	10.5" CEDAR	635	20" CEDAR (M)
682	9.5" CEDAR (M)	636	8" CEDAR
683	6" TALLOW	637	16.5" CEDAR (M)
684	15" CEDAR	638	10" CEDAR
685	21" HACKBERRY	639	7" CEDAR
686	14.5" CEDAR	640	4" CEDAR
687	9.5" LIVE OAK	641	13.5" CEDAR
688	8.5" CEDAR	642	3.5" CEDAR
689	3" SPANISH OAK	643	13" CEDAR
690	3" SPANISH OAK	644	3" CEDAR
691	8.5" CEDAR	645	14" CEDAR
692	13" CEDAR	646	8" TALLOA
693	6" LIGUSTRUM (M)	647	9" LIGUSTRUM
694	3.5" CEDAR	648	6" LIGUSTRUM (M)
695	3.5" CEDAR	649	5" CREPE MYRTLE
696	14.5" CEDAR	650	18.5" SPANISH OAK (M)

TREES TO BE REMOVED				
#	SPECIES	DBG	MITIGATION	
			75%	150%
553	CEDAR ELM	11"	8.25"	
556	AMERICAN ELM	9"	6.75"	
601	CEDAR	11.5"	8.625"	
646	CEDAR	13"	9.75"	
647	CEDAR	3"	N/A	
648	CEDAR	3"	N/A	
649	CEDAR	14"		21"
650	TALLOA	8"	6"	
651	LIGUSTRUM	9"	6.75"	
652	CREPE MYRTLE	5"	N/A	
657	CEDAR	7.5"	5.625"	
714	CEDAR	14.5"		21.75"
TOTAL			51.75"	42.75"
TOTAL MITIGATION				94.5"

NEW TREES TO BE ADDED				
QTY	SPECIES	DBG	TOTAL	
1	MEXICAN PLUM	11"	11"	
8	PALOVERDE	6"	42"	
3	RED BUCKEYE	6"	18"	
1	TEXAS REDBUD	6"	12"	
2	RED OAK	6"	12"	
TOTAL MITIGATION			95"	



WORKSHOP



Seal:

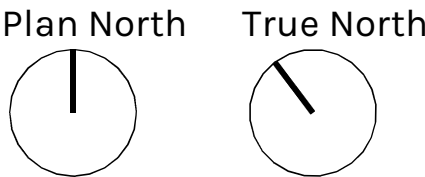


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SCALES ARE ONE HALF OF NOTED
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RESIDENCE

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78746



Issue

- 1 08.11.2020 PERMIT SET
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Project Number, 2020-02
Drawn By, Author
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TREE PRESERVATION

TREE PRESERVATION

1/16" = 1'-0"

A101

1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS, TREE/NATURAL AREA PROTECTIVE FENCING, AND CONDUCT "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR EXCAVATION).

2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.

3. ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND OR MODIFY EROSION/SEDIMENTATION CONTROLS ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF WESTLAKE HILLS RULES AND REGULATIONS.

4. PURSUANT TO 14-11-131 OF THE CITY CODE, THE CONTRACTOR MAY NOT BLOCK, DIRECT, IMPEDE, OR REROUTE PEDESTRIAN AND VEHICULAR TRAFFIC, NOR PLACE A BARRICADE OR OTHER TRAFFIC CONTROL DEVICE IN A RIGHT-OF-WAY, WITHOUT FIRST OBTAINING A TEMPORARY USE OF RIGHT-OF-WAY PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.

5. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS THAT ARE REQUIRED TO COMPLY WITH SECTIONS OF THE CITY CODE REGARDING EXCAVATION IN PUBLIC RIGHT-OF-WAY.

6. CONTROL TO BE PROVIDED BY CONTRACTOR IN ACCORDANCE WITH THE CITY OF WESTLAKE HILLS.

7. CONTRACTOR SHALL CLEAN UP SPOILS THAT MIGRATE INTO EXISTING RIGHT-OF-WAY A MINIMUM OF ONCE PER DAY.

8. CONTRACTOR SHALL INSTALL TEMPORARY CHAIN LINK FENCE FOR PEDESTRIAN SAFETY WHERE LIMITS OF CONSTRUCTION ARE SHOWN.

9. ALL STORM WATER LEAVING THE SITE DURING CONSTRUCTION ACTIVITIES MUST PASS THROUGH THE SILT FENCE OR ROCK BERMS.

10. SILT FENCE TYPE AND INSTALLATION SHALL COMPLY WITH ECM 1.4.2(G).

11. REFERENCE "GENERAL NOTES" SHEETS FOR EROSION CONTROL NOTES, SEQUENCE OF CONSTRUCTION.

12. IF DISTURBED AREA IS NOT TO BE WORKED ON FOR MORE THAN 14 DAYS, DISTURBED AREA NEEDS TO BE STABILIZED BY REVEGETATION, MULCH, TARP OR REVEGETATION MATTING.

13. THE PLACEMENT OF TREE/NATURAL AREA PROTECTIVE FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION AND THE APPROVED GRADING/TREE AND NATURAL AREA PLAN.

14. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD ON-SITE WITH THE CONTRACTOR, DESIGN ENGINEER/PERMIT APPLICANT AND ENVIRONMENTAL INSPECTOR AFTER INSTALLATION OF THE EROSION/SEDIMENTATION CONTROLS.

15. TREE/NATURAL AREA PROTECTION MEASURES AND "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO BEGINNING ANY SITE PREPARATION WORK.

16. ANY MAJOR VARIATION IN MATERIALS OR LOCATIONS OF CONTROLS OR FENCES FROM THOSE SHOWN ON THE APPROVED PLANS WILL REQUIRE A REVISION AND MUST BE APPROVED BY THE REVIEWING ENGINEER, ENVIRONMENTAL SPECIALIST OR CITY ARBORIST AS APPROPRIATE. MAJOR REVISIONS MUST BE APPROVED BY AUTHORIZED STAFF. MINOR CHANGES TO BE MADE AS FIELD REVISIONS TO THE EROSION AND SEDIMENTATION CONTROL PLAN MAY BE REQUIRED BY THE ENVIRONMENTAL INSPECTOR DURING THE COURSE OF CONSTRUCTION TO CORRECT CONTROL INADEQUACIES.

17. THE CONTRACTOR IS REQUIRED TO PROVIDE A CERTIFIED INSPECTOR THAT IS EITHER A LICENSED ENGINEER (OR PERSON DIRECTLY SUPERVISED BY THE LICENSED ENGINEER) OR CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC OR CPESC - IT), CERTIFIED EROSION, SEDIMENT AND STORMWATER - INSPECTOR (CESSWI OR CESSWI - IT) OR CERTIFIED INSPECTOR OF SEDIMENTATION AND EROSION CONTROLS (CISEC OR CISEC - IT) CERTIFICATION TO INSPECT THE CONTROLS AND FENCES AT WEEKLY OR BI-WEEKLY INTERVALS AND AFTER ONE-HALF (1/2) INCH OR GREATER RAINFALL EVENTS TO INSURE THAT THEY ARE FUNCTIONING PROPERLY. THE PERSON(S) RESPONSIBLE FOR MAINTENANCE OF CONTROLS AND FENCES SHALL IMMEDIATELY MAKE ANY NECESSARY REPAIRS TO DAMAGED AREAS. SILT ACCUMULATION AT CONTROLS MUST BE REMOVED WHEN THE DEPTH REACHES SIX (6) INCHES OR ONE-THIRD (1/3) OF THE INSTALLED HEIGHT OF THE CONTROL WHICHEVER IS LESS.

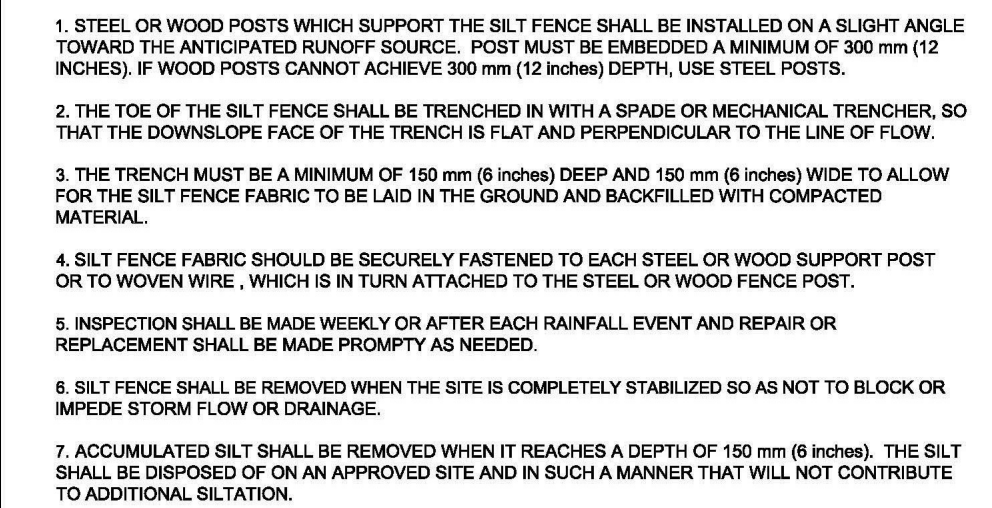
18. UPON FINAL ACCEPTANCE OF THE CITY, HAUL ROADS AND WATERWAY CROSSINGS CONSTRUCTED FOR TEMPORARY CONTRACTOR ACCESS MUST BE REMOVED, ACCUMULATED SEDIMENT REMOVED FROM THE WATERWAY AND THE AREA RESTORED TO THE ORIGINAL GRADE AND REVEGETATED. ALL LAND LEAVING DEBRIS SHALL BE DISPOSED OF IN APPROVED SPOIL DISPOSAL SITES.

19. ALL WORK MUST STOP IF A VOID IN THE ROCK SUBSTRATE IS DISCOVERED WHICH IS: ONE SQUARE FOOT IN TOTAL AREA; BLOWS AIR FROM WITHIN THE SUBSTRATE AND/OR CONSISTENTLY RECEIVES WATER DURING ANY RAIN EVENT. AT THIS TIME IT IS THE RESPONSIBILITY OF THE PROJECT MANAGER TO IMMEDIATELY CONTACT AN ENVIRONMENTAL INSPECTOR FOR FURTHER INVESTIGATION. IN ADDITION, IF THE PROJECT SITE IS LOCATED WITHIN THE EDWARDS AQUIFER, THE PROJECT MANAGER MUST NOTIFY THE TRAVIS COUNTY BALCONES CANYONLANDS CONSERVATION PRESERVE (BCCP) BY EMAIL AT BCCP@TRAVISCOUNTYTX.GOV. CONSTRUCTION ACTIVITIES WITHIN 50 FEET OF THE VOID MUST STOP.

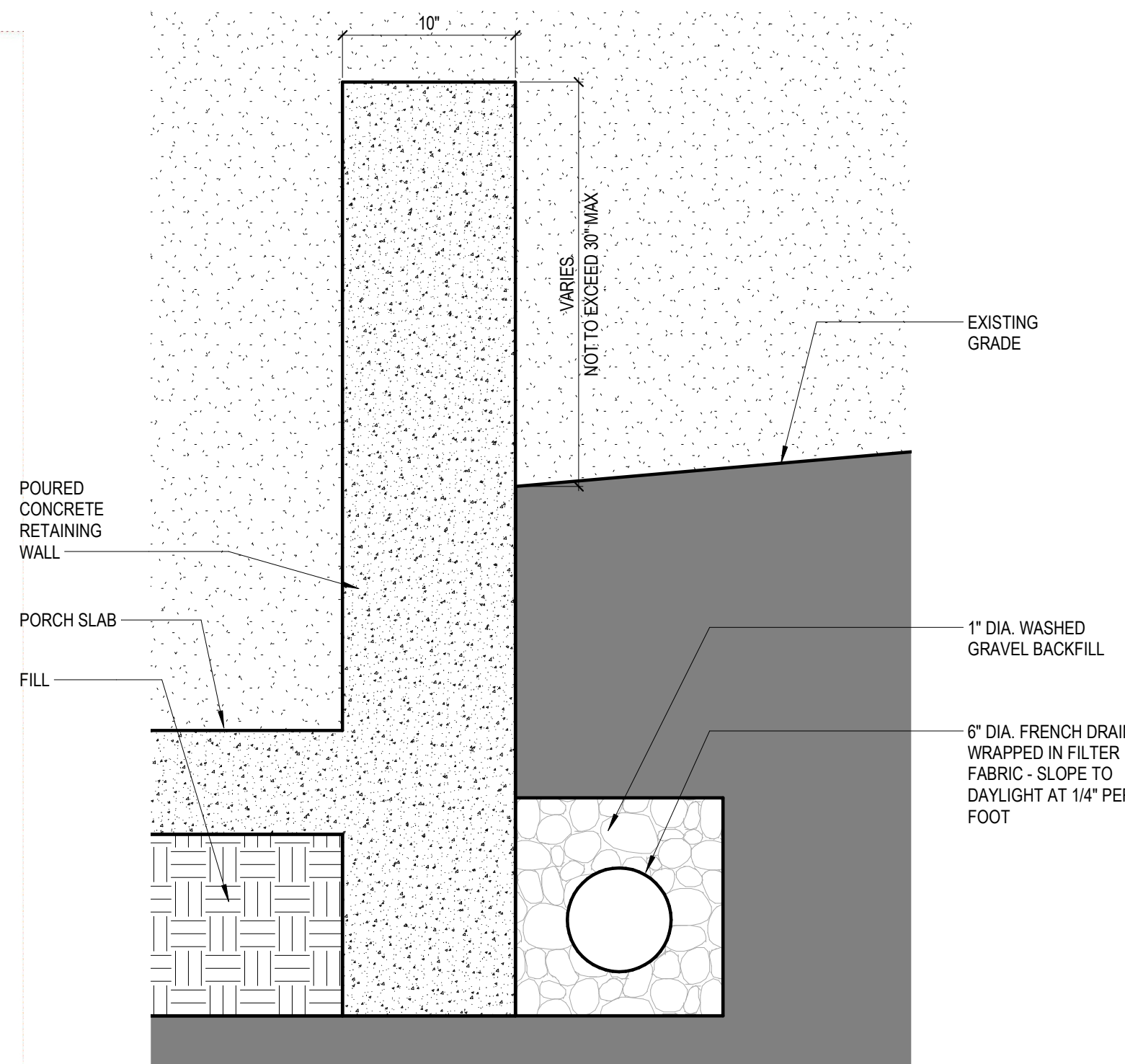
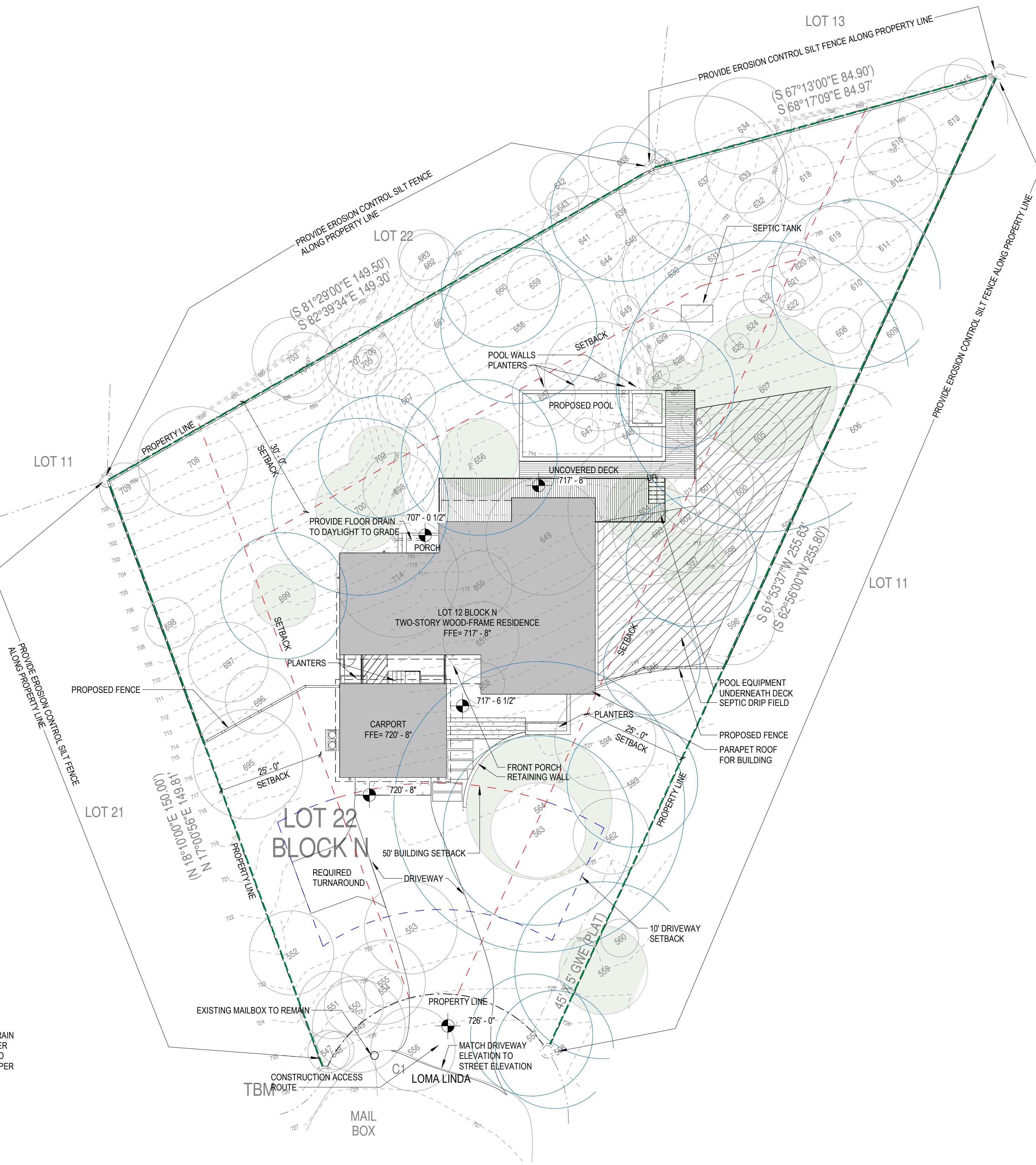
20. TEMPORARY AND PERMANENT EROSION CONTROL: ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED BELOW:

- ## TEMPORARY VEGETATIVE STABILIZATION

- a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE WITH OR INCLUDE A COOL SEASON COVER CROP: (WESTERN WHEATGRASS (PASCOPYRUM SMITHII) AT 5.6 POUNDS PER ACRE, OATS (AVENA SATIVA) AT 4.0 POUNDS PER ACRE, CEREAL RYE GRASS (SECALE CEREALE) AT 45 POUNDS PER ACRE. CONTRACTOR MUST ENSURE THAT ANY SEED APPLICATION REQUIRING A COOL SEASON COVER CROP DOES NOT UTILIZE ANNUAL RYEGRASS (LOLIUM ULIDIFLORUM) OR PERENNIAL RYEGRASS (LOLIUM PERENNE). COOL SEASON COVER CROPS ARE NOT PERMANENT EROSION CONTROL.
- b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUEDA AT A RATE OF 45 POUNDS PER ACRE OR A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.
- FERTILIZER SHALL BE APPLIED ONLY IF WARRANTED BY A SOIL TEST AND SHALL CONFORM TO ITEM NO. 606S. FERTILIZER. FERTILIZATION SHOULD NOT OCCUR WHEN RAINFALL IS EXPECTED OR DURING SLOW PLANT GROWTH OR DORMANCY. CHEMICAL FERTILIZER MAY NOT BE APPLIED IN THE CRITICAL WATER QUALITY ZONE.
 - HYDROMULCH SHALL COMPLY WITH TABLE 1, BELOW.
 - TEMPORARY EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/4 INCHES HIGH WITH A MINIMUM OF 95% TOTAL COVERAGE SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR TEMPORARY STABILIZATION ARE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
 - WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, AND STANDARD SPECIFICATION 604S OR 609S.
- PERMANENT VEGETATIVE STABILIZATION:
- a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING IS CONSIDERED TO BE TEMPORARY STABILIZATION ONLY. IF COOL SEASON COVER CROPS EXIST WHERE PERMANENT VEGETATIVE STABILIZATION IS DESIRED, THE GRASSES SHALL BE MOVED TO A HEIGHT OF LESS THAN ONE-HALF (1/2) INCH AND THE AREA SHALL BE RE-SEEDING IN ACCORDANCE WITH TABLE 2 BELOW. ALTERNATIVELY, THE COOL SEASON COVER CROP CAN BE MIXED WITH BERMUEDA GRASS OR NATIVE SEED AND INSTALLED TOGETHER. UNDERSTANDING THAT GERMINATION OF WARM-SEASON SEED TYPICALLY REQUIRES SOIL TEMPERATURES OF 60 TO 70 DEGREES.
- b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUEDA AT A RATE OF 45 POUNDS PER ACRE WITH A PURITY OF 95% AND A MINIMUM PURE LIVE SEED (PLS) OF 0.83. BERMUEDA GRASS IS A WARM SEASON GRASS AND IS CONSIDERED PERMANENT EROSION CONTROL. PERMANENT VEGETATIVE STABILIZATION CAN ALSO BE ACCOMPLISHED WITH A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.
- FERTILIZER USE SHALL FOLLOW THE RECOMMENDATION OF A SOIL TEST. SEE ITEM 606S, FERTILIZER. APPLICATIONS OF FERTILIZER (AND PESTICIDE) ON CITY-OWNED AND MANAGED PROPERTY REQUIRES THE YEARLY SUBMITTAL OF A PESTICIDE AND FERTILIZER APPLICATION RECORD, ALONG WITH A CURRENT COPY OF THE APPLICATOR'S LICENSE. FOR CURRENT COPY OF THE RECORD TEMPLATE CONTACT THE CITY OF AUSTIN'S IPM COORDINATOR.
 - HYDROMULCH SHALL COMPLY WITH TABLE 2, BELOW.
 - WATER THE SEEDED AREAS IMMEDIATELY AFTER INSTALLATION TO ACHIEVE GERMINATION AND A HEALTHY STAND OF PLANTS THAT CAN ULTIMATELY SURVIVE WITHOUT SUPPLEMENTAL WATER. APPLY THE WATER UNIFORMLY TO THE PLANTED AREAS WITHOUT CAUSING DISPLACEMENT OR EROSION OF THE MATERIALS OR SOIL. MAINTAIN THE SEEDBED IN A MOIST CONDITION FAVORABLE FOR PLANT GROWTH. ALL WATER SHALL COMPLY WITH CITY CODE CHAPTER 6-4 (WATER CONSERVATION). AT RATES AND FREQUENCIES DETERMINED BY A LICENSED IRRIGATOR OR OTHER QUALIFIED PROFESSIONAL, AND AS ALLOWED BY THE AUSTIN WATER UTILITY AND CURRENT WATER RESTRICTIONS AND WATER CONSERVATION INITIATIVES.
 - PERMANENT EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/4 INCHES HIGH WITH A MINIMUM OF 95 PERCENT FOR THE NON-NATIVE MIX, AND 95 PERCENT COVERAGE FOR THE NATIVE MIX SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR STABILITY MUST BE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
 - WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, ITEMS 604S AND 609S.



CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT		SILT FENCE	
RECORD COPY SIGNED BY MORGAN BYARS	09/01/2011	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 642S-1
ADOPTED			


$$1\frac{1}{2}'' = 1'-0''$$

$$\underline{\underline{1/16'' = 1'-0''}}$$

Seal:

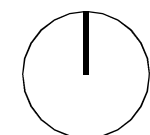


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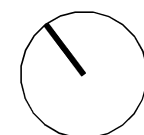
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SCALES ARE ONE HALF OF NOTED
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WESTLAKE HILLS, TX
78746

Plan North True North



True North



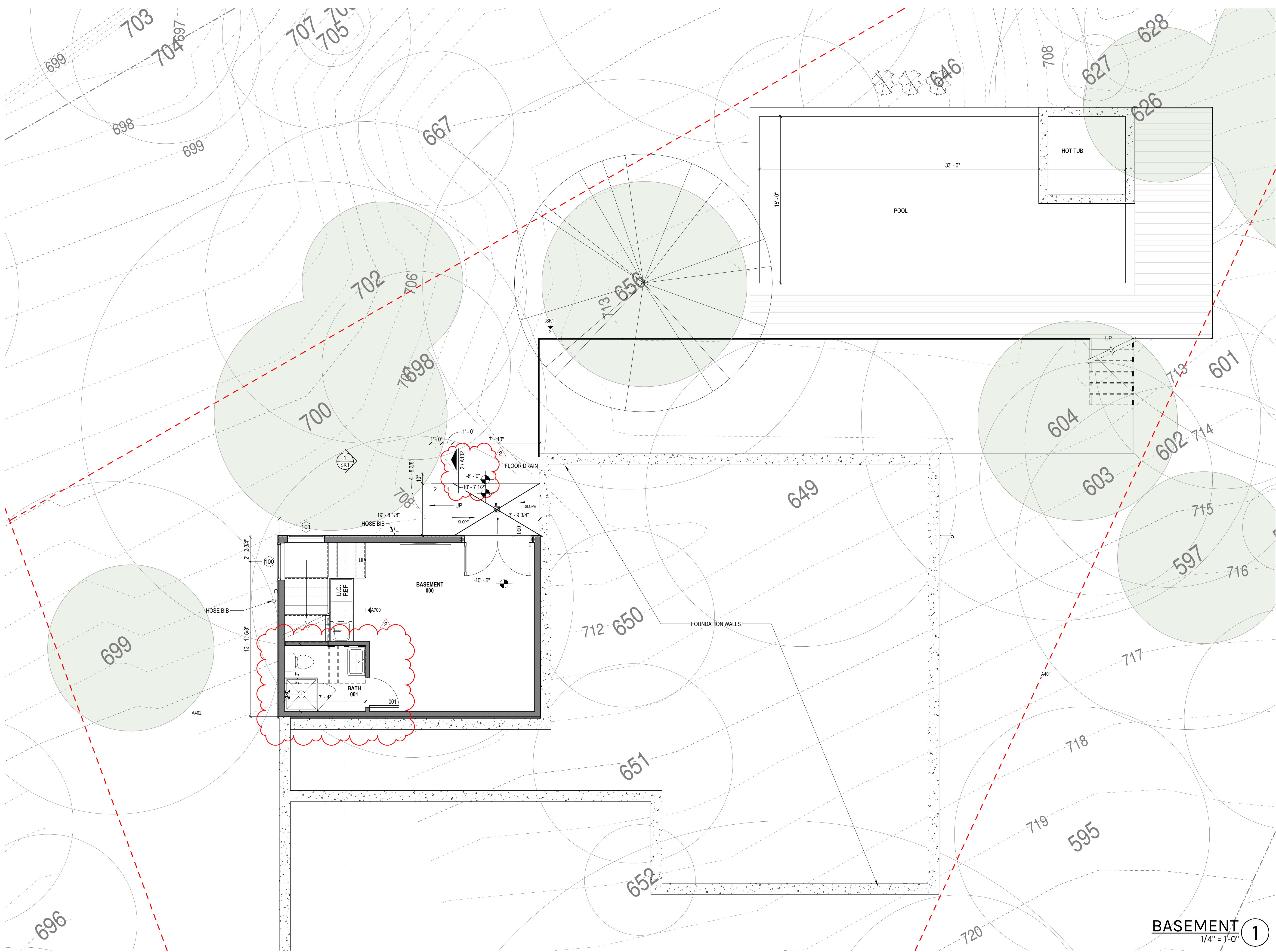
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EROSION & SEDIMENTATION CONTROLS

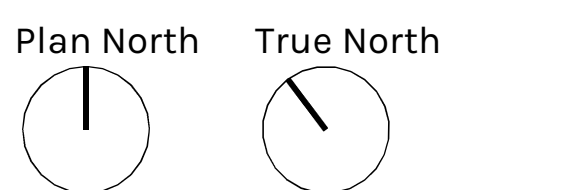
A102



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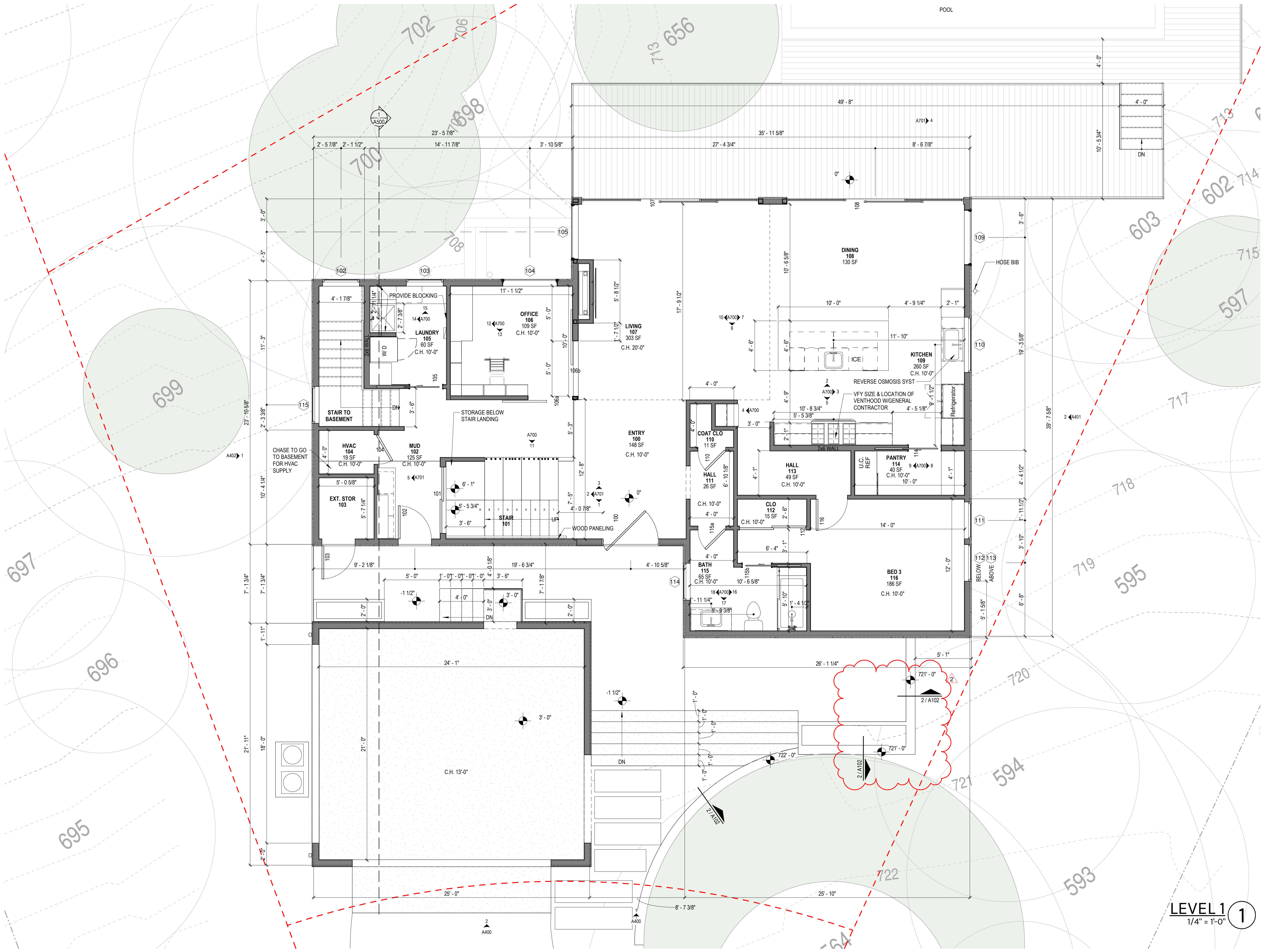


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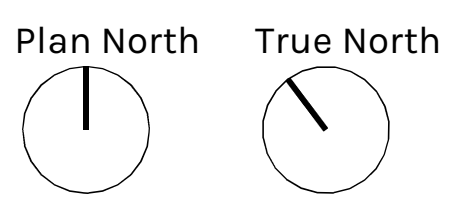
FLOOR PLAN LEVEL B
A300



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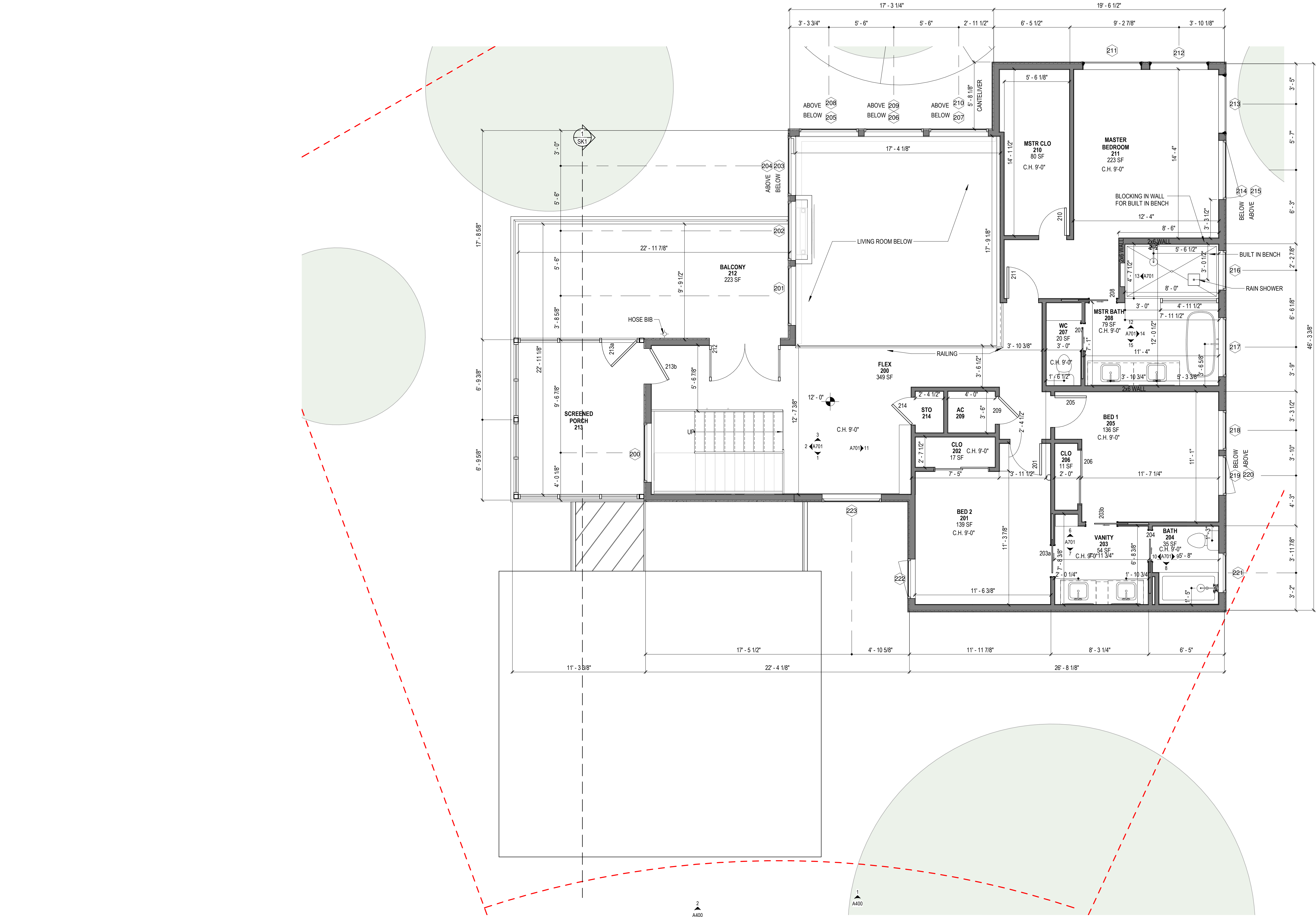
Project Number, 2020-02
Drawn By, BS
Checked By, BS

FLOOR PLAN LEVEL 1

LEVEL 1
1/4" = 1'-0"

A301

- GENERAL PLAN NOTES
1. ALL PARTITION TYPES TO BE WOOD FRAMED U.N.O.
 2. PROVIDE BLOCKING FOR WALL MOUNTED LCD AS INDICATED ON PLAN & TYP. ELEVATIONS. PROVIDE POWER AS INDICATED ON ELEC. SHEETS
 3. ALL EXTERIOR WALLS TO BE 2X6 WOOD CONSTRUCTION
 4. ALL INTERIOR WALLS TO BE 2X4 WOOD CONSTRUCTION



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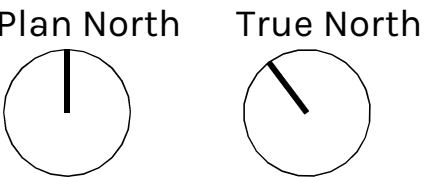


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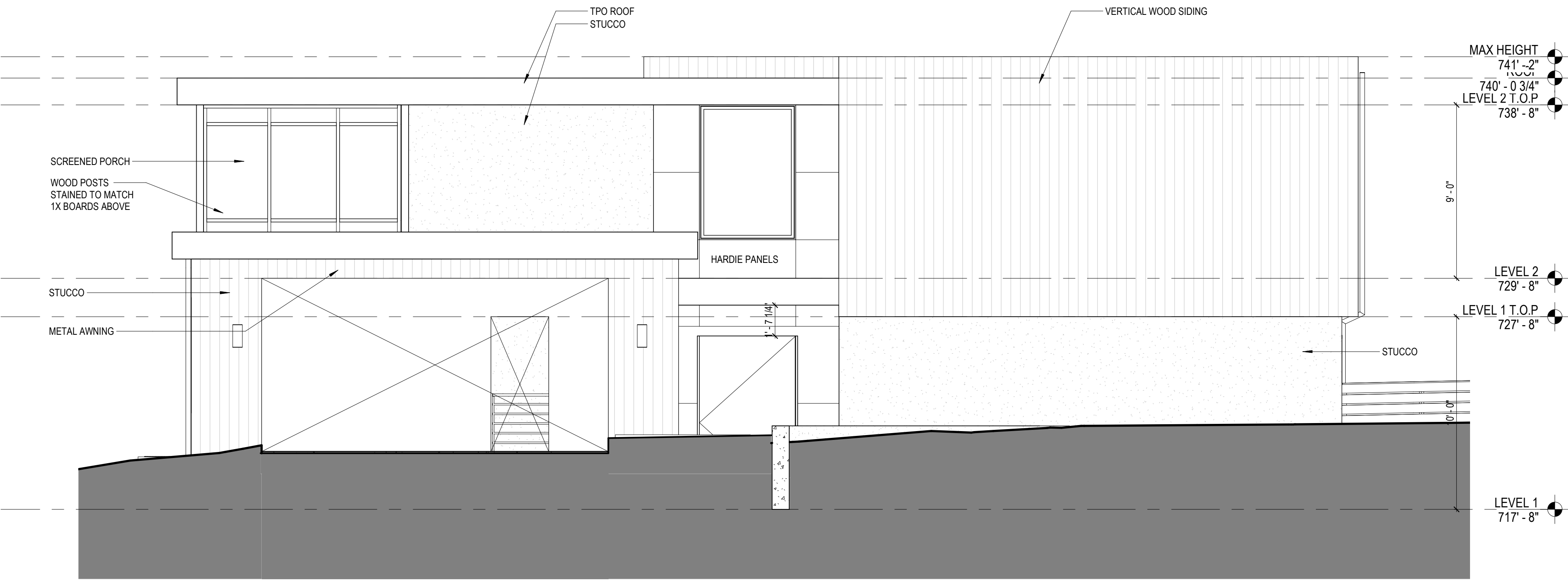
FLOOR PLAN LEVEL 2

A302

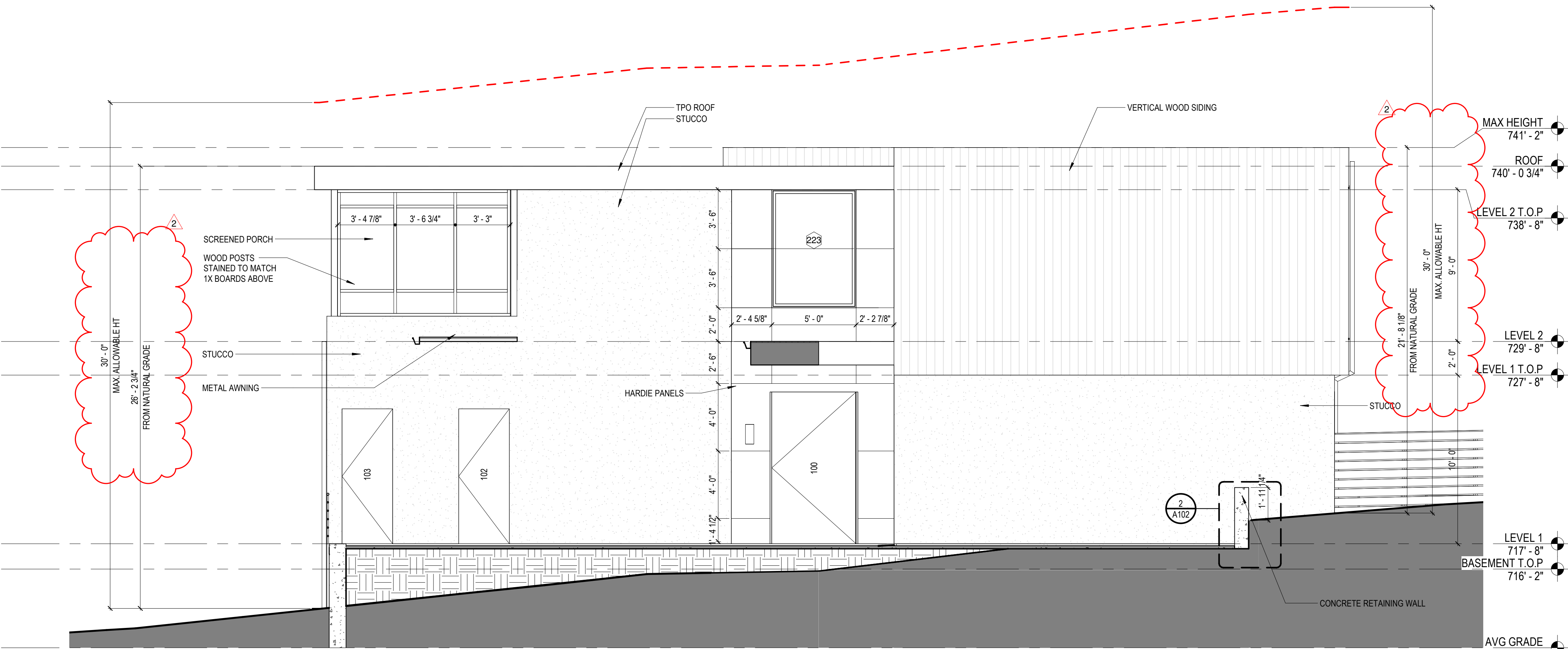
LEVEL 2 1
1/4" = 1'-0"

GENERAL ELEVATION NOTES

- 1. HANDRAILS: PROVIDED ON AT LEAST ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS.
- 2. HEIGHT: MEASURED VERTICALLY FROM THE SLOPED PLANE OF STAIRS OR RAMP SHALL NOT BE LESS THAN 34" AND NOT MORE THAN 38 INCHES.
- 3. CONTINUITY: SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM DIRECTLY ABOVE THE TOP RISER TO DIRECTLY ABOVE THE LOWEST RISER AND SHALL BE RETURNED
- 4. PORCHES, BALCONIES, RAMPS OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36" HORIZONTALLY TO THE EDGE SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, WITH A MAXIMUM 4" OPENING.



SOUTH ELEVATION WITH CARPORT 2
1/4" = 1'-0"



SOUTH ELEVATION 1
1/4" = 1'-0"

WORKSHOP



ARCHITECTURE + INTERIORS
3027 N. LAMAR BLVD. #3028
AUSTIN, TX 78705
512.243.8346

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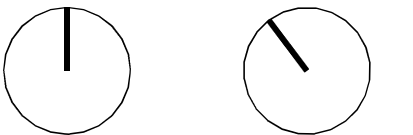
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Plan North True North



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EXTERIOR ELEVATIONS

A400

No 05

1:



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EXTERIOR ELEVATIONS

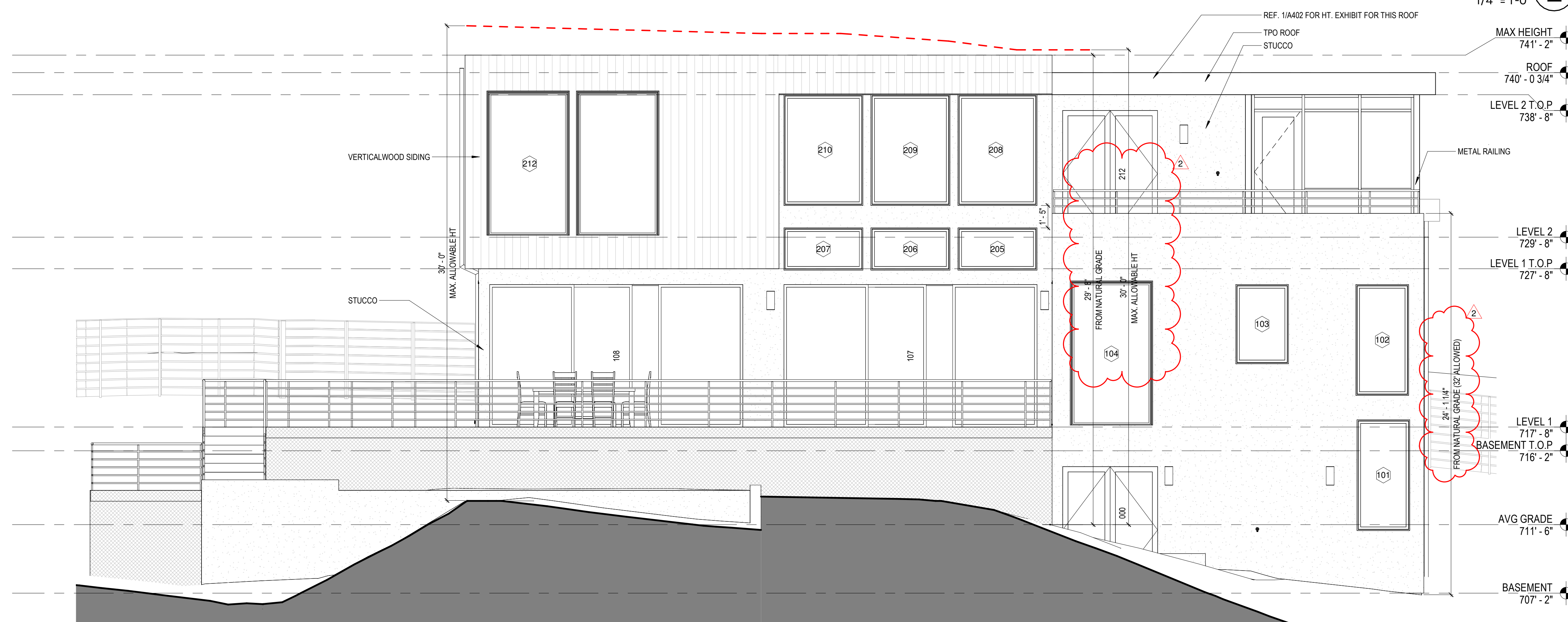
A401

Page 60 of 191

1. HANDRAILS: PROVIDED ON AT LEAST ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS.
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4. PORCHES, BALCONIES, RAMPS OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36" SHALL BE CONTINUOUSLY GUARDED. GUARDS SHALL NOT BE LESS THAN 36" IN HEIGHT MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, WITH A MAXIMUM 4" OPENING.



EAST ELEVATION $\frac{1}{4}" = 1'-0"$ (2)



NORTH ELEVATION (1)
1/4" = 1'-0"

GENERAL ELEVATION NOTES

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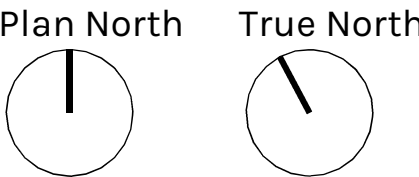
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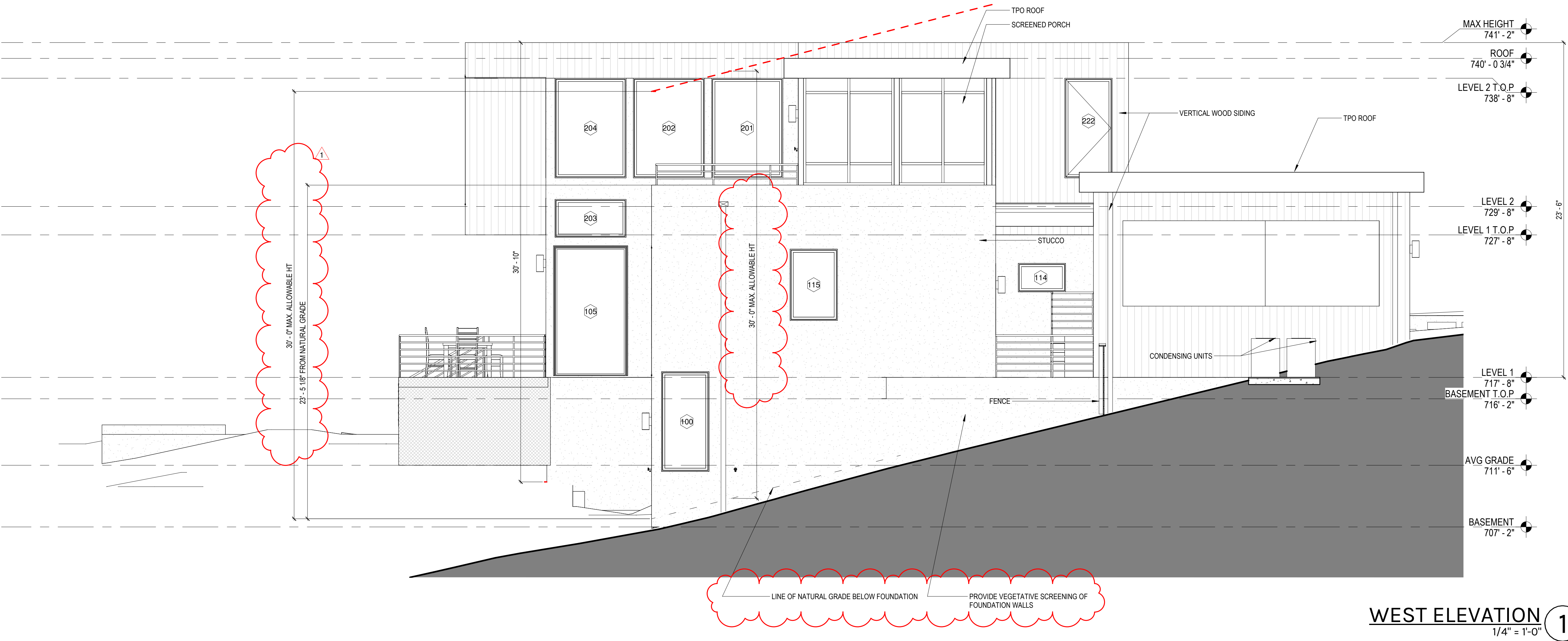
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EXTERIOR ELEVATIONS

A402



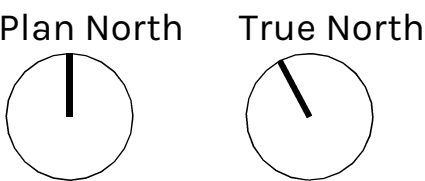
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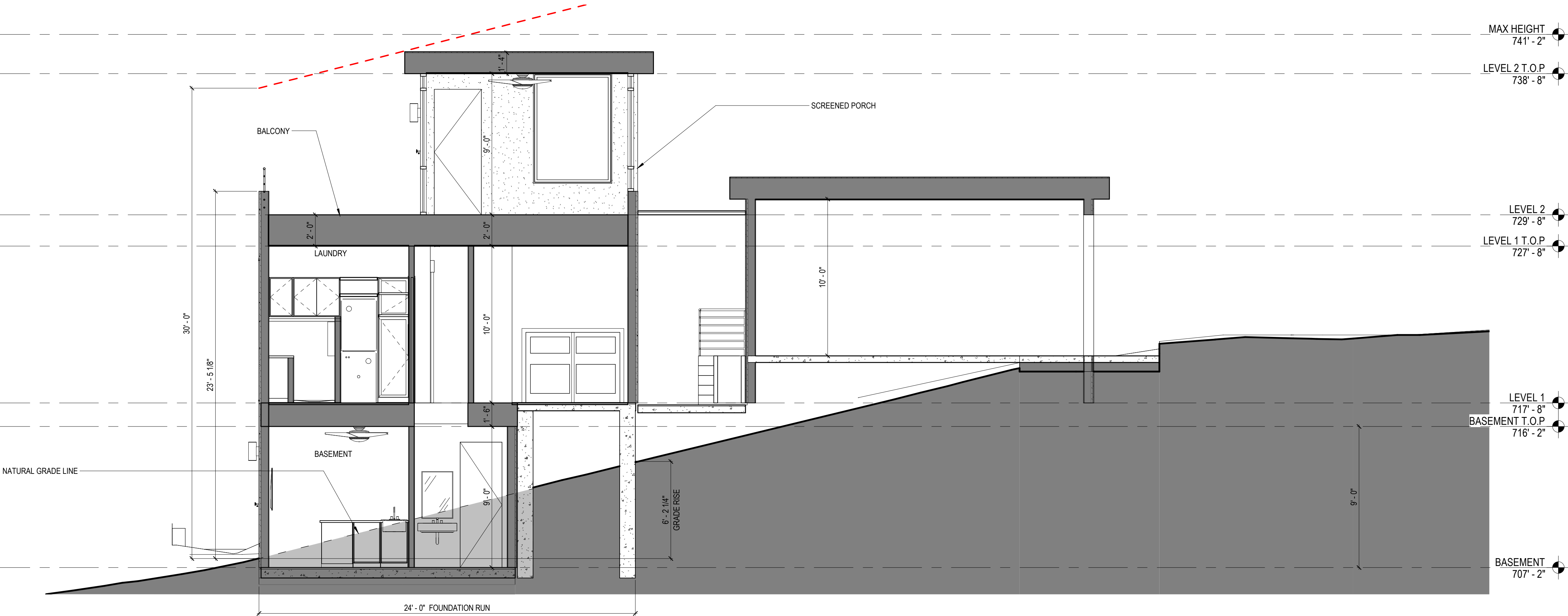


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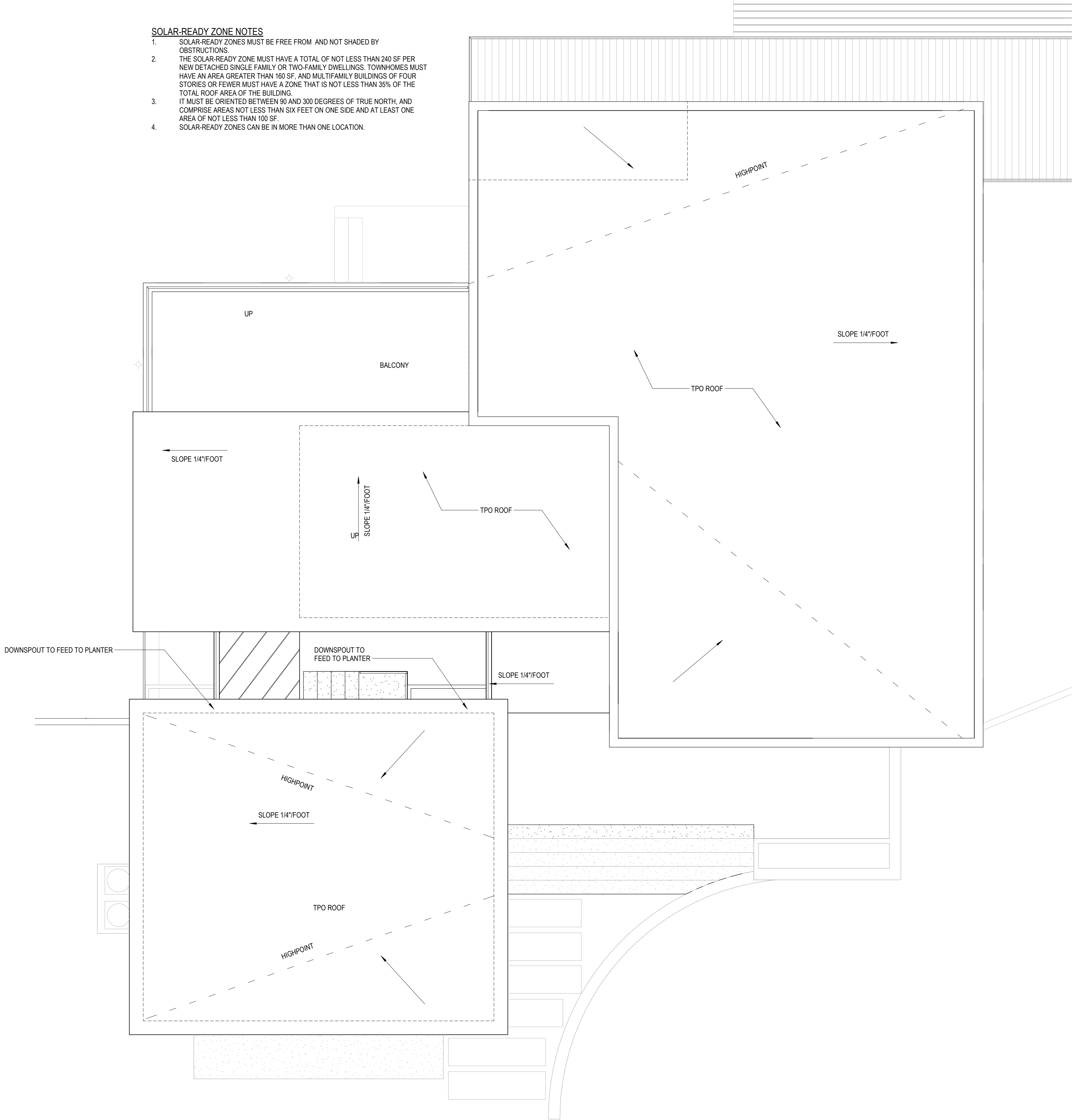
BUILDING SECTIONS

A500



BUILDING SECTION 1
1/4" = 1'-0" 1

- SOLAR-READY ZONE NOTES**
1. SOLAR-READY ZONES MUST BE FREE FROM AND NOT SHADED BY OBSTRUCTIONS.
 2. THE SOLAR-READY ZONE MUST HAVE A TOTAL OF NOT LESS THAN 240 SF PER NEW DETACHED SINGLE FAMILY OR TWO-FAMILY DWELLINGS. TOWNHOMES MUST HAVE AN AREA GREATER THAN 160 SF, AND MULTIFAMILY BUILDINGS OF FOUR STORIES OR FEWER MUST HAVE A ZONE THAT IS NOT LESS THAN 35% OF THE TOTAL ROOF AREA OF THE BUILDING.
 3. IT MUST BE ORIENTED BETWEEN 90 AND 300 DEGREES OF TRUE NORTH, AND COMPRISE AREAS NOT LESS THAN SIX FEET ON ONE SIDE AND AT LEAST ONE AREA OF NOT LESS THAN 100 SF.
 4. SOLAR-READY ZONES CAN BE IN MORE THAN ONE LOCATION.



ROOF PLAN 1
1/4" = 1'-0"

WORKSHOP

Nº

05

ARCHITECTURE • INTERIORS

3027 N. LAMAR BLVD. #3028
AUSTIN, TX 78705
512.243.8346

Seal:

10.29.2020

SHEET IS FORMATTED TO 22" x 34".
SCALES ARE ONE HALF OF NOTED
WHEN PRINTED AT HALF SIZE.

LOMA LINDA
RESIDENCE

702 LOMA LINDA
WESTLAKE HILLS, TX
78746

Plan North

True North

Issue

- | | | |
|---|------------|-----------------|
| 1 | 08.11.2020 | PERMIT SET |
| 2 | 10.29.2020 | PERMIT REVISION |

Project Number, 2020-02
Drawn By, BS
Checked By, BS

ROOF PLAN

A600

1. THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS, TREE/NATURAL AREA PROTECTIVE FENCING, AND CONDUCT "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR EXCAVATION).

2. THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.

3. ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND OR MODIFY EROSION/SEDIMENTATION CONTROLS ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF WESTLAKE HILLS RULES AND REGULATIONS.

4. PURSUANT TO 14-11-131 OF THE CITY CODE, THE CONTRACTOR MAY NOT BLOCK, DIRECT, IMPEDE, OR REROUTE PEDESTRIAN AND VEHICULAR TRAFFIC, NOR PLACE A BARRICADE OR OTHER TRAFFIC CONTROL DEVICE IN A RIGHT-OF-WAY, WITHOUT FIRST OBTAINING A TEMPORARY USE OF RIGHT-OF-WAY PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.

5. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS THAT ARE REQUIRED TO COMPLY WITH SECTIONS OF THE CITY CODE REGARDING EXCAVATION IN PUBLIC RIGHT-OF-WAY.

6. CONTROL TO BE PROVIDED BY CONTRACTOR IN ACCORDANCE WITH THE CITY OF WESTLAKE HILLS.

7. CONTRACTOR SHALL CLEAN UP SPOILS THAT MIGRATE INTO EXISTING RIGHT-OF-WAY A MINIMUM OF ONCE PER DAY.

8. CONTRACTOR SHALL INSTALL TEMPORARY CHAIN LINK FENCE FOR PEDESTRIAN SAFETY WHERE LIMITS OF CONSTRUCTION ARE SHOWN.

9. ALL STORM WATER LEAVING THE SITE DURING CONSTRUCTION ACTIVITIES MUST PASS THROUGH THE SILT FENCE OR ROCK BERMS.

10. SILT FENCE TYPE AND INSTALLATION SHALL COMPLY WITH ECM 1.4.2(G).

11. REFERENCE "GENERAL NOTES" SHEETS FOR EROSION CONTROL NOTES, SEQUENCE OF CONSTRUCTION.

12. IF DISTURBED AREA IS NOT TO BE WORKED ON FOR MORE THAN 14 DAYS, DISTURBED AREA NEEDS TO BE STABILIZED BY REVEGETATION, MULCH, TARP OR REVEGETATION MATTING.

13. THE PLACEMENT OF TREE/NATURAL AREA PROTECTIVE FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION AND THE APPROVED GRADING/TREE AND NATURAL AREA PLAN.

14. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD ON-SITE WITH THE CONTRACTOR, DESIGN ENGINEER/PERMIT APPLICANT AND ENVIRONMENTAL INSPECTOR AFTER INSTALLATION OF THE EROSION/SEDIMENTATION CONTROLS.

15. TREE/NATURAL AREA PROTECTION MEASURES AND "PRE-CONSTRUCTION" TREE FERTILIZATION (IF APPLICABLE) PRIOR TO BEGINNING ANY SITE PREPARATION WORK.

16. ANY MAJOR VARIATION IN MATERIALS OR LOCATIONS OF CONTROLS OR FENCES FROM THOSE SHOWN ON THE APPROVED PLANS WILL REQUIRE A REVISION AND MUST BE APPROVED BY THE REVIEWING ENGINEER, ENVIRONMENTAL SPECIALIST OR CITY ARBORIST AS APPROPRIATE. MAJOR REVISIONS MUST BE APPROVED BY AUTHORIZED STAFF. MINOR CHANGES TO BE MADE AS FIELD REVISIONS TO THE EROSION AND SEDIMENTATION CONTROL PLAN MAY BE REQUIRED BY THE ENVIRONMENTAL INSPECTOR DURING THE COURSE OF CONSTRUCTION TO CORRECT CONTROL INADEQUACIES.

17. THE CONTRACTOR IS REQUIRED TO PROVIDE A CERTIFIED INSPECTOR THAT IS EITHER A LICENSED ENGINEER (OR PERSON DIRECTLY SUPERVISED BY THE LICENSED ENGINEER) OR CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC OR CPESC - IT), CERTIFIED EROSION, SEDIMENT AND STORMWATER - INSPECTOR (CESSWI OR CESSWI - IT) OR CERTIFIED INSPECTOR OF SEDIMENTATION AND EROSION CONTROLS (CISEC OR CISEC - IT) CERTIFICATION TO INSPECT THE CONTROLS AND FENCES AT WEEKLY OR BI-WEEKLY INTERVALS AND AFTER ONE-HALF (1/2) INCH OR GREATER RAINFALL EVENTS TO INSURE THAT THEY ARE FUNCTIONING PROPERLY. THE PERSON(S) RESPONSIBLE FOR MAINTENANCE OF CONTROLS AND FENCES SHALL IMMEDIATELY MAKE ANY NECESSARY REPAIRS TO DAMAGED AREAS. SILT ACCUMULATION AT CONTROLS MUST BE REMOVED WHEN THE DEPTH REACHES SIX (6) INCHES OR ONE-THIRD (1/3) OF THE INSTALLED HEIGHT OF THE CONTROL WHICHEVER IS LESS.

18. UPON FINAL ACCEPTANCE OF THE CITY, HAIL, ROAD AND WATERWAY CROSSINGS CONSTRUCTED FOR TEMPORARY CONTRACTOR ACCESS MUST BE REMOVED, ACCUMULATED SEDIMENT REMOVED FROM THE WATERWAY AND THE AREA RESTORED TO THE ORIGINAL GRADE AND REVEGETATED. ALL LAND LEAVING DEBRIS SHALL BE DISPOSED OF IN APPROVED SPOIL DISPOSAL SITES.

19. ALL WORK MUST STOP IF A VOID IN THE ROCK SUBSTRATE IS DISCOVERED WHICH IS: ONE SQUARE FOOT IN TOTAL AREA; BLOWS AIR FROM WITHIN THE SUBSTRATE AND/OR CONSISTENTLY RECEIVES WATER DURING ANY RAIN EVENT. AT THIS TIME IT IS THE RESPONSIBILITY OF THE PROJECT MANAGER TO IMMEDIATELY CONTACT AN ENVIRONMENTAL INSPECTOR FOR FURTHER INVESTIGATION. IN ADDITION, IF THE PROJECT SITE IS LOCATED WITHIN THE EDWARDS AQUIFER, THE PROJECT MANAGER MUST NOTIFY THE TRAVIS COUNTY BALCONES CANYONLANDS CONSERVATION PRESERVE (BCCP) BY EMAIL AT BCCP@TRAVISCOUNTYTX.GOV. CONSTRUCTION ACTIVITIES WITHIN 50 FEET OF THE VOID MUST STOP.

20. TEMPORARY AND PERMANENT EROSION CONTROL: ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED BELOW:

- A. ALL DISTURBED AREAS TO BE REVEGETATED ARE REQUIRED TO PLACE A MINIMUM OF SIX (6) INCHES OF TOPSOIL [SEE STANDARD SPECIFICATION ITEM NO. 601S.3(A)]. DO NOT ADD TOPSOIL WITHIN THE CRITICAL ROOT ZONE OF EXISTING TREES.
- B. TOPSOIL SALVAGED FROM THE EXISTING SITE IS ENCOURAGED FOR USE, BUT IT SHOULD MEET THE STANDARDS SET FORTH IN 601S.
- C. AN OWNER/ENGINEER MAY PROPOSE USE OF ONSITE SALVAGED TOPSOIL, WHICH DOES NOT MEET THE CRITERIA OF STANDARD SPECIFICATION 601S BY PROVIDING A SOIL ANALYSIS AND A WRITTEN STATEMENT FROM A QUALIFIED PROFESSIONAL IN SOILS, LANDSCAPE ARCHITECTURE, OR AGRONOMY INDICATING THE ONSITE TOPSOIL WILL PROVIDE AN EQUIVALENT GROWTH MEDIA AND SPECIFYING WHAT, IF ANY, SOIL AMENDMENTS ARE REQUIRED.
- D. SOIL AMENDMENTS SHALL BE WORKED INTO THE EXISTING ONSITE TOPSOIL WITH A DISC OR TILLER TO CREATE A WELL-BLENDED MATERIAL.
- THE VEGETATIVE STABILIZATION OF AREAS DISTURBED BY CONSTRUCTION SHALL BE AS FOLLOWS:

a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING SHALL BE WITH OR INCLUDE A COOL SEASON COVER CROP. (WESTERN WHEATGRASS (PASCOPYRUM SMITHII) AT 5.6 POUNDS PER ACRE, OATS (AVENA SATIVA) AT 4.0 POUNDS PER ACRE, CEREAL RYE GRAIN (SECALE CEREALE) AT 45 POUNDS PER ACRE. CONTRACTOR MUST ENSURE THAT ANY SEED APPLICATION REQUIRING A COOL SEASON COVER CROP DOES NOT UTILIZE ANNUAL RYEGRASS (LOLIUM MULTIFLORUM) OR PERENNIAL RYEGRASS (LOLIUM PERENNE). COOL SEASON COVER CROPS ARE NOT PERMANENT EROSION CONTROL.

b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF 45 POUNDS PER ACRE OR A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.

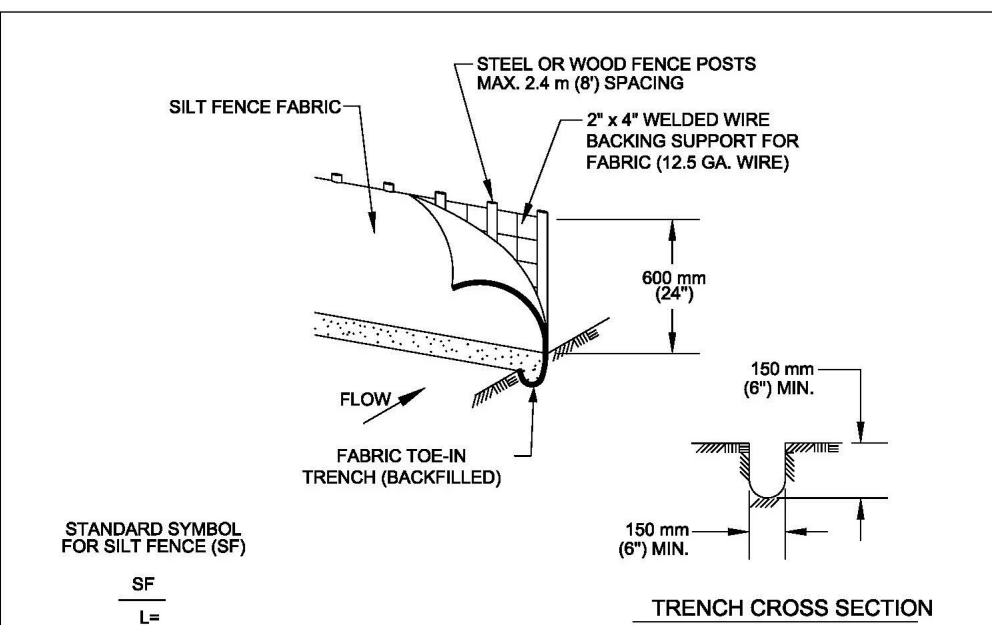
- FERTILIZER SHALL BE APPLIED ONLY IF WARRANTED BY A SOIL TEST AND SHALL CONFORM TO ITEM NO. 606S. FERTILIZER, FERTILIZATION SHOULD NOT OCCUR WHEN RAINFALL IS EXPECTED OR DURING SLOW PLANT GROWTH OR DORMANCY. CHEMICAL FERTILIZER MAY NOT BE APPLIED IN THE CRITICAL WATER QUALITY ZONE.
- HYDROMULCH SHALL COMPLY WITH TABLE 1, BELOW.
- TEMPORARY EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/2 INCHES HIGH WITH A MINIMUM OF 95% TOTAL COVERAGE SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR TEMPORARY STABILIZATION ARE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
- WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, AND STANDARD SPECIFICATION 604S OR 609S.

PERMANENT VEGETATIVE STABILIZATION:

a. FROM SEPTEMBER 15 TO MARCH 1, SEEDING IS CONSIDERED TO BE TEMPORARY STABILIZATION ONLY. IF COOL SEASON COVER CROPS EXIST WHERE PERMANENT VEGETATIVE STABILIZATION IS DESIRED, THE GRASSES SHALL BE MOVED TO A HEIGHT OF LESS THAN ONE-HALF (1/2) INCH AND THE AREA SHALL BE RE-SEEDED IN ACCORDANCE WITH TABLE 2 BELOW. ALTERNATIVELY, THE COOL SEASON COVER CROP CAN BE MIXED WITH BERMUDAGRASS OR NATIVE SEED AND INSTALLED TOGETHER, UNDERSTANDING THAT GERMINATION OF WARM-SEASON SEED TYPICALLY REQUIRES SOIL TEMPERATURES OF 60 TO 70 DEGREES.

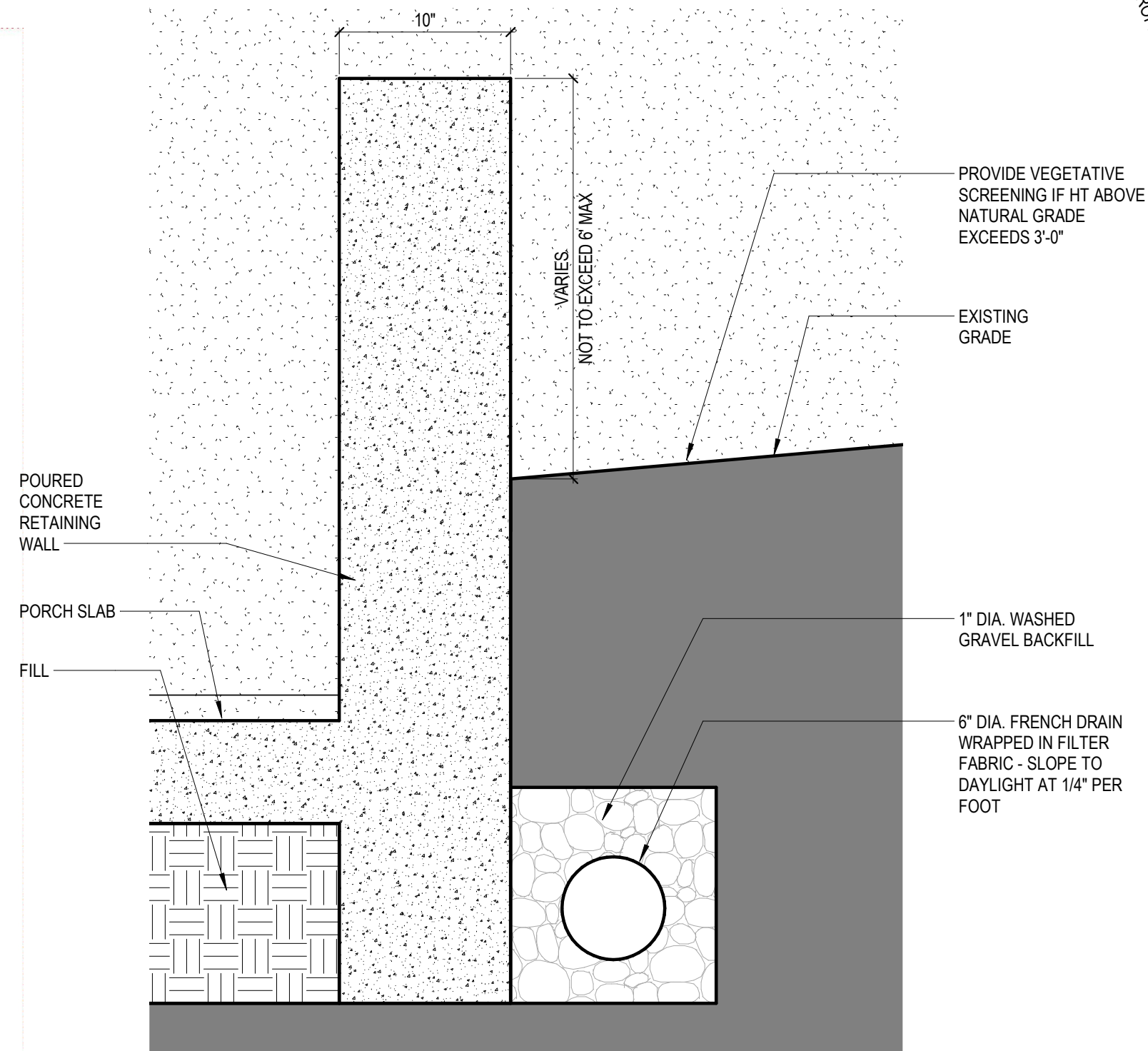
b. FROM MARCH 2 TO SEPTEMBER 14, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF 45 POUNDS PER ACRE WITH A PURITY OF 95% AND A MINIMUM PURE LIVE SEED (PLS) OF 0.83. BERMUDA GRASS IS A WARM SEASON GRASS AND IS CONSIDERED PERMANENT EROSION CONTROL. PERMANENT VEGETATIVE STABILIZATION CAN ALSO BE ACCOMPLISHED WITH A NATIVE PLANT SEED MIX CONFORMING TO ITEM 604S OR 609S.

- FERTILIZER USE SHALL FOLLOW THE RECOMMENDATION OF A SOIL TEST. SEE ITEM 606S. FERTILIZER, APPLICATIONS OF FERTILIZER (AND PESTICIDE) ON CITY-OWNED AND MANAGED PROPERTY REQUIRES THE YEARLY SUBMITTAL OF A PESTICIDE AND FERTILIZER APPLICATION RECORD, ALONG WITH A CURRENT COPY OF THE APPLICATOR'S LICENSE. FOR CURRENT COPY OF THE RECORD TEMPLATE CONTACT THE CITY OF AUSTIN'S IPM COORDINATOR.
- HYDROMULCH SHALL COMPLY WITH TABLE 2, BELOW.
- WATER THE SEEDED AREAS IMMEDIATELY AFTER INSTALLATION TO ACHIEVE GERMINATION AND A HEALTHY STAND OF PLANTS THAT CAN ULTIMATELY SURVIVE WITHOUT SUPPLEMENTAL WATER. APPLY THE WATER UNIFORMLY TO THE PLANTED AREAS WITHOUT CAUSING DISPLACEMENT OR EROSION OF THE MATERIALS OR SOIL. MAINTAIN THE SEEDBED IN A MOIST CONDITION FAVORABLE FOR PLANT GROWTH. ALL WATERING WITH CITY OF AUSTIN CODE CHAPTER 66 (WATER CONSERVATION) AND FREQUENCIES DETERMINED BY A LICENSED IRRIGATOR OR OTHER QUALIFIED PROFESSIONAL, AND AS ALLOWED BY THE AUSTIN WATER UTILITY AND CURRENT WATER RESTRICTIONS AND WATER CONSERVATION INITIATIVES.
- PERMANENT EROSION CONTROL SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 1/2 INCHES HIGH WITH A MINIMUM OF 95 PERCENT FOR THE NON-NATIVE MIX, AND 95 PERCENT COVERAGE FOR THE NATIVE MIX SO THAT ALL AREAS OF A SITE THAT RELY ON VEGETATION FOR STABILITY MUST BE UNIFORMLY VEGETATED, AND PROVIDED THERE ARE NO BARE SPOTS LARGER THAN 10 SQUARE FEET.
- WHEN REQUIRED, NATIVE PLANT SEEDING SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, ITEMS 604S AND 609S.



1. STEEL OR WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF 300 mm (12 INCHES). IF WOOD POSTS CANNOT ACHIEVE 300 mm (12 inches) DEPTH, USE STEEL POSTS.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH MUST BE A MINIMUM OF 150 mm (6 INCHES) DEEP AND 150 mm (6 inches) WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.
4. SILT FENCE FABRIC SHOULD BE SECURELY FASTENED TO EACH STEEL OR WOOD POST SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL OR WOOD FENCE POST.
5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150 mm (6 inches). THE SILT SHALL BE DISPOSED OF ON AN APPROVED SITE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.

CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT		SILT FENCE	
RECORD COPY SIGNED BY MORGAN BYARS	09/01/2011	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 642S-1
ADOPTED			


$$1\frac{1}{2}'' = 1'-0''$$
$$\underline{\underline{1/16'' = 1'-0''}}$$

A circular professional engineer seal for the State of Texas. The outer ring contains the text "REGISTERED ARCHITECT" at the top and "STATE OF TEXAS" at the bottom, separated by stars. The inner circle features a five-pointed star in the center. Above the star is the name "BHAVANI SINGH" and below it is the number "23942". A diagonal line is drawn across the seal from the top left to the bottom right.

SHEET IS FORMATTED TO 22" x 34".
SCALES ARE ONE HALF OF NOTED
WHEN PRINTED AT HALF SIZE.

702 LOMA LINDA
WESTLAKE HILLS, TX
78746

1 10.30.2020 PERMIT REVISION

Project Number, 2020-02
Drawn By, Author
Checked By, Checker

A102

Anjali Naini

From: Lonnie Hazlewood [REDACTED] >
Sent: Monday, October 26, 2020 11:11 AM
To: Anjali Naini
Subject: 702 Loma Linda variance

Very much opposed to cutting down the Heritage Oak (over 100 years old) on this property.
Will the meeting be a Zoom meeting? Will the city offer any help in getting setup to attend this meeting?

Lonnie Hazlewood
705 Terrace Mountain Dr.



**PLANNED DEVELOPMENT DISTRICT
STAFF REPORT**

DECEMBER 9, 2020

Project Address: 1801 Westlake Drive (Lago Vista)

Project Number: 15871

Agenda Item: Land Use: Discussion/recommendation of an ordinance and zoning map amendment to rezone 1801 Westlake Drive from Transitional Residential District (R-3) to a Planned Development District (PDD) with a base zoning district of R-3 in order to construct residential condominiums (West Lake Hills Code Sec. 38.05.092 and Sec. 38.06). Applicants 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC.

Applicant Information: 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC

Hearing Dates:

October 21, 2020	Zoning and Planning Commission
October 28, 2020	City Council – postponed
December 9, 2020	City Council

Requested Action: Approval of a zoning change from R – 3 to PDD with a base zoning district of R – 3.

Location: The subject property is located on Westlake Drive, east of Terrace Mountain Drive, and bordering Bee Creek and the West Lake Hills city limits at the rear of the property.

Zoning & Site Characteristics:

The property is zoned R – 3 – Transitional Residential District. It is approximately 2.3352 acres. The property includes an existing apartment complex (Boca Chica) totaling 26 units. The surrounding adjacent properties are zoned R-1 – One-Family Residential, and the property borders Bee Creek along the rear property line. The site has several challenges and unique characteristics, including steep topography, a drainage easement and floodplain.

Project Summary and Background:

Update

Since the October 28, 2020 City Council meeting, the applicants have revised the PDD to reflect City Council’s comments and ZAPCO’s recommendations. Below is a summary of the changes.

Item	Currently Proposed	Previously Proposed
# Units	18	20
# 2-Bed Units	5	14
# 3-Bed Units	13	6
# Parking Spaces	41	46
Bldg 1 Height	3 story/35'	Same
Bldg 2 Height	3 story/35'	4 story/46'
Impervious Cover	30,653sf/29.55%	34,599sf/34.01%
Setbacks	Front Street – 40'; Rear – 40'; Northern (side) – 40'; Southern (side) – 25'	Front Street – 50'; Rear – 40'; Northern (side) – 40'; Southern (side) – 5.5'
Trees 14" & Greater	#278, #358, #490, #564, #570, #571, #669, #673 (2 less variance trees than previous)	#197, #278, #285, #358, #490, #491, #564, #669, #673, #690

The owners are applying for a PDD in order to demolish the existing apartments and redevelop the property into residential condominiums totaling 18 units (a reduction of 8 units compared to the existing apartments). The PDD contemplates two separate buildings. Both buildings are proposed to be 3 stories, and will have a total of 5 2-bedroom units and 13 3-bedroom units. The proposed height is 35ft for Building 1 and Building 2, and the maximum proposed impervious cover is 29.55%.

Current Zoning:

The current zoning is R – 3 – Transitional Residential District. The purpose of this district is to provide a transitional zone between nonresidential districts and R-1 one-family districts where structures may be clustered together to better utilize property topography and provide a buffer between thoroughfares and adjacent residential districts. The R – 3 District permits apartments, but only those that are preexisting when annexed into the city limits.

Proposed Zoning:

The proposed zoning is PDD, maintaining the existing R – 3 zoning as the base district. The PDD modifies several code provisions as described in the Variance & Code Deviations Chart and in the PDD Ordinance. Unless otherwise stated in the Variance & Code Deviations Chart or PDD Ordinance, the project is otherwise subject to applicable City Codes and regulations.

The following is a brief summary of the proposed Code deviations:

- Maximum impervious cover (existing 34.01%, will be reduced to 29.55%/maximum allowed is 25%)
- Minimum lot size (2 acres for R-3/combined, the two tracts are 2.3352 acres and exceed this requirement)

- Building setbacks (minimum 50ft required from property line; applicant is proposing 25ft from southern side property line, 40ft from northern side property line, 40ft from eastern rear property line, and 40ft from the western/front property line)
- Height (maximum allowed is 30ft, or 32ft if slopes exceed 25% - proposed height is up to 35ft for Building 1 and Building 2)
- Cut and fill (maximum limit is 6ft, but fire truck turnaround area will exceed 20ft cut/fill for a few lineal feet)
- Tree removal (8 trees 14" or greater are proposed to be removed)
- Structure in a drainage easement (proposed pool location is in a drainage easement; however, the PDD does not waive the process for drainage easement modifications/releases, it is acknowledging that this is an additional approval that will be required at a separate time)
- Erosion (it is possible that at a later time the City will need to administratively consider waiver requests to the Drainage and Erosion Control Manual after a full engineering analysis has been completed)

Traffic/Transportation

It is not anticipated for the proposed project to generate additional traffic. The property currently has an apartment building with 26 units, and the proposed project will have 18 units.

Lighting: This site must comply with the Outdoor Lighting Ordinance.

Building Code: All new proposed construction will be required to comply with all applicable building codes unless otherwise stated in the PDD Ordinance or Code Deviation chart.

Subdivision: The subdivision will not be affected, unless the property owner replats the two lots to combine them into one lot in the future.

Comprehensive Planning Analysis: This request is compatible with the Master Plan based on existing and future use.

Zoning & Planning Commission Recommendation

During the October 21, 2020 meeting, the Commissioners recommended forwarding approval of the PDD unanimously by a vote of 4 – 0 with the following notes and conditions on the requested code deviations:

- 1) Impervious cover – in favor by 3 – 1 (Commissioner Maccini opposed)
- 2) Lot size - No recommendation; Council should handle this one
- 3) 5.5' setback (4 – 0) DENIAL – recommend minimum 25ft – 40ft setback
- 4) 40ft front setback (4-0) APPROVAL
- 5) 40ft rear setback (4-0) APPROVAL
- 6) BLDG. 1 HEIGHT (3-2) DENIAL - 30ft is appropriate for this site (Commissioners Vandersteel and Vaughan opposed)
- 7) BLDG. 2 46' (4 – 0) DENIED
- 8) Number of units (4 – 0) APPROVED

- 9) Firetruck turnaround (4 – 0) APPROVED
- 10) Tree removal (no recommendation)
- 11) Tree (no recommendation)
- 12) Water quality (no recommendation)
- 13) Pool and drainage (there are two #13s) (4 – 0) APPROVED
- 14) Erosion control (4 – 0) APPROVAL
- 15) Cut and fill (4 – 0) APPROVAL

Recommended City Council Action:

The City Council has the following options:

- a) Approve the PDD.
- b) Approve with modifications.
- c) Postpone to the next regular City Council meeting.
- d) Deny the PDD.

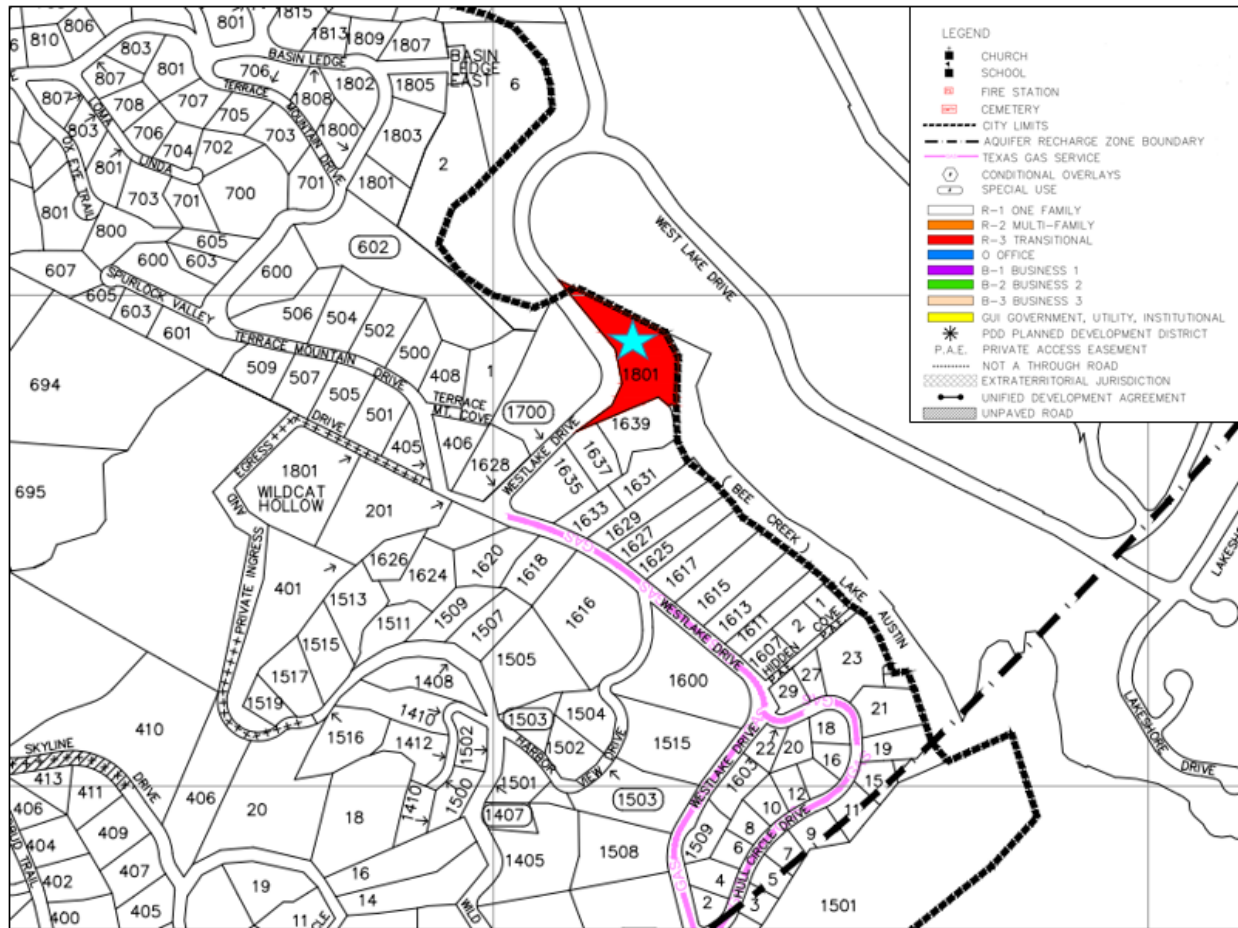
Links to Relevant City Code:

- [Section 22.03.174 Use restrictions in R-3 districts](#)
- [Article 22.03, Division 8 Dimensional Regulations](#)
- [Section 22.03.304 Tree and vegetation removal and replacement](#)
- [Article 38.06 Planned Development Districts](#)
- [Article 38.03 Zoning Districts](#)

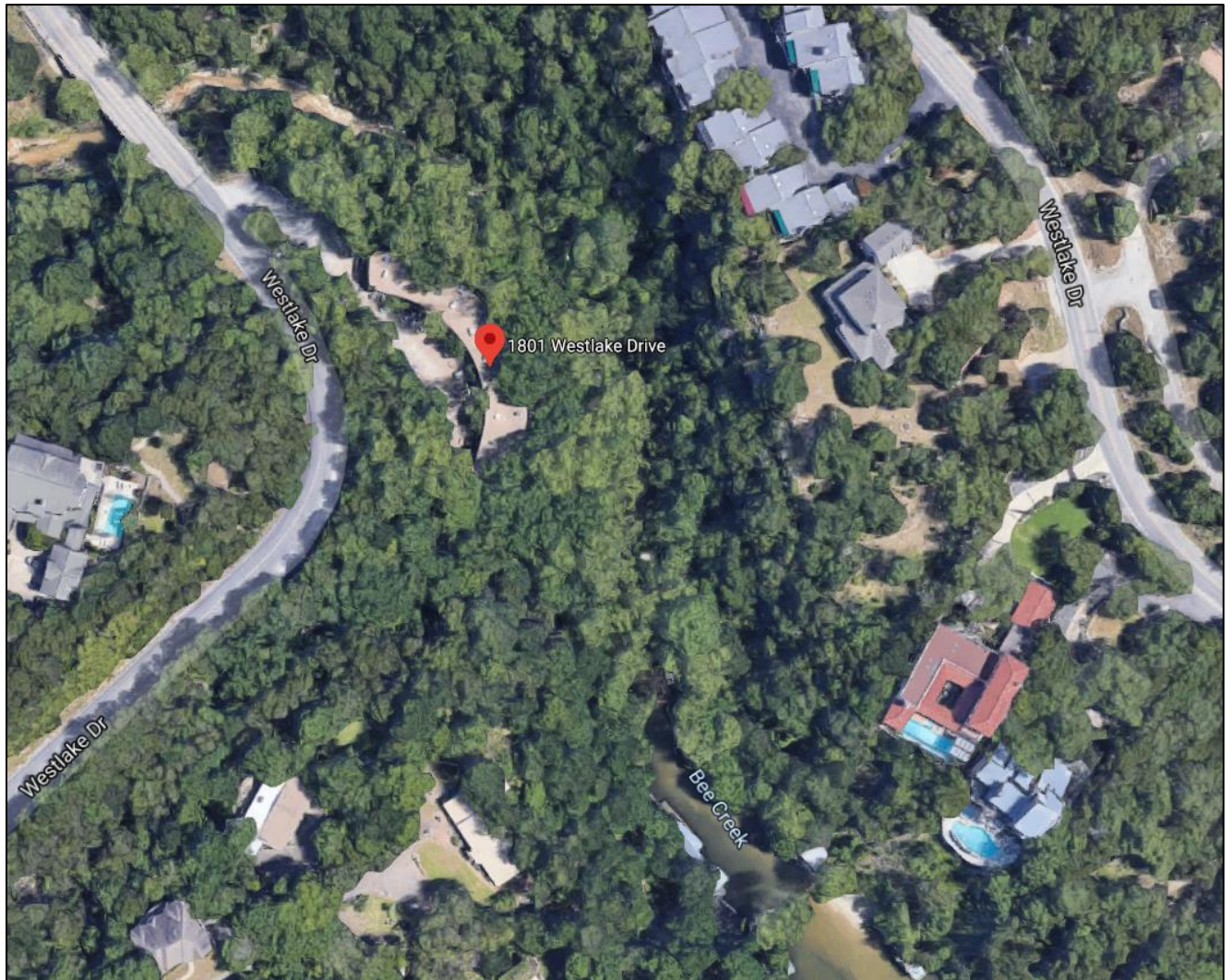
(maps to follow)

Maps

Zoning:



Aerial:



CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, October 21, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:34 p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, James Vaughan and Bill Vandersteel. Bill Harwell is absent.

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the September 16, 2020 Regular Meeting Minutes.

**VICE-CHAIRMAN PLEDGER MOVES TO APPROVE THE MINUTES.
COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) APPROVAL.**

3. Land Use 2 Downie Place: Discussion/recommendation of a request to partially release a drainage easement in order to construct a storage area (West Lake Hills Code Sec. 36.01.017). Owner/Applicant William Wiese.
 - a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Approval.

- b. Presentation by applicant

Bill and Channing Wiese are present and the property owners. Tracy Bratton is the engineer and discusses the drainage and impact and provided requested information from the city engineer.

Bill Vandersteel: Thank you for a thorough report.

Chairman Meisel: Excellent Report.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

- 4. Land Use 409 Ledgeway Ridge: Discussion/recommendation on a variance application with five (5) variance requests in order to construct a new residence: 1) roof overhang setback encroachment on east side of house; 2) roof overhang setback encroachment on west side of house; 3) & 4) two (2) retaining walls encroaching into the setbacks; and 5) landscape arbor encroaching the front setback (West Lake Hills Code Sec. 22.03.170). Owners Jim and Laura McBride/Applicant Kyle McCollum.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Denial due to the building could be re-designed to conform to Code.

- b. Presentation by applicant

Kyle McCollum is the applicant. Because of the drainage easement we have a limited buildable area. The variances in the front are for drainage.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vandersteel: It's a beautiful house. I have issues with the front retaining walls and arbor.

Chairman Meisel: Why the retaining walls are the size they are?

Planner Naini: Our code allows 18" but these are up to 6'.

Chairman Meisel: It's a design driven issue.

Commissioner Vandersteel: It looks like a huge amount of fill?

Kyle: No, sir. We want to deflect the water on each side. We can bring that down. We're wanting to keep the water away from the house.

Commissioner Vandersteel: That is much too large a structure in the front. If you want privacy use plantings and not structures.

Commissioner Maccini: During the subdivision process we talked about the drainage. This is design driven.

Chairman Meisel: It's not our place to suggest alternatives.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL ON ALL VARIANCES. VICE-CHAIRMAN PLEDGER SECONDS. (4-0) DENIAL.

5. Land Use 301 A Cedar Oak Drive: Discussion/recommendation on a variance application for the removal of five (5) trees equal to or greater than 14" in diameter in order to construct a new residence: 1) Tree # 1000 - 15" Cedar; 2) Tree # 1081 - 15" Cedar; 3) Tree # 1087 - 14" Cedar; 4) Tree # 1127 - 19" Cedar; and 5) Tree # 1187 - 16" Cedar (West Lake Hills Code Sec. 22.03.304). Applicant Greg Reynolds.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Approval. Consider each of the variance trees.

Commissioner Maccini: This is a 2-story house, bi-level?

Planner Naini: Yes.

Vice-Chairman Pledger: Any considerable amount of space left for the tree will support it?

Planner Naini: Yes. It is out of the Critical Root Zone.

Commissioner Maccini: We're only talking about the trees.

- b. Presentation by applicant

Greg Reynolds is the applicant and owner. It is 1.1 acre. Only 1/3 of the area is

usable. Number one priority was to preserve this tree. I met with the owners of other properties and they are supportive.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vaughan: This seems reasonable.

Chairman Meisel: He does have to put in a lot of replacement trees. This is a win-win.

Commissioner Maccini: Mature Cedars do have a place in the ecosystem. Tree #1000 is a 15" Cedar, the other ones are outdoor areas. We do have ordinances for a reason.

Commissioner Vandersteel: They are saving the best tree possible. They did a nice job with this one.

Chairman Meisel: I don't see grounds to deny the variances requested.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL AS CITED. COMMISSIONER VAUGHAN SECONDS. APPROVED (3-1) COMMISSIONER MACCINI OPPOSES.

- 6. Land Use 416 Ridgewood Road: Discussion/recommendation on a variance request to encroach a setback in order to construct an accessory building to serve as a home office or school room (West Lake Hills Code Sec. 22.03.001) Applicant Victoria Keith.

- a. Staff Briefing

City Planner Naini gives her staff briefing. Staff Recommendation: Denial due to no hardship.

Commissioner Vandersteel: I have a discrepancy with the location.

Commissioner Vaughan: The house is in the setback?

Planner Naini: Yes on both sides.

- b. Presentation by applicant

Application is not present.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

d. Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: This was built before the current setbacks.

Chairman Meisel: Variances are forever. A temporary structure has a different set of rules.

Commissioner Vaughan: I have a hard time voting on it without the applicant not being here.

Commissioner Maccini: If the structure does encroach more than the house.

Vice-Chairman Pledger: I don't see any kind of hardship.

Commissioner Vandersteel: I'm worried about setting a precedent with these small buildings.

COMMISSIONER VAUGHAN MOVES TO TABLE. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) TO TABLE.

7. Land Use 1801 Westlake Drive: Discussion/recommendation of an ordinance and zoning map amendment to rezone 1801 Westlake Drive from Transitional Residential District (R-3) to a Planned Development District (PDD) with a base zoning district of R-3 in order to construct residential condominiums (West Lake Hills Code Sec. 38.05.092 and Sec. 38.06). Applicants 1801 Westlake Drive Venture, LLC & BV Austin Apartments, LLC.

a. Staff Briefing

City Planner Naini gives her staff briefing.

This is 1.94 acres with 26 units. Steep topo, located on Bee Creek. 20 units are proposed. 2 separate buildings.

Building 1 is a 3-story and Building 2 is a 4-story unit. Height is 35' on Building 1 and 46' for Building 2; 34.01% impervious cover. Code deviations are gone over.

Staff Recommendation: Options

Vice-Chairman Pledger: When we look at the solutions, does that preclude

modifications like height and setback?

Planner Naini: You can make separate recommendations.

Commissioner Maccini: If we go for the PDD, that doesn't allow all the variances?

Planner Naini: Variances are part of the PDD.

Commissioner Maccini: They are currently apartments and they will be condos? Is that allowable?

Planner Naini: It's a similar use.

Chairman Meisel: There is no grandfathering of the use if the apartments are removed.

Commissioner Vandersteel: There is no non-residential around this site. It goes against the R-3 zoning.

b. Presentation by applicant

Terry Irion is speaking for the applicant. We are not asking for a grandfathering. It's an old structure. We are trying to stay within the R-3 zoning requirements. No increase in impervious cover. Current 26 units will be replaced with 24. All parking will be under the building.

David Shiflet is the architect. The VanDeMark's built this in 1962. We thought it would be very low impact.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments.

Josh Mabry asks if the Fire Department has ladder trucks that would reach the building?

Josephine Whitley: Thank you for the opportunity. I'm the southern neighbor of this property. I've been here since 1981. I'm concerned about it being torn down. Why should it be allowed to remain 5' from my property? The number of units is decreasing but the parking will increase. I got news about this through the notice but no specific plan was being discussed. The neighbors need to have a need to see this and its effects.

Dan Brown is the engineer on the project has no comments.

The Public Comments Section is closed.

d. Deliberation and Action

Commissioner Vandersteel: I have two problems with the setback and height. That is a very deep valley. I'm having a hard time with the 5' setback.

Mark Richardson is the architect: Building 1 does have 3 units on the ground level.

Vice-Chairman Pledger: Height and setback should be met if torn down. The last one to diminish is next to R-1 zoning.

Commissioner Vaughan: This is a unique situation. I think the council needs to decide what to do with R-3. I'm inclined to kick it to council since you've already talked to them.

Commissioner Vandersteel: R-3 needs to be re-thought.

Commissioner Vaughan: The zoning doesn't make sense.

Commissioner Vandersteel: The building is so deep it won't be that noticeable.

Vice-Chairman Pledger: I keep hearing about the height of the building is shielded from the road, the southside there are houses and I don't know how 45' building would look from those houses.

Commissioner Maccini: I have issues with height, impervious cover, setbacks and trees. Too much on a small property.

Chairman Meisel: The council needs a specific recommendation.

Vice-Chairman Pledger: I'm not opposed to using a PDD but I think the variances ought to be compliant.

Commissioner Vaughan: I think council needs to decide what they want with these two tracts. They need to fix R-3.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL OF PDD BASED ON THE VARIANCES AS PRESENTED. MOTION DIES WITH NO SECOND.

Commissioner Vandersteel: There is no communication between ZAPCO and council.

Commissioner Vaughan suggests going one by one.

Chairman Meisel: What's appropriate for this property?

Commissioner Maccini: Let's start with one.

Commissioner Vaughan: All in favor of going one by one?

#1: Impervious Cover - 32.51%

VOTE: (3-1) Commissioner Maccini Opposed.

#2: Mute; Council should deal with this one

VOTE: No action.

#3: 5.5' setback

VOTE: (4--0) DENIAL conditional over 25' setback.

#4: '40 front North Side

VOTE: (4-0) APPROVAL

#5: '40 Rear South Side

VOTE: (4-0) APPROVAL

#6: Building 1 Height - 30' appropriate for this site

VOTE: (3-2) Go by existing rule, Commissioners Vandersteel and Vaughan oppose.

#7: Building 2 Height - 46'

VOTE: (4-0) Denied - Existing rule

#8: Number of units (impervious cover and height met, then a reasonable number should be considered)

VOTE: (4-0) Approved

#9: Firetruck turnaround

VOTE: (4-0) Approved

#10: Tree removal

VOTE: (no recommendation)

#11: Code Compliant Tree Removal

VOTE: (no recommendation)

#12: Water Quality

VOTE: (no recommendation)

#13: Pool and drainage

VOTE: (4-0) Approved

#14: Erosion control

VOTE: (4-0) – approval conditioned on compliance

#15: Cut and fill

VOTE: (4-0) Approved - conditioned on more development impervious cover and height

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL OF THE PDD WITH THE ABOVE CONDITIONS. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) APPROVAL.

8. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.

Anjali Naini

From: Josie Whitley [REDACTED] >
Sent: Tuesday, October 20, 2020 8:51 PM
To: Mark pzsec; Anjali Naini
Subject: 1801 Westlake Dr Zoning Change Request

Hello,

My name is Josephine Whitley. I own the property at 1637 Westlake Dr. My husband (Eric Broline, P.E.) and I own the property at 1631 Westlake Dr. These are the two immediately adjacent properties to 1801 Westlake Dr. the owner of which is requesting permission to convert the current apartments to condominiums.

I have a number of concerns:

- 1) A 45 ft. height is wholly inconsistent with the character of Westlake Hills. "The citizens, along with their elected and appointed officials, are dedicated to preserving the rural environment and maintaining the natural beauty of the area." This quote is from the city website.
- 2) The proposed 46 ft height is 2.5 times the current height of 18 feet.
- 3) The proposed height will likely make the higher of the two buildings visible from my bedroom. To grant this variance in the city code will be to grant the request of a property owner to increase the profitability of his land at the expense of the city codes, the expressed character of Westlake Hills, and at the expense of a long time resident who has valued the seclusion and privacy of the area.
- 4) Given that the current structures are to be demolished the southern building should not be allowed to violate current boundary setbacks. If I read the plans correctly the southern edge of a structure is 5.5 feet away from my boundary. "Setbacks. Setbacks of 50 feet along the entire lot perimeter in which nothing can be built and no site clearing (e.g., private sewage facility not prohibited)."
- 5) The number of parking spaces represents an increase from the current 32 to 46.
- 6) Increasing petroleum runoff at the beginning of Bee Creek could adversely affect all property owners in Westlake Hills whose properties are on the creek as well as those who reside in the Austin ETJ.
- 7) The removal of a number of very large trees is a concern and will increase runoff into Bee Creek.
- 8) While it is entirely appropriate for the owner of 1801 Westlake Dr. to desire a plan that could increase the profitability of the property, the responsibility of the Zoning & Planning Commission is to represent the community as a whole.
- 9) When I purchased my property in 1981, I was told that the "Boca Chica" property would only retain its multi-family zoning until 1999. Obviously, that has been modified.
- 10) I have had apartment renters gather wood from my property, use my property to "dock" or store watercraft, and otherwise use my property without my permission and without any concern for property boundaries.
- 11) I have a very clear memory of the flooding that occurred on Bee Creek in the 1981 flood. Obviously, the Bee Creek Bridge is a great improvement to Westlake Dr.; however, the property still sits in a relatively low area and I believe may be subject to flood risk.

For these reasons, I strongly oppose the requested variance. I will attend the meeting (virtually) and request permission to speak.

Sincerely,

Josephine Whitley
1637 Westlake Dr.
Westlake Hills, TX 78746
(512) 934-0399



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION

(512) 615-6653

June 5, 2020

Travis Askey
City of West Lake Hills

TAskey@westlakehills.org

Re: Planned Development District Application at 1801 Westlake Drive

Dear Mr. Askey:

We are submitting the draft of our Planned Development District Application electronically due to the current covid situation. You will find attached the following documents:

1. Zoning Change Application applying for Planned Development District, signed by Terrence L. Irion as attorney;
2. Special Power of Attorney Forms for 1801 Westlake Drive Venture, LLC and BV Austin Apartments, LLC to be signed and notarized;
3. Draft of the PDD Ordinance;
4. Survey of the property;
5. PD Master Plan; and
6. Deeds showing proof of ownership.

We are working on having our clients execute and return the original Powers of Attorney and will forward those to you shortly. We will need to discuss the drainage plan per the City's Drainage and Erosion Control Manual with your engineer and the applicant's engineer, Dan Brown with Malone Wheeler. Please advise if you require a hard copy to be mailed to your office along with the \$2,500.00 application fee. Please note that we have not included the calculations for variances in the fee which may change. Please contact our office if you have any questions or need any additional information.

Sincerely,



Terrence L. Irion

cc: Craig Van De Mark
Brian Van De Mark
Judy Yhu

[Redacted]

ZONING CHANGE APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

1801 Westlake Drive
Venture, LLC and BV Austin
Apartments, LLC
Property Owner: _____ Phone: 512-615-6650

Email: _____
Address: 1801 Westlake Drive City: Austin State: TX Zip: 78746

Agent*: Terrence L. Irion Phone: 512-615-6650

Email: _____
Address: 805 Las Cimas Parkway, Bldg. III, Suite 350 City: Austin State: TX Zip: 78746

*Please submit Power of Attorney form designating authorized agent.

PROJECT INFORMATION

Property Address: 1801 Westlake Drive, Austin, TX 78746

Subdivision Name: Westlake Cove Addition

Block: _____ Lot: 1 Tax Parcel ID: 0119130707

Current Zoning Classification: LA Total Lot Area: 1.948 acres

Proposed Zoning Classification: _____ Applying for Variance ☐ Yes ☐ No
(if yes, please submit separate variance application)

Applying for a Planned Development District (PDD)? ☒ Yes ☐ No

If yes, what is the proposed base zoning classification? R-3

Present Land Use: Apartments

Present land use of adjacent properties: Single Family Residential



ZONING CHANGE APPLICATION

Types and location of existing structures on subject property: The Property currently has one 2-story building
with 26 residential units that has 19,415.50 sq. ft. of living area and occupying 34,460 sq. ft. of impervious cover.

Brief description of proposed project including proposed land use:

The proposed project will be a 2-building condominium, a 3-story and a 4-story building, consisting of 20 new units and
occupying 33,545 sq. ft. of impervious cover. The new project will stay within the existing setbacks; will not increase
impervious cover from existing; will increase parking, and provide a firetruck access lane and turnaround.

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).


Signature

6/15/2020
Date

Terrence L. Drion
Printed Name

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Traffic Impact Analysis, if applicable (*required for projects expected to generate 200 trips a day, refer to Chapter 38 of the Code*)
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☐ Property survey
- ☐ Proposed site plan and building elevations if available
- ☐ Pictures of property
- ☐ Payment of application fees by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*)



ZONING CHANGE APPLICATION

PDD Request Checklist

(Refer to Article 38.06 of the City Code)

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Traffic Impact Analysis, if applicable (*required for projects expected to generate 200 trips a day, refer to Chapter 38 of the Code*). Requirement can be waived by Council.
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☐ Property survey
- ☐ Pictures of property
- ☐ Elevations, renderings, perspectives of proposed development
- ☐ Drainage plan per City's Drainage and Erosion Control Design Manual
- ☐ PD Master Plan (*includes site plan identifying existing site conditions, tree survey, proposed layout of building locations, proposed land uses and densities, open space boundaries, access points to streets and internal streets, proposed sidewalks/trails, and any other information as required by the City*)
- ☐ PD Informational Statement
- ☐ Draft PDD Ordinance including development standards, code deviations, and exhibits including information described in this checklist. Contact staff for example PDD Ordinance.
- ☐ Adequate utilities such a water, wastewater, electricity (*applicant will need to coordinate with the appropriate entities for utilities*)
- ☐ Payment of application fees by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*)

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Newspaper notice deadline: _____ Publication Date: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council Meeting: _____

City Council Action: _____

Notes:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Brian Van De Mark, Manager
 have made, constituted and appointed Terrence L. Irion
 to be my duly authorized representative in connection with an application dated June 5, 2020,
 to be heard by the Building Design Committee, Zoning & Planning Commission, and City
 Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
 oral or written, made by the representative in support of the request have the full force and effect
 of the applicant's approval. I do by this document constitute the above named representative as
 my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
 in connection with such application which I myself might perform or do if I was personally present.
BV Austin Apartments, LLC

By: Brian Van De Mark, Manager
 Property Owner/Applicant Name

Brian Van De Mark
 Property Owner/Applicant Signature

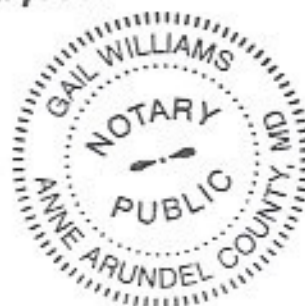
<u>1801 Westlake Drive</u>	<u>Austin</u>	<u>TX</u>	<u>78746</u>
Street Address	City	State	Zip Code

410-212-4555
 Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 6 day of June, 20 20.

Notary Public in and for the State of ~~Texas~~ Maryland

My Commission Expires 4.24.2021





SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Craig M. Van De Mark, Manager
have made, constituted and appointed Terrence L. Irion
to be my duly authorized representative in connection with an application dated June 5, 2020,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.
1801 Westlake Drive Venture, LLC

By: Craig M. Van De Mark, Manager
Property Owner/Applicant Name

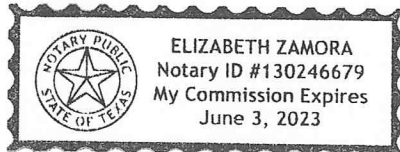
Craig M. Van De Mark, Manager
Property Owner/Applicant Signature

<u>1801 Westlake Drive</u>	<u>Austin</u>	<u>TX</u>	<u>78746</u>
Street Address	City	State	Zip Code

713-320-5164
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 9 day of June, 20 20.

Elizabeth Zamora
Notary Public in and for the State of Texas





SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE: January 4, 2012

GRANTOR: Nueces Capital Partners, Ltd., a Texas limited partnership (as to an undivided 1/3 interest); Craig M. Van De Mark (as to an undivided 1/3 interest); and Brian Van De Mark (as to an undivided 1/3 interest)

GRANTOR'S MAILING ADDRESS:

Craig M. Van De Mark and Nueces Capital Partners, Ltd.
3865 Chevy Chase Drive, Houston, TX 77009

Brian Van De Mark
46E Queen Anne Way, Chester, MD 21619

GRANTEE: 1801 Westlake Drive Venture LLC, a Texas limited liability company

GRANTEE'S MAILING ADDRESS: 3865 Chevy Chase Drive, Houston, TX 77019

CONSIDERATION:

Cash and other valuable consideration.

PROPERTY (including any improvements):

See Exhibit "A" attached hereto and made a part hereof.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to the items listed on Exhibit "B" attached hereto and made a part hereof to the extent that they are valid, existing, properly of record and affect the property; and, subject, further, to taxes for the year 2012 and subsequent years.

SPECIAL WARRANTY DEED

Page 15

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor, but not otherwise.

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

Nueces Capital Partners, Ltd., a Texas limited partnership

By: Nueces Capital Partners Management, Company, LLC, a Texas limited liability its company, its General Partner

By: Craig M. L.

Name: Craig M. Van De Mark

Title: Manager

Craig M. L.

Craig M. Van De Mark also known as
Craig Van De Mark

Brian Van De Mark

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor, but not otherwise.

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

Nueces Capital Partners, Ltd., a Texas limited partnership

By: Nueces Capital Partners Management, Company, LLC, a Texas limited liability its company, its General Partner

By: _____

Name: Craig M. Van De Mark

Title: Manager

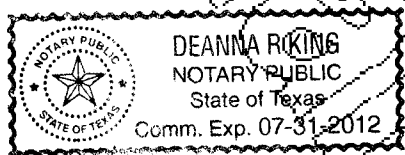
Craig M. Van De Mark

Brian Van De Mark
Brian Van De Mark

Acknowledgment

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 4th day of January, 2012, by Craig M. Van De Mark, Manager of Nueces Capital Partners Management Company, LLC, a Texas limited liability company, General Partner of Nueces Capital Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.

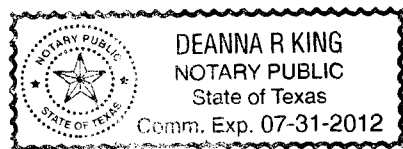


[Signature]
Notary Public, State of Texas

Acknowledgment

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 4th day of January, 2012, by Craig M. Van De Mark.



[Signature]
Notary Public, State of Texas

SPECIAL WARRANTY DEED

Page 3

Acknowledgment

STATE OF Maryland
COUNTY OF Queen Anne's

This instrument was acknowledged before me on the 4th day of January, 2012, by Brian Van De Mark.

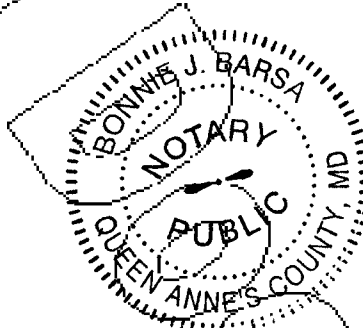
My Commission Expires 10/6/15

Bonnie J. Barsa
Notary Public, State of Maryland

After Recording Return To:

1801 Westlake Drive Venture LLC
3865 Chevy Chase Drive
Houston, TX 77019

Dj2266-sw



SPECIAL WARRANTY DEED

Page 4

EXHIBIT "A"

TRACT 1: Lot 1 of WESTLAKE COVE ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said plat corrected as to surveyor's notes by instrument recorded in Volume 13020, Page 284 of the Real Property Records of Travis County, Texas.

TRACT 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "Second Tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483 of the Official Public Records of Travis County, Texas.

EXHIBIT B

Volume 82, Page 41 of the Plat Records and Volume 651, Page 68 and Volume 847, Page 77 of the Deed Records, all of Travis County, Texas. (TRACT 1)

Volume 818, Page 568 of the Deed Records of Travis County, Texas. (TRACT 2)

1. **Perpetual easement and right to the use and control of inundation submerge and overflow granted to the City of Austin by instrument dated February 2, 1939, recorded in Volume 608, Page 196 of the Deed Records of Travis County, Texas. (TRACT 2)**
2. **Electric transmission and/or distribution line easement granted to the City of Austin by instrument dated October 15, 1940, recorded in Volume 659, Page 558 of the Deed Records of Travis County, Texas. (TRACT 2)**
3. **Reverter rights for violation of restrictions set forth in deeds dated (i) May 19, 1940, recorded in Volume 651, Page 68 and (ii) March 10, 1947, recorded in Volume 847, Page 77 of the Deed Records of Travis County, Texas. (TRACT 1)**
4. **An undivided One-Half (1/2) interest in and to all of the oil, gas and other minerals, together with all rights related thereto, expressed or implied, all of which are expressly excepted herefrom and not insured hereunder, reserved in deeds dated (i) May 19, 1940, recorded in Volume 651, Page 68 and (ii) March 10, 1947, recorded in Volume 847, Page 77 of the Deed Records of Travis County, Texas. Said mineral estate not traced further herein. (TRACT 1)**
5. **An undivided One-Half (1/2) interest in and to all of the oil, gas and other minerals, together with all rights related thereto, expressed or implied, all of which are expressly excepted herefrom and not insured hereunder, reserved in deeds dated June 10, 1944, recorded in Volume 818, Page 568 of the Deed Records of Travis County, Texas. Said mineral estate not traced further herein. (TRACT 2)**
6. **An undivided One-Half (1/2) interest in and to all of the oil, gas and other minerals, together with all rights related thereto, expressed or implied, all of which are expressly excepted herefrom and not insured hereunder, reserved in deeds dated April 15, 1938, recorded in Volume 589, Page 44 of the Deed Records of Travis County, Texas. Said mineral estate not traced further herein. (TRACT 2)**
7. **Building setback lines of varied distances located along the perimeters of the property as shown on the plat recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. (TRACT 1)**
8. **Drainage easement of varied width located along the northerly, easterly and southerly property lines as shown on the plat recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. (TRACT 1)**
9. **Right-of-way easement for the purpose of maintaining and connecting a wastewater line retained in deed dated August 1, 1978, recorded in Volume 6270, Page 2156 of**

the Deed Records of Travis County, Texas. (TRACT 2)

10. Intentionally Deleted
11. Terms, conditions and stipulations contained in that certain Service and Easement Agreement dated January 29, 1998, by and between Scott Vandermark and Time Warner Entertainment - Advance/Newhouse Partnership d/b/a Time Warner Cable, evidenced by that certain Easement and Memorandum recorded in Volume 13123, Page 231 of the Real Property Records of Travis County, Texas. (TRACT 1)
12. Terms, conditions and stipulations contained in that certain Cable Television Installation Agreement dated May 1, 1984, by and between Lou Williams and American Television and Communications Corporation dba Austin Cablevision evidenced by that certain Easement and Memorandum recorded in Volume 8863, Page 84 of the Real Property Records of Travis County, Texas. (TRACT 1)
13. Changes in area or boundary resulting from erosion, accretion or avulsion caused by Colorado River (Lake Austin), which forms a boundary of the subject property. (TRACT 2)
14. Any and all leases, recorded or unrecorded, with rights of tenants in possession.
15. Intentionally Deleted
16. Intentionally Deleted
17. Encroaching of building into 10 foot wide drainage easement as shown on survey dated November 3, 2011, prepared by Thomas P. Dixon, Registered Professional Land Surveyor No. 4324 ("the Survey").
18. Location of electric line and anchor wire as shown on the Survey
19. Encroachment of wood deck, concrete walk and pool into drainage easement as shown on the Survey.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jan 06, 2012 03:55 PM 2012002571
BENAVIDESV: \$44.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Dec 23, 2019 09:30 AM Fee: \$42.00

2019201354

Electronically Recorded

This page is
intentionally added for
electronic file stamp.

SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF TRAVIS

§

§

THAT **1801 WESTLAKE DRIVE VENTURE LLC**, a Texas limited liability company ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by **BRIAN S. VAN DE MARK**, an individual residing in Chester, Maryland ("Grantee"), whose mailing address is 1622 Bayside Drive, Chester, Maryland 21619, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, subject to all of the matters set forth or referred to herein, has GRANTED, SOLD, AND CONVEYED, and by these presents does GRANT, SELL, AND CONVEY unto Grantee an undivided 33.33 percent interest in those two (2) certain tracts or parcels of land, with Tract 1 containing approximately 1.98 acres and Tract 2 containing approximately 0.40 acres, both lying and being situated in the State of Texas and County of Travis, being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (collectively, the "Property"), together with (a) all improvements thereon, (b) all rights and appurtenances belonging or pertaining thereto, (c) all right, title and interest of Grantor in and to all strips, gores, easements, leases, rights of ingress or egress, streets, alleys and other rights-of-way abutting, adjoining or benefiting such land or improvements, and (d) all right, title and interest of Grantor in and to all applications, permits, plats, plans, governmental approvals, soils and engineering reports, reimbursements for costs or fees paid relating to such land, development fees, development fee waivers or credits or other entitlements.

from any applicable governmental authority relating to such land, utility service commitments or allocations, and all other rights and benefits relating to the development of such land.

THIS CONVEYANCE is made and accepted subject to any and all matters, restrictions, covenants, conditions, ordinances, rights of way, easements, shortages in area, matters shown on surveys, maps or plats, maintenance charges and the lien securing said charges, and all outstanding mineral and royalty interests, if any, affecting the Property, filed of public record in the office of the County Clerk of Travis County, Texas to the extent, but only to the extent, the same are now in force and effect and relate to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee and Grantee's successors and assigns, forever; and, subject to all of the matters set forth or referred to herein, Grantor does hereby bind itself and its successors to **WARRANT and FOREVER DEFEND** all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

AD VALOREM TAXES with respect to the Property for the current year have been prorated as of the date hereof and Grantee assumes and agrees to pay the same.

EXECUTED effective as of the 2nd day of December, 2019

1801 WESTLAKE DRIVE VENTURE LLC
a Texas limited liability company

By: Craig M. Van De Mark, Manager
Craig M. Van De Mark, Manager

By: Brian S. Van De Mark, Manager
Brian S. Van De Mark, Manager

THE STATE OF TEXAS

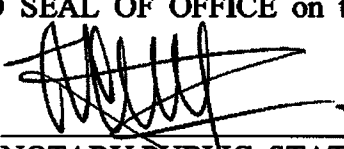
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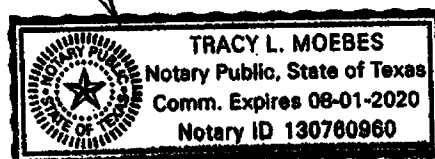
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Craig M. Van De Mark, Manager of 1801 Westlake Drive Venture LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 20th day of December, 2019.

STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:


NOTARY PUBLIC, STATE OF TEXAS



THE STATE OF MARYLAND

§

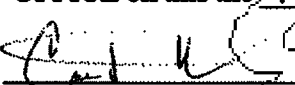
COUNTY OF QUEEN ANNE'S

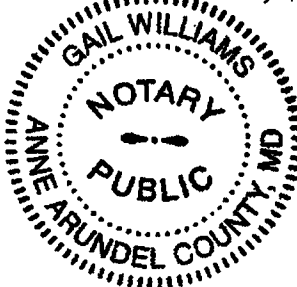
§

BEFORE ME, the undersigned authority, on this day personally appeared Brian S. Van De Mark, Manager of 1801 Westlake Drive Venture LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 18th day of December, 2019.

STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW: 4.24.2021


NOTARY PUBLIC, STATE OF Maryland



AFTER RECORDING RETURN TO:

Craig M. Van De Mark
3865 Chevy Chase Drive
Houston, Texas 77019

EXHIBIT "A"**Legal Description of the Property**

TRACT 1: Lot 1 of WESTLAKE COVE ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said Plat corrected as to surveyor's notes by instrument recorded in Volume 13020, page 284 of the Real Property Records of Travis County, Texas.

TRACT 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "Second Tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483 of the Official Public Records of Travis County, Texas.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Dana DeBeauvoir

Dana DeBeauvoir, County Clerk

Travis County, Texas

Dec 23, 2019 09:30 AM Fee: \$42.00

2019201355

Electronically Recorded

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SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
 COUNTY OF TRAVIS §

THAT **BRIAN S. VAN DE MARK**, an individual residing in Chester, Maryland ("Grantor") whose mailing address is 1622 Bayside Drive, Chester, Maryland 21619, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by **BV AUSTIN APARTMENTS, LLC**, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which consideration is hereby acknowledged and confessed, subject to all of the matters set forth or referred to herein, has GRANTED, SOLD, AND CONVEYED and by these presents does GRANT, SELL, AND CONVEY unto Grantee an undivided 33.33 percent interest in those two (2) certain tracts or parcels of land, with Tract 1 containing approximately 1.98 acres and Tract 2 containing approximately 0.40 acres, both lying and being situated in the State of Texas and County of Travis, being more particularly described on **Exhibit "A"** attached hereto and made a part hereof for all purposes (collectively, the "**Property**"), together with (a) all improvements thereon, (b) all rights and appurtenances belonging or pertaining thereto, (c) all right, title and interest of Grantor in and to all strips, gores, easements, leases, rights of ingress or egress, streets, alleys and other rights-of-way abutting, adjoining or benefiting such land or improvements, and (d) all right, title and interest of Grantor in and to all applications, permits, plats, plans, governmental approvals, soils and engineering reports, reimbursements for costs or fees paid relating to such land, development fees, development fee waivers or credits or other entitlements from any applicable governmental authority

relating to such land, utility service commitments or allocations, and all other rights and benefits relating to the development of such land.

THIS CONVEYANCE is made and accepted subject to any and all matters, restrictions, covenants, conditions, ordinances, rights of way, easements, shortages in area, matters shown on surveys, maps or plats, maintenance charges and the lien securing said charges, and all outstanding mineral and royalty interests, if any, affecting the Property, filed of public record in the office of the County Clerk of Travis County, Texas to the extent, but only to the extent, the same are now in force and effect and relate to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee and Grantee's successors and assigns, forever; and, subject to all of the matters set forth or referred to herein, Grantor does hereby bind itself and its successors to **WARRANT and FOREVER DEFEND** all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

AD VALOREM TAXES with respect to the Property for the current year have been prorated as of the date hereof and Grantee assumes and agrees to pay the same.

EXECUTED effective as of the 3rd day of December, 2019.

Brian S. Van De Mark

Brian S. Van De Mark



EXHIBIT "A"**Legal Description of the Property**

TRACT 1: Lot 1 of WESTLAKE COVE ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said Plat corrected as to surveyor's notes by instrument recorded in Volume 13020, page 284 of the Real Property Records of Travis County, Texas.

TRACT 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "Second Tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483 of the Official Public Records of Travis County, Texas.

Informational Statement

1. The proposed PD District is compatible with the City's Comprehensive Plan in that it retains the current base zoning district classification of R-3 and maintains the use as a low-density multi-family project, without increasing impervious cover or reducing building setbacks. This is accomplished while providing for private covered parking for each unit, designated visitor parking, and code compliant fire department emergency access and turnaround capability.
2. The total acreage of the proposed PD District is 1.948 acres.
3. The development will consist of one 3-story residential building and one 4-story residential building which will be built out in its entirety in one phase.
4. An aerial photograph with the boundaries of the PD Master Plan is attached hereto.

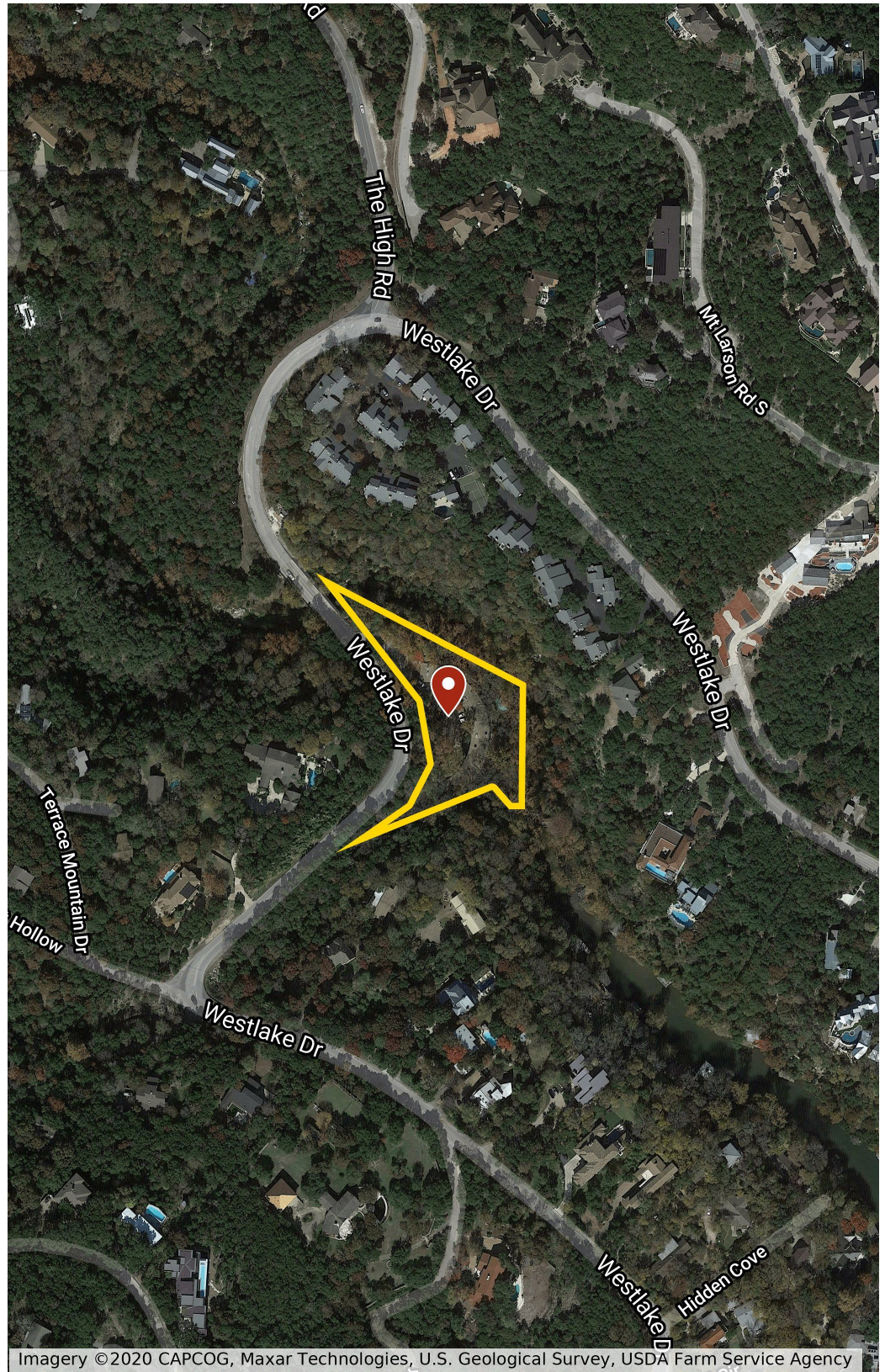
1801 Westlake Drive Aerial Map

Untitled layer

 1801 Westlake Drive

 1801 Westlake Dr

Aerial View with Boundaries



Imagery ©2020 CAPCOG, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency

ORDINANCE NO _____

PLANNED DEVELOPMENT DISTRICT #6:

Lago Creek

AN ORDINANCE ENACTING CHAPTER 38, ARTICLE 38.03, DIVISION 2, SECTION 38.03.47 OF THE WEST LAKE HILLS CODE OF ORDINANCES; ESTABLISHING PLANNED DEVELOPMENT DISTRICT NUMBER 6; DESIGNATING THE ZONING OF SUCH PROPERTY AS A PLANNED DEVELOPMENT DISTRICT; APPROVING A PD MASTER PLAN; APPROVING DEVELOPMENT STANDARDS AND CONTAINING OTHER PROVISIONS RELATING TO THE PLANNED DEVELOPMENT DISTRICT; PROVIDING A REPEALER AND SAVINGS CLAUSE, SEVERABILITY CLAUSE; AND PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of West Lake Hills (the "City") previously adopted Article 38.06 of the City Code, the City's Planned Development District Ordinance (the "PD District Ordinance"), which provides standards and procedures for the legislative creation of specialized zoning districts crafted specifically for certain land endeavors (each, a "PD District"); and

WHEREAS, 1801 Westlake Drive Venture, LLC and BV Austin Apartments, LLC (the "Property Owner") has applied to the City for the creation of a PD District over the 2.3352 acres consisting of two (2) tracts of land at 1801 Westlake Drive, West Lake Hills, Texas, Travis County, described as follows:

Tract 1: Lot 1 of WESTLAKE COVE ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said Plat corrected as to surveyor's notes by instrument recorded in Volume 13020, Page 284 of the Real Property Records of Travis County, Texas.

Tract 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "Second Tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483, of the Official Public Records of Travis County, Texas.

(See *Exhibit "A"* to *Attachment "A"* to this Ordinance) (the "Property"); and

WHEREAS, in support of its application for the development of a condominium on the Property (the "Project"), the Property Owner has submitted to the City the proposed PD

Master Plan attached as **Exhibit "B"** to **Attachment "A"** to this ordinance (the "PD Master Plan"), an information statement, the proposed PD district development standards, and other information required by the City's PD District Ordinance; and

WHEREAS, the proposed changes were reviewed by City staff, including the City's Land Planner, with the consensus being that the proposed changes are reasonable under the circumstances and consistent with Article 38.06 and the PD Master Plan; and

WHEREAS, the City's Building Design Committee reviewed proposal in its early stages; and

WHEREAS, after public notice as required by law, a public hearing was held before the Zoning and Planning Commission (ZAPCO) on October 21, 2020, at which public testimony was received and information was considered for and against proposed changes in certain zoning classifications; and

WHEREAS, after public notice and public hearing on the proposal, ZAPCO recommended approval of the proposed changes; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council now desires to enact an ordinance approving the PD zoning, PD Development Standards, PD Master Plan, and landscape plan for the Property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Lake Hills, Texas, that:

1. DEFINITIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this section shall have the meaning customarily assigned to them.

- A. *City*. The City of West Lake Hills, an incorporated municipality located in Travis County, Texas.
- B. *City's Code of Ordinances (Code of Ordinances)*. Shall mean the City of West Lake Hills, Texas, adopted Code of Ordinances as adopted or may be amended.
- C. *Development Approvals*. Applications for permits for the Project, including but not limited to building permits, site plan, plats, tree removal permits, which are submitted in conformance with the PD Master Plan, Code of Ordinances, and this Planned Development District.
- D. *Drainage Easement*. Zone reserved for unobstructed drainage flow purposes that may be amended from time to time with the consent of the City engineer, provided the area remaining reserved for such purpose is adequate to contain the stormwater runoff.

- E. *Effective Date.* The date upon which this Ordinance is approved by City Council.
- F. *Condominium Owners Association.* A homeowners' or property owners' association established by condominium declarant, as a permanent entity to support long term property maintenance interests of the site. Among these interests will be management of assessments, maintenance over general common areas, and review and approval of all repairs or remodeling to any units.
- G. *PD Master Plan.* A development plan that serves as the basis for the enactment of a planned development district. The plan may be for one or more lots. The plan depicts the existing and proposed conditions of the lot, including: water features; landscaping and open spaces; walkways, means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; screening devices; and any other information required by the City's Code of Ordinances. A PD Master Plan is not required to have an engineer's seal.
- H. *Property Owner.* Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of a structure, building or land.

2. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

3. ENACTMENT

- A. **Codification.** Chapter 38, Article 38.03, Division 2, Section 38.03.47 of the City of West Lake Hills Code of Ordinances is hereby established to read in accordance with *Attachment "A"*, which is attached and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.
- B. **Zoning Map.** The official zoning map established under Section 38.03.003 of the City's Code of Ordinances is amended to reflect the zoning designations established in *Attachment "A"*.
- C. **Development Plan:** This Ordinance, together with the Attachments and related exhibits, constitutes the development plan for the PD District for the Property created by this Ordinance. All land use and development within the PD District for the Property must conform to the limitations and conditions set forth in this Ordinance, the Attachments, and related exhibits.
- D. **PD Master Plan.** The PD Master Plan attached as *Exhibit "B"* to *Attachment "A"* is hereby approved. Permits for the Project will be issued by the City upon request for construction activities in conformance with this Ordinance, the PD Master Plan, and Applicable regulations.

- E. Application Regulations.** Except as otherwise specifically provided by this Ordinance, the Attachments, and related exhibits, the Project is subject to all provisions of the City's Code of Ordinances in effect on the date of the City's receipt of a complete application for a permit required by the Code of Ordinances. To the extent any provision of this Ordinance or the Attachments and related exhibits conflict with any provision of the Code of Ordinances or any related regulations, the provisions of this Ordinance, the Attachments, and related exhibits will control.
- F. Variances.** To the extent specific, enumerated provisions of this Ordinance vary from particular provisions of the Code of Ordinances, the approval of this Ordinance, the Attachments, and the related exhibits will be deemed to constitute the approval of variances from those conflicting provisions of the Code of Ordinances.
- G. Attachments and Exhibits.** The following Attachments and their related exhibits are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

Attachment A: Chapter 38, Article 38.03, Division 2, Section 38.03.47, Code of Ordinances, with the following exhibits:

Exhibit A: Survey

Exhibit B: PD Master Plan

Exhibit C: Variance and Code Deviations Chart

4. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed as applied to this Project, to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

6. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

7. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

8. ENFORCEMENT

The provisions of this Ordinance may be enforced through civil and criminal means in accordance with the Code of Ordinances and state law.

9. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose said meeting was given as required by the Open Meetings Act, chapter 551 of the Texas Government Code. Notice was also provided as required by chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the _____ day of _____, 2020, by a vote of ____ (*ayes*) to ____ (*nays*) to ____ (*abstentions*) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

By: _____
_____, Mayor

By: _____
_____, City Secretary

Attachment "A"

City of West Lake Hills
Code of Ordinances
CHAPTER 38: ZONING
ARTICLE 38.03: ZONING DISTRICTS
DIVISION 1. GENERALLY
Sec. 38.03.001 Classification of districts

The city is hereby divided into the following zoning districts:

<u>Abbreviated</u>	<u>Zoning District Designation</u>
R-1	One-Family Residential
R-2	Two-Family Residential
R-3	Transitional Residential
O	Professional and Business Office
B-1	Business 1
B-2	Business 2
B-3	Business 3
GUI	Government, Utility and Institutional
MU1	Mixed Use 1
CO	Conditional Overlay
PDD #1	Planned Development District Number 1
PDD #2	Planned Development District Number 2
PDD #3	Planned Development District Number 3
PDD #4	Planned Development District Number 4
PDD #5	Planned Development District Number 5
<u>PDD #6</u>	<u>Planned Development District Number 6</u>

DIVISION 2. USE REGULATIONS

Sec.38.03.047 PDD #6 Planned Development District Number

(a) Applicability. This section shall apply solely to the following tracts, which shall herein be referred to collectively as the Property:

Tract 1: Lot 1 of WESTLAKE COVE ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said Plat corrected as to surveyor's notes by instrument recorded in Volume 13020, Page 284 of the Real Property Records of Travis County, Texas.

Tract 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "Second Tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483, of the Official Public Records of Travis County, Texas.

(b) Development Approvals. Applications for permits for the Project (including but not limited to Building Permits, Site Plan, Plats) shall be submitted in conformance with the Code of Ordinances, and this section (PDD #6). If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this section shall govern.

(c) Base Zoning District. The Property is hereby zoned PDD #6, Base District Transitional Residential (R-3), and shall hereafter be governed by the rules applying in that zoning district, as may be modified by this section.

(d) Development Standards for Property. The development regulations for Property will be consistent with those applicable to the base districts (See Sec. 38.03.047(c) above), except as otherwise provided in these development standards.

(1) Land Use. The approved use of the Property is a new 18-unit condominium project described as follows:

- (i) Building 1:** A 3-story building with 3 x 2-bedroom units and 8 x 3-bedroom units. Each 2 bedroom unit will not exceed 2,200 square feet of floor area and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.
- (ii) Building 2:** A 3-story building with 2 x 2-bedroom and 5 x 3-bedroom units. Each 2-bedroom unit will not exceed a floor area of 2,200 square feet and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.

- (2) **Height.** The maximum roof height of Building 1 will be 35 feet, and the maximum roof height of Building 2 will be 35 feet.
- (3) **Density.** The maximum number of units will be 18 units: 11 units in Building 1 and 7 units in Building 2.
- (4) **Mass.** The entire project will have a ground footprint of 20,465 square feet: 12,675 square feet in Building 1 and 7,790 square feet in Building 2.
- (5) **Parking and Access.** Access shall include a firetruck access lane and turnaround; 22 covered parking spaces for residents in Building 1 (2 spaces per unit); 14 covered parking spaces in Building 2 (2 spaces per unit); and 5 uncovered parking spaces for guests which will include 2 handicap parking spaces, one of which will be van accessible.
- (6) **Impervious Cover.** The maximum impervious cover will be 30,653 square feet (29.55%).
- (7) **Setbacks.** The footprint of the two buildings will have the following setback lines: Front street setback is 40 feet; rear setback is 40 feet along the creek; 25 feet on the south side; and 40 feet on the north side Property Line.
- (8) **Building Design and Construction.** All building construction will conform to the applicable code provisions of the International Building Code as adopted by the City. The Building will likely be steel or concrete structure with primarily glass curtain walls. Both buildings will have a flat roof with a gravel or turf finish.
- (9) **Condominium Management.** A condominium declaration will be recorded; a condominium owners association will be formed; and the association's board will manage assessments, maintenance over general common areas, and review and approval of all repairs or remodeling to any units. A copy of the declaration will be made available for final approval by the City Council.

Waterloo Surveyors Inc.
SURVEY PLAT

EXHIBIT "A"

J13032A

TREE NOTE:

THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER. GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4.5 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

TREE, DRIPLINE & NUMBER

TREES TO BE REMOVED *(#, TYPE, SIZE)*
FLAGGED TREES +(#, TYPE, SIZE)+

TREE LIST:

TYPE SIZE
21, LIVE OAK 16"
22, LIVE OAK 10"
69, SYCAMORE 17"
70, SYCAMORE 20"
71, SYCAMORE 8"
75, HACKBERRY 19" 18"
76, CHINABERRY 8"
77, ELM 9"
78, ELM 8"
79, SYCAMORE 18"
80, SYCAMORE 12"
81, SYCAMORE 14"
82, SYCAMORE 8"
83, HACKBERRY 9"
84, HACKBERRY 11"
85, HACKBERRY 11"
86, HACKBERRY 11"
87, SYCAMORE 17"
88, SYCAMORE 10"
89, ELM 16"
90, SYCAMORE 8"
104, HACKBERRY 11"
105, SYCAMORE 16"
106, ELM 8" 5"
107, ELM 9"
108, JUNIPER 9"
109, SYCAMORE 9"
110, JUNIPER 11"
111, SYCAMORE 10"
114, CHINABERRY 8"
116, SYCAMORE 9"
117, JUNIPER 9"
118, CHINABERRY 8"
152, SYCAMORE 9" 5"
157, SYCAMORE 11"
164, SYCAMORE 9"
168, ELM 12" 7"
+190, ELM 17" 16" 13" +
+197, ELM 25" 22" +*
217, HACKBERRY 8"
219, SYCAMORE 24"
220, SYCAMORE 13"
221, ELM 11"
222, SYCAMORE 11"
223, HACKBERRY 9"
224, SYCAMORE 18"
225, SYCAMORE 20"
226, ELM 13"
227, ELM 11" 8"
228, SYCAMORE 14"
229, SYCAMORE 12"
230, HACKBERRY 10"
232, CYPRESS 17"
233, SYCAMORE 9"
234, SYCAMORE 26"
235, SYCAMORE 19"

TREE LIST: (cont.)

TYPE SIZE
236, SYCAMORE 11"
237, ELM 10"
238, SYCAMORE 12"
240, SYCAMORE 17"
242, SYCAMORE 8"
251, SYCAMORE 13"
252, SYCAMORE 17"
+*278, ELM 20" 15" +*
+*285, ELM 24" +*
306, SYCAMORE 16"
313, ELM 15"
315, ELM 13"
321, SYCAMORE 17"
+357, ELM 8" 8" 7" 5" 9" +
+358, ELM 20" +
359, SYCAMORE 17"
360, SYCAMORE 13" 10"
361, HACKBERRY 10"
362, SYCAMORE 32"
363, HACKBERRY 10"
364, SYCAMORE 12"
365, SYCAMORE 25"
373, SYCAMORE 12"
374, SYCAMORE 14"
375, ELM 8"
384, SYCAMORE 10"
385, SYCAMORE 9"
388, ELM 25"
389, ELM 11"
+404, ELM 27" +
406, LIGUSTRUM 9"
407, ELM 18"
408, ELM 12"
409, ELM 10"
410, ELM 12"
412, SYCAMORE 18"
413, LIGUSTRUM 9" 7"
414, ELM 13"
415, SYCAMORE 29"
422, SYCAMORE 14"
425, SYCAMORE 20"
+430, SYCAMORE 24" +
439, SYCAMORE 21"
441, SYCAMORE 19"
452, SPANISH OAK 14"
454, JUNIPER 13"
455, JUNIPER 13"
+*457, ELM 22" 17" +*
460, HACKBERRY 21"
463, HACKBERRY 8"
466, JUNIPER 8"
467, ELM 8"
468, ELM 8" 7"
469, JUNIPER 11"
471, LIGUSTRUM 8" 4"
473, ELM 25"

TREE LIST: (cont.)

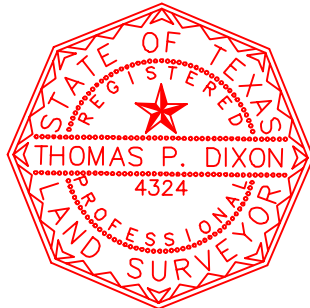
TYPE SIZE
476, ELM 17"
477, LIGUSTRUM 10"
+490, CHINABERRY 16" *
+491, CHINABERRY 17" 6" 5" +
504, ELM 10"
505, ELM 20"
507, ELM 11"
509, ELM 11"
512, ELM 19"
513, HACKBERRY 14"
514, HACKBERRY 8" 7"
515, ELM 11"
+*564, ELM 19" +*
565, ELM 8"
566, SYCAMORE 9"
567, SYCAMORE 12"
568, ELM 8"
569, ELM 8"
570, SYCAMORE 16"
571, SYCAMORE 17"
575, ELM 18"
576, ELM 15"
577, ELM 8"
578, SYCAMORE 9"
579, SYCAMORE 8"
580, ELM 17"
+583, SPANISH OAK 8" *
590, LIGUSTRUM 8"
592, HACKBERRY 8"
593, SYCAMORE 16"
596, SYCAMORE 16"
597, SYCAMORE 8"
598, ELM 9"
602, JUNIPER 8"
604, JUNIPER 8"
608, SPANISH OAK 9"
610, SPANISH OAK 8" 7"
611, JUNIPER 10"
613, JUNIPER 11"
634, JUNIPER 10" 6" 5"
635, JUNIPER 10"
642, LIGUSTRUM 9" 5"
643, LIGUSTRUM 9" 7" 4"
644, ASH 9"
646, ELM 19"

TREE LIST: (cont.)

TYPE SIZE
655, HACKBERRY 11
656, CREPE MYRTLE 8 6
657, CREPE MYRTLE 12
658, SYCAMORE 7
659, JUNIPER 6
660, CHINABERRY 4
661, HACKBERRY 4
662, dead SYCAMORE 4
663, CHINABERRY 6
664, ELM 5
665, ELM 4
666, CHINABERRY 4
667, CREPE MYRTLE 6
668, tree 3 3 3 2
669, SYCAMORE 14
670, RED OAK 8
671, PALM 6 4
672, dead SYCAMORE 4
673, SYCAMORE 14
674, LIGUSTRUM 3 3 2 2 2 2
675, LOQUAT 6
676, CREPE MYRTLE 2 2 2
677, LOQUAT 5
678, JUNIPER 6
679, HACKBERRY 6
680, JUNIPER 6
681, SPANISH OAK 8
682, LOQUAT 5 4
683, JUNIPER 7 3
684, SPANISH OAK 4
685, JUNIPER 5
686, JUNIPER 8
687, HACKBERRY 5
689, LIGUSTRUM 7
690, SYCAMORE 20 5
691, SYCAMORE 20

SCALE
1" = 40'

LEGEND
FOUND 1/2" IRON ROD FIRC
FOUND "X" FNDX
FOUND 1/2" IRON ROD W/CAP FIRC
WOOD FENCE - - - - -
WROUGHT IRON FENCE - X - X -
GUARD RAIL - X - X -
WATER METER (W)
UTILITY POLE & ELECTRIC LINE
CLEANOUT (C)
(RECORD)



State of Texas:
County of Travis:

Thomas P. Dixon R.P.L.S. 4324
FIRM #10124400

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 5 6 Conditions II Survey.

And I certify that the property shown hereon IS PARTIALLY within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445J, Zone: A & AE, Dated: 1/6/216.

Dated this the 3rd day of NOVEMBER, 2011.
Tree & topography added this the 4th day of JUNE, 2018.
Trees updated this the 5th day of AUGUST, 2020.

OWNER:
1801 WESTLAKE DRIVE VENTURE, LLC

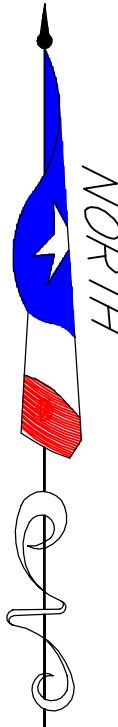
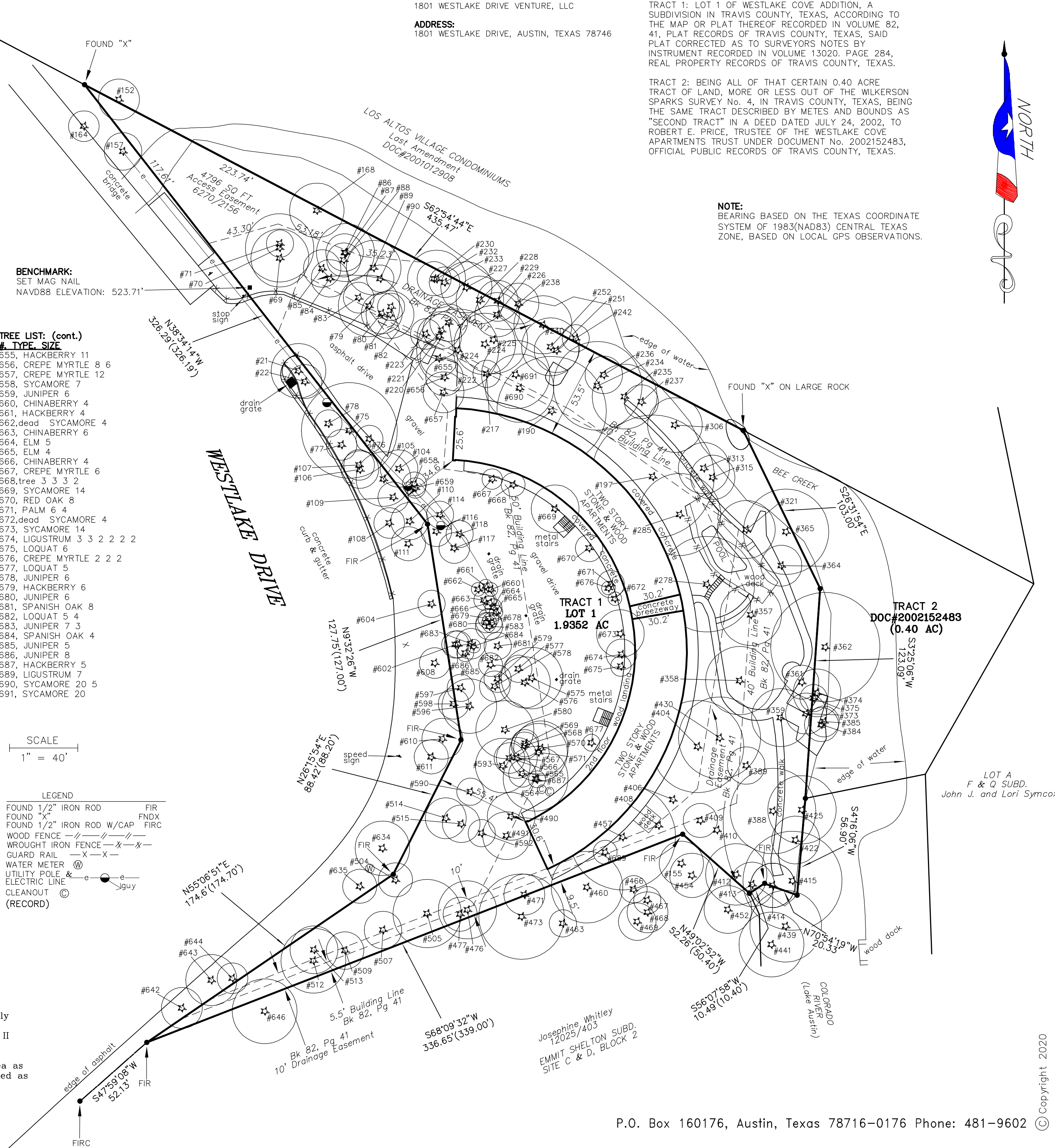
ADDRESS:
1801 WESTLAKE DRIVE, AUSTIN, TEXAS 78746

LEGAL DESCRIPTION:

TRACT 1: LOT 1 OF WESTLAKE COVE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 82, 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID PLAT CORRECTED AS TO SURVEYORS NOTES BY INSTRUMENT RECORDED IN VOLUME 13020. PAGE 284, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 2: BEING ALL OF THAT CERTAIN 0.40 ACRE TRACT OF LAND, MORE OR LESS OUT OF THE WILKERSON SPARKS SURVEY No. 4, IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED BY METES AND BOUNDS AS "SECOND TRACT" IN A DEED DATED JULY 24, 2002, TO ROBERT E. PRICE, TRUSTEE OF THE WESTLAKE COVE APARTMENTS TRUST UNDER DOCUMENT No. 2002152483, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE:
BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(NAD83) CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.



**ATTACHMENT
TO
PD MASTER PLAN**

Development Standards for Property. The development regulations for Property will be consistent with those applicable to the base districts (See Sec. 38.03.047(c) above), except as otherwise provided in these development standards.

- (1) Land Use.** The approved use of the Property is a new 18-unit condominium project described as follows:

 - (i) Building 1:** A 3-story building with 3 x 2-bedroom units and 8 x 3-bedroom units. Each 2 bedroom unit will not exceed 2,200 square feet of floor area and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.
 - (ii) Building 2:** A 3-story building with 2 x 2-bedroom and 5 x 3-bedroom units. Each 2-bedroom unit will not exceed a floor area of 2,200 square feet and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.
- (2) Height.** The maximum height roof of Building 1 will be 35 feet, and the maximum roof height of Building 2 will be 35 feet.
- (3) Density.** The maximum number of units will be 18 units: 11 units in Building 1 and 7 units in Building 2.
- (4) Mass.** The entire project will have a ground footprint of 20,465 square feet: 12,675 square feet in Building 1 and 7,790 square feet in Building 2.
- (5) Parking and Access.** Access shall include a firetruck access lane and turnaround; 22 covered parking spaces for residents in Building 1 (2 spaces per unit); 14 covered parking spaces in Building 2 (2 spaces per unit); and 5 uncovered parking spaces for guests which will include 2 handicap parking spaces, one of which will be van accessible.
- (6) Impervious Cover.** The maximum impervious cover will be 30,653 square feet (29.55%).
- (7) Setbacks.** The footprint of the two buildings will have the following setback lines: Front street setback is 40 feet; rear setback is 40 feet along the creek; 25 feet on the south side; and 40 feet on the north side Property Line.

#	TYPE	SIZE	#	TYPE	SIZE	#	TYPE	SIZE	#	TYPE	SIZE
21	LIVE OAK	16"	236	SYCAMORE	11"	476	ELM	17"	666	CHINABERRY	4"
22	LIVE OAK	10"	237	ELM	10"	477	LIGUSTRUM	10"	667	CREPE MYRTLE	6"
69	SYCAMORE	17"	238	SYCAMORE	12"	440	CHINABERRY	14"	668	tree	3'3"5'2'
70	SYCAMORE	20"	240	SYCAMORE	17"	441	CHINABERRY	14"	669	SYCAMORE	8"
71	SYCAMORE	8"	242	SYCAMORE	8"	501	ELM	10"	670	RED OAK	4"
75	HACKBERRY	15" [B]	243	SYCAMORE	8"	505	ELM	20"	671	PALM	6'4"
76	HACKBERRY	8"	252	SYCAMORE	17"	507	ELM	11"	672	SYCAMORE (DEAD)	4"
77	ELM	4"	278	ELM	20" [5]	504	ELM	11"	613	SYCAMORE	14"
78	ELM	8"	285	ELM	24"	512	ELM	14"	614	LIGUSTRUM	3'2'2'2'
80	SYCAMORE	18"	306	SYCAMORE	16"	513	HACKBERRY	6"	615	LOQUAT	6"
81	SYCAMORE	12"	315	ELM	5"	514	HACKBERRY	8" [7]	616	CREPE MYRTLE	2'2'2'2'
82	SYCAMORE	14"	315	ELM	13"	515	ELM	11"	617	LOQUAT	5"
83	SYCAMORE	8"	321	SYCAMORE	17"	564	ELM	14"	618	JUNIFER	6"
84	HACKBERRY	9"	331	ELM	8" [5'1'5'9]	565	ELM	9"	619	HACKBERRY	6"
85	HACKBERRY	11"	353	ELM	20"	565	SYCAMORE	9"	620	JUNIFER	6"
85	HACKBERRY	11"	359	SYCAMORE	17"	567	SYCAMORE	12"	681	SPANISH OAK	8"
86	HACKBERRY	11"	360	SYCAMORE	13'10"	568	ELM	8"	682	LOQUAT	5'4"
87	SYCAMORE	17"	361	HACKBERRY	10"	569	ELM	8"	683	JUNIFER	7'3"
88	SYCAMORE	10"	362	SYCAMORE	32"	570	SYCAMORE	16"	684	SPANISH OAK	4"
89	ELM	16"	371	HACKBERRY	10"	571	SYCAMORE	17"	685	JUNIFER	6"
90	SYCAMORE	8"	364	SYCAMORE	12"	575	ELM	15"	686	JUNIFER	5"
104	HACKBERRY	11"	365	SYCAMORE	25"	576	ELM	15"	687	HACKBERRY	5"
105	SYCAMORE	16"	373	SYCAMORE	12"	577	ELM	8"	688	LIGUSTRUM	7"
106	ELM	8" [5]	374	SYCAMORE	14"	578	SYCAMORE	9"	690	SYCAMORE	20'5"
107	ELM	4"	375	ELM	8"	579	SYCAMORE	8"	691	SYCAMORE	20"
108	JUNIFER	4"	384	SYCAMORE	10"	580	ELM	17"			
109	SYCAMORE	4"	385	SYCAMORE	4"	583	SPANISH OAK	8"			
110	JUNIFER	11"	388	ELM	25"	590	LIGUSTRUM	8"			
111	SYCAMORE	10"	388	ELM	11"	592	HACKBERRY	8"			
114	CHINABERRY	9"	404	ELM	21"	593	SYCAMORE	16"			
116	SYCAMORE	4"	406	LIGUSTRUM	4"	596	SYCAMORE	16"			
117	JUNIFER	4"	407	ELM	18"	547	SYCAMORE	8"			
118	CHINABERRY	9"	408	ELM	12"	548	ELM	9"			
158	SYCAMORE	4" [5]	409	ELM	10"	602	JUNIFER	8"			
157	SYCAMORE	11"	410	ELM	12"	604	JUNIFER	6"			
164	SYCAMORE	4"	412	SYCAMORE	18"	608	SPANISH OAK	9"			
168	ELM	12'7"	413	LIGUSTRUM	9'7"	610	SPANISH OAK	8'7"			
190	ELM	17'16" [15]	414	ELM	13"	611	JUNIFER	10"			
197	ELM	25'22"	415	SYCAMORE	24"	613	JUNIFER	11"			
217	HACKBERRY	8"	422	SYCAMORE	14"	634	JUNIFER	10'6" [3]			
219	SYCAMORE	24"	423	SYCAMORE	20"	635	JUNIFER	10"			
220	SYCAMORE	13"	430	SYCAMORE	24"	642	LIGUSTRUM	9'5"			
221	ELM	11"	431	SYCAMORE	21"	643	LIGUSTRUM	9'7" [4]			
222	SYCAMORE	11"	441	SYCAMORE	18"	644	ASH</				

ZONING: R-3, TRANSITIONAL
CURRENT USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL
PROPOSED USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL

THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER. GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4.5 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

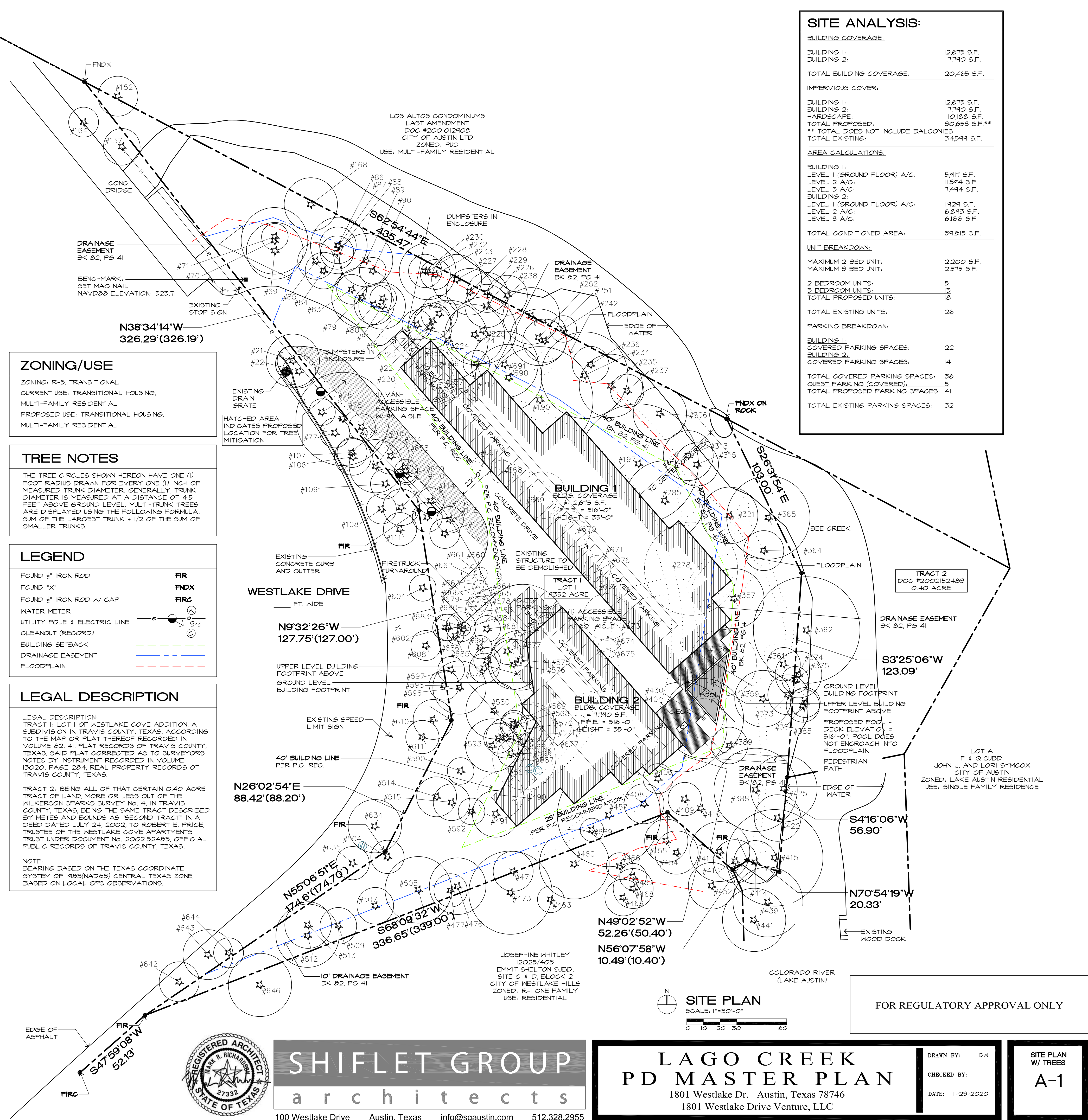
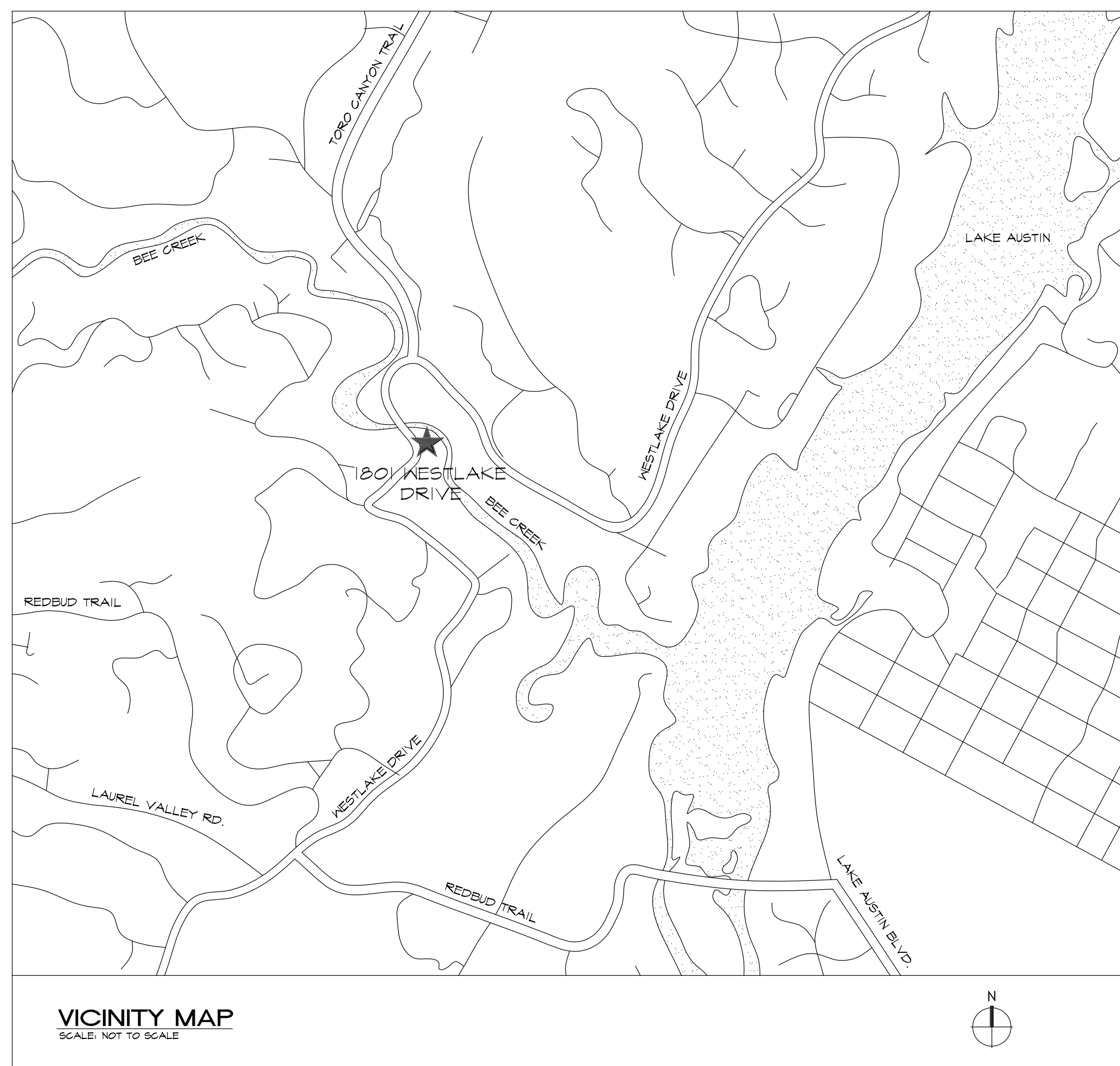
FOUND 1/2" IRON ROD	FIR
FOUND "X"	FNDX
FOUND 1/4" IRON ROD W/ CAP	FIRC
WATER METER	
UTILITY POLE & ELECTRIC LINE	
CLEANOUT (RECORD)	
BUILDING SETBACK	
DRAINAGE EASEMENT	
FLOODPLAIN	

LEGAL DESCRIPTION:
TRACT 1, LOT 1 OF WESTLAKE COVE ADDITION, A
SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING
TO THE MAP OR PLAT THEREOF RECORDED IN
VOLUME 82, 44, PLAT RECORDS OF TRAVIS COUNTY,
TEXAS, SAID PLAT CORRECTED AS TO SURVEYOR
NOTED BY INSTRUMENT RECORDED IN VOLUME
1920, PAGE 284, REAL PROPERTY RECORDS OF
TRAVIS COUNTY, TEXAS.

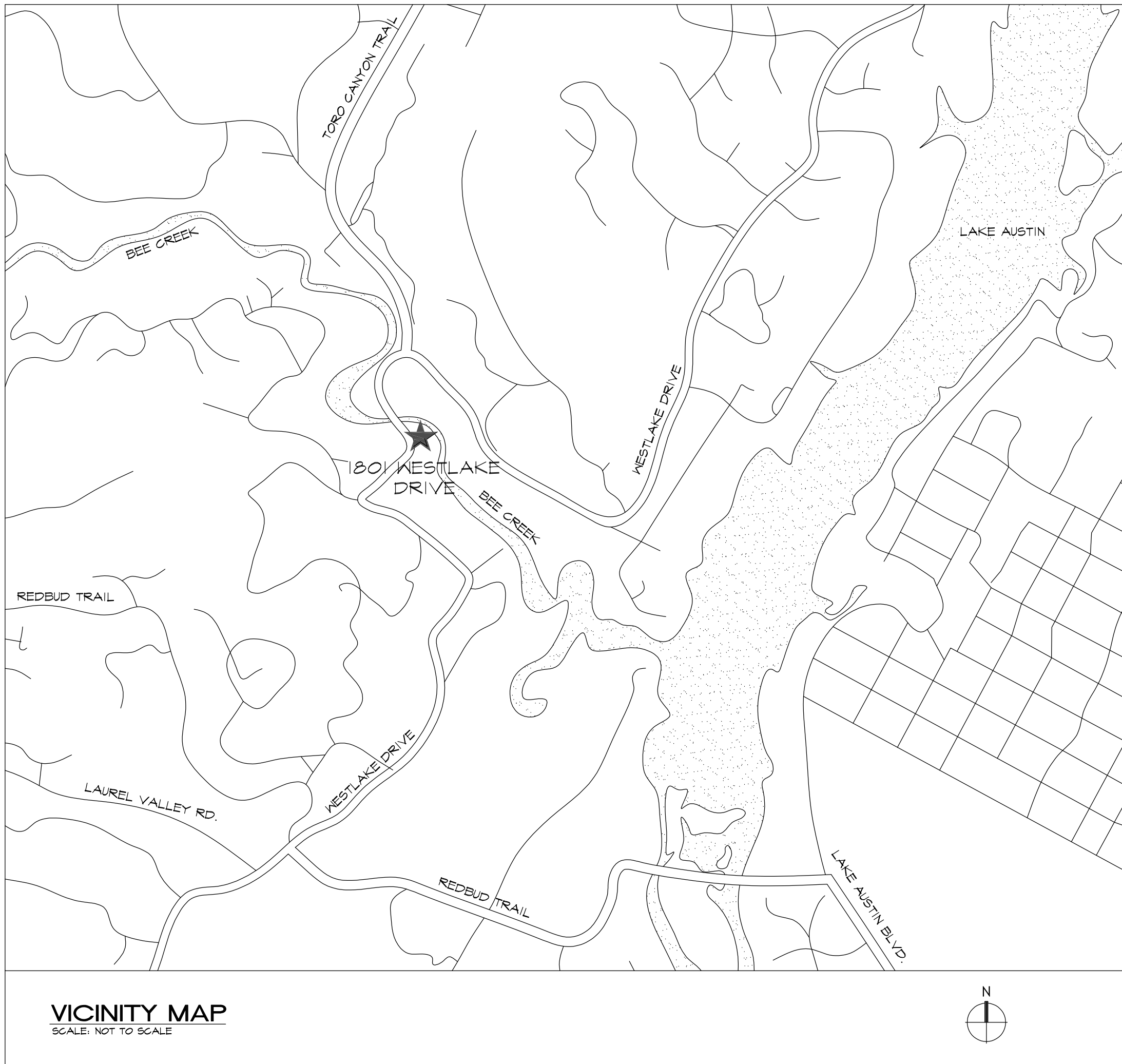
TRACT 2, BEING ALL OF THAT CERTAIN 0.40 ACRE
TRACT OF LAND MORE OR LESS OUT OF THE
WILKERSON SPARKS SURVEY NO. 4, IN TRAVIS
COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED
BY METES AND BOUNDS AS "SECOND TRACT" IN A
DEED DATED JULY 17, 2002, TO ROBERT E. FRIG
TRUSTEE OF THE WESTLAKE COVE ARTWORKS
TRUST UNDER DOCUMENT NO. 2002152483, OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE:
BEARING BASED ON THE TEXAS COORDINATE
SYSTEM OF 1983(NAD83) CENTRAL TEXAS ZONE,
BASED ON LOCAL GPS OBSERVATIONS.

<u>BUILDING COVERAGE:</u>	
BUILDING 1:	12,675 S.F.
BUILDING 2:	7,790 S.F.
TOTAL BUILDING COVERAGE:	20,465 S.F.
<u>IMPERVIOUS COVER:</u>	
BUILDING 1:	12,675 S.F.
BUILDING 2:	7,790 S.F.
HARDSHARE:	10,108 S.F.
TOTAL PROPOSED:	30,653 S.F.**
** TOTAL DOES NOT INCLUDE BALCONIES	
TOTAL EXISTING:	34,544 S.F.
<u>AREA CALCULATIONS:</u>	
BUILDING 1:	
LEVEL 1 (GROUND FLOOR) A/G:	5,917 S.F.
LEVEL 2 A/G:	11,544 S.F.
LEVEL 3 A/G:	7,444 S.F.
BUILDING 2:	
LEVEL 1 (GROUND FLOOR) A/G:	1,429 S.F.
LEVEL 2 A/G:	6,243 S.F.
LEVEL 3 A/G:	6,100 S.F.
TOTAL CONDITIONED AREA:	39,613 S.F.
<u>UNIT BREAKDOWN:</u>	
MAXIMUM 2 BED UNIT:	2,200 S.F.
MAXIMUM 3 BED UNIT:	2,375 S.F.
2 BEDROOM UNITS:	5
3 BEDROOM UNITS:	18
TOTAL PROPOSED UNITS:	18
TOTAL EXISTING UNITS:	26
<u>PARKING BREAKDOWN:</u>	
BUILDING 1:	
COVERED PARKING SPACES:	22
BUILDING 2:	
COVERED PARKING SPACES:	14
TOTAL COVERED PARKING SPACES:	36
GUEST PARKING (COVERED):	5
TOTAL PROPOSED PARKING SPACES:	41
TOTAL EXISTING PARKING SPACES:	32



TREE LIST											
#	TYPE	SIZE		#	TYPE	SIZE		#	TYPE	SIZE	
21	LIVE OAK	16"		236	SYCAMORE	11"		476	ELM	17"	
22	LIVE OAK	10"		237	ELM	10"		477	LIGUSTRUM	10"	
69	SYCAMORE	17"		238	SYCAMORE	12"		478	CHINABERRY	14"	
70	SYCAMORE	20"		240	SYCAMORE	17"		481	CHINABERRY	14"	
71	SYCAMORE	8"		242	SYCAMORE	8"		504	ELM	10"	
75	HACKBERRY	19"1/8"		251	SYCAMORE	13"		505	ELM	20"	
76	HACKBERRY	8"		252	SYCAMORE	17"		507	ELM	11"	
77	ELM	9"		278	ELM	20"1/5"		508	ELM	11"	
78	ELM	8"		285	ELM	24"		512	ELM	19"	
79	SYCAMORE	18"		306	SYCAMORE	16"		513	HACKBERRY	14"	
80	SYCAMORE	12"		313	ELM	15"		514	HACKBERRY	8"1/2"	
81	SYCAMORE	14"		315	ELM	13"		515	ELM	11"	
82	SYCAMORE	8"		321	SYCAMORE	17"		516	ELM	19"	
83	HACKBERRY	9"		357	ELM	8"8"1/2"5"9"		525	ELM	8"	
84	HACKBERRY	11"		358	ELM	20"		566	SYCAMORE	9"	
85	HACKBERRY	11"		364	SYCAMORE	17"		567	SYCAMORE	12"	
86	HACKBERRY	11"		360	HACKBERRY	13"10"		568	ELM	8"	
87	SYCAMORE	17"		361	SYCAMORE	10"		569	ELM	8"	
88	SYCAMORE	10"		362	SYCAMORE	16"		570	SYCAMORE	16"	
89	ELM	16"		363	HACKBERRY	10"		571	SYCAMORE	17"	
90	SYCAMORE	8"		364	SYCAMORE	12"		575	ELM	18"	
104	HACKBERRY	11"		365	SYCAMORE	25"		576	ELM	15"	
105	SYCAMORE	16"		373	SYCAMORE	12"		577	ELM	8"	
106	ELM	8"5"		374	SYCAMORE	14"		578	SYCAMORE	9"	
107	ELM	9"		375	ELM	8"		579	SYCAMORE	8"	
108	JUNIPER	9"		384	SYCAMORE	10"		580	ELM	17"	
109	SYCAMORE	9"		385	SYCAMORE	9"		583	SPANISH OAK	8"	
110	JUNIPER	11"		388	ELM	25"		590	LIGUSTRUM	8"	
111	SYCAMORE	10"		389	ELM	11"		592	HACKBERRY	8"	
114	CHINABERRY	8"		404	ELM	27"		593	SYCAMORE	16"	
116	SYCAMORE	9"		406	LIGUSTRUM	9"		596	SYCAMORE	16"	
117	JUNIPER	9"		407	ELM	18"		597	SYCAMORE	8"	
118	CHINABERRY	8"		408	ELM	12"		598	ELM	4"	
152	SYCAMORE	9"5"		409	ELM	10"		602	JUNIPER	8"	
157	SYCAMORE	9"		410	ELM	12"		604	JUNIPER	8"	
164	SYCAMORE	9"		412	SYCAMORE	18"		608	SPANISH OAK	9"	
168	ELM	12"7"1/8"		413	LIGUSTRUM	9"7"		610	SPANISH OAK	8"1/2"	
190	ELM	17"16"1/8"		414	ELM	13"		611	JUNIPER	10"1/2"	
191	ELM	25"22"		415	SYCAMORE	29"		613	JUNIPER	11"	
217	HACKBERRY	21"		422	SYCAMORE	14"		634	JUNIPER	10"6"5"	
219	SYCAMORE	24"		425	SYCAMORE	20"		635	JUNIPER	10"	
220	SYCAMORE	13"		430	SYCAMORE	24"		642	LIGUSTRUM	9"1/2"4"	
221	ELM	11"		439	SYCAMORE	21"		643	LIGUSTRUM	9"1/2"4"	
222	SYCAMORE	18"		441	SYCAMORE	18"		644	ASH	9"	
223	HACKBERRY	9"		452	SPANISH OAK	14"		646	ELM	9"	
224	SYCAMORE	18"		454	JUNIPER	13"		655	HACKBERRY	11"	
225	SYCAMORE	20"		455	JUNIPER	13"		656	CREPE MYRTLE	8"6"	
226	ELM	13"		457	ELM	22"1/2"		657	CREPE MYRTLE	12"	
227	ELM	11"8"		460	HACKBERRY	21"		658	SYCAMORE	11"	
228	SYCAMORE	14"		462	HACKBERRY	8"		659	JUNIPER	6"	
229	SYCAMORE	12"		466	JUNIPER	8"		660	CHINABERRY	4"	
230	HACKBERRY	10"		467	ELM	8"		661	HACKBERRY	4"	
232	CYPRESS	17"		468	ELM	8"1/2"		662	SYCAMORE (DEAD)	4"	
233	SYCAMORE	9"		469	JUNIPER	11"		663	CHINABERRY	6"	
234	SYCAMORE	26"		471	LIGUSTRUM	8"4"		664	ELM	5"	
235	SYCAMORE	19"		473	ELM	25"		665	ELM	4"	



ZONING/USE

ZONING: R-3, TRANSITIONAL
CURRENT USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL
PROPOSED USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL

TREE NOTES

THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER. GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4.5 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

LEGEND

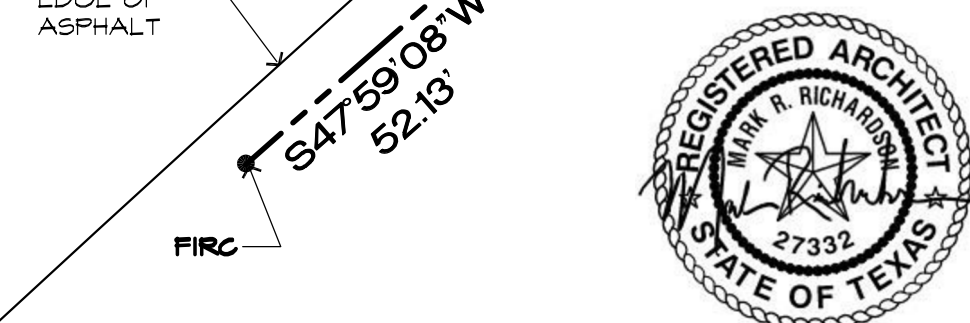
FOUND 1/2" IRON ROD
FOUND "X"
FOUND 1/2" IRON ROD W/ CAP
WATER METER
UTILITY POLE & ELECTRIC LINE
CLEANOUT (RECORD)
BUILDING SETBACK
DRAINAGE EASEMENT
FLOODPLAIN

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
TRACT 1: LOT 1 OF WESTLAKE COVE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 82, 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID PLAT CORRECTED AS TO SURVEYORS NOTES BY INSTRUMENT RECORDED IN VOLUME 13020, PAGE 284, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 2: BEING ALL OF THAT CERTAIN 0.40 ACRE TRACT OF LAND, MORE OR LESS OUT OF THE WILKERSON SPARKS SURVEY NO. 4, IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED BY METES AND BOUNDS AS "SECOND TRACT" IN A DEED DATED JULY 24, 2002, TO ROBERT E. PRICE, TRUSTEE OF THE WESTLAKE COVE APARTMENTS TRUST UNDER DOCUMENT NO. 2002152483, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE:
BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83) CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.



SHIFLET GROUP
architects
100 Westlake Drive Austin, Texas info@sgaustin.com 512.328.2955

LAGO CREEK
PD MASTER PLAN
1801 Westlake Dr. Austin, Texas 78746
1801 Westlake Drive Venture, LLC

DRAWN BY: DW
CHECKED BY:
DATE: 11-25-2020

SITE PLAN
W/ TOPO
A-2

SITE ANALYSIS:

BUILDING COVERAGE:	
BUILDING 1:	12,675 S.F.
BUILDING 2:	7,790 S.F.
TOTAL BUILDING COVERAGE:	20,465 S.F.
IMPERVIOUS COVER:	
BUILDING 1:	12,675 S.F.
BUILDING 2:	7,790 S.F.
HARDSCAPE:	10,188 S.F.
TOTAL PROPOSED:	30,653 S.F.**
** TOTAL DOES NOT INCLUDE BALCONIES	
TOTAL EXISTING:	34,544 S.F.

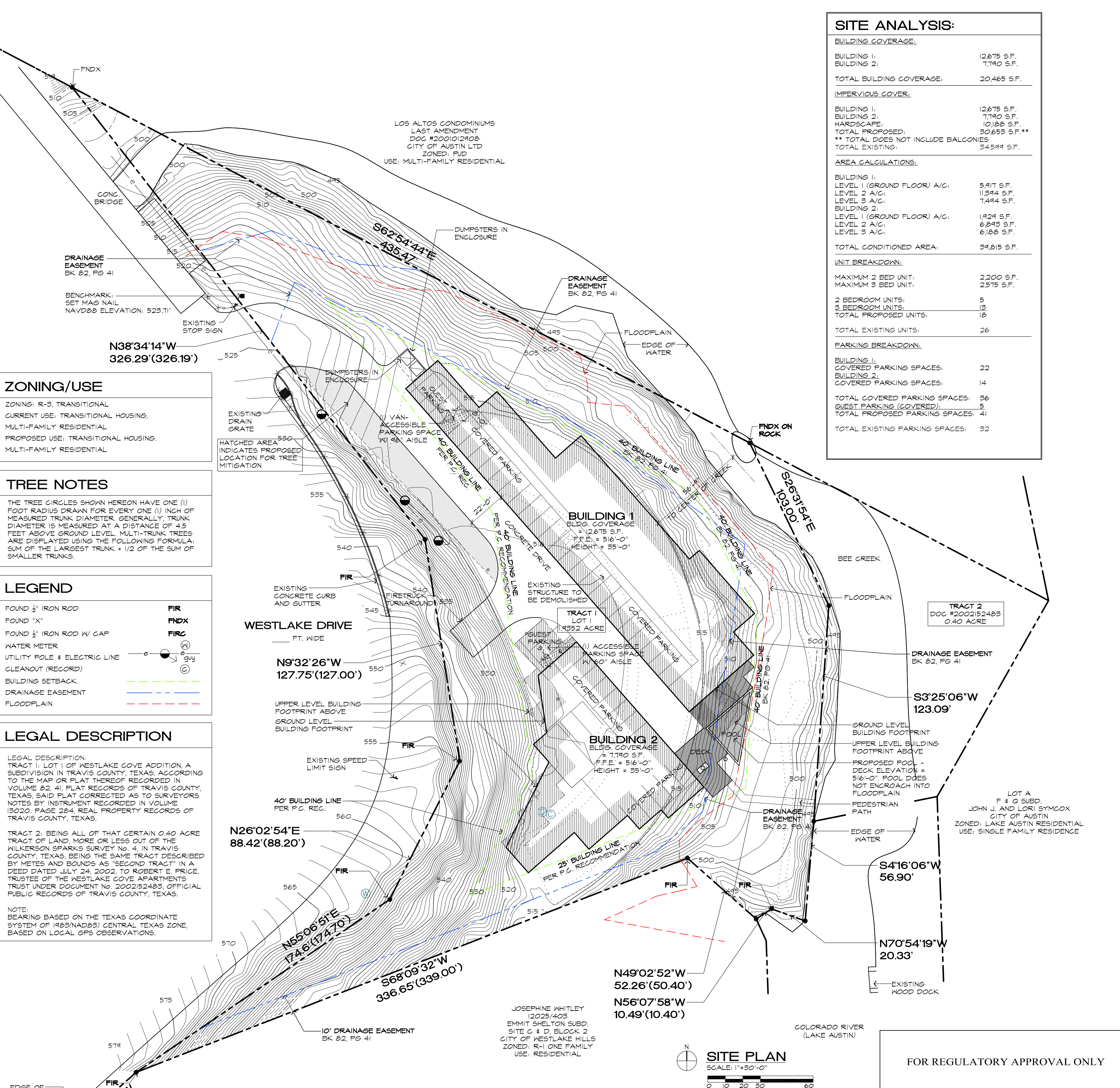
AREA CALCULATIONS:	
BUILDING 1:	
LEVEL 1 (GROUND FLOOR) A/C:	5,917 S.F.
LEVEL 2 A/C:	11,344 S.F.
LEVEL 3 A/C:	7,444 S.F.
BUILDING 2:	
LEVEL 1 (GROUND FLOOR) A/C:	1,929 S.F.
LEVEL 2 A/C:	6,843 S.F.
LEVEL 3 A/C:	6,188 S.F.
TOTAL CONDITIONED AREA:	39,815 S.F.

UNIT BREAKDOWN:	
MAXIMUM 2 BED UNIT:	2,200 S.F.
MAXIMUM 3 BED UNIT:	2,575 S.F.

2 BEDROOM UNITS:	5
3 BEDROOM UNITS:	12
TOTAL PROPOSED UNITS:	17

TOTAL EXISTING UNITS: 26

PARKING BREAKDOWN:	
BUILDING 1:	
COVERED PARKING SPACES:	22
BUILDING 2:	
COVERED PARKING SPACES:	14
TOTAL COVERED PARKING SPACES:	36
GUEST PARKING (COVERED):	5
TOTAL PROPOSED PARKING SPACES:	41
TOTAL EXISTING PARKING SPACES:	32



FOR REGULATORY APPROVAL ONLY

EXHIBIT “C”

VARIANCES AND CODE DEVIATIONS CHART

Variances. The following specific, enumerated provisions (“variances”) set forth in this exhibit vary from the requirements for the R-3 base zoning district. These variances have been approved by all required City Boards and Commissions and the City Council and are granted by the City with respect to the development of the project. This exhibit shall serve as guidance for the review and approval of any additional waivers, variances, exceptions, or other municipal authorizations not specifically included in this section.

CODE DEVIATIONS CHART					
	CODE DEVIATIONS	CODE REQUIREMENTS	CODE SECTION	PROPERTY LOCATION	EXPLANATION
1	Impervious Cover (IC): Proposed 30,653 SF (29.55%) (existing impervious cover is 34,599 SF (34.01%))	Maximum Impervious Cover 25%	22.03.281	Overall	Existing IC is 34,599 sf (34.01%). In order for the Applicant to build a replacement residential structure meeting health and safety code, fire code, and in a financially viable manner within the Planning Commission recommended setback lines, Applicant cannot reduce the proposed IC all the way down to current code but have reduced it to 29.55%, lower than recommended by Planning Commission.
2	Total Lot Size: 2.3352 acre Tract 1: 1.9352 acre Tract 2: .40 acre	Minimum 2 Acres for R-3	22.03.281	Overall	The unified development of the two tracts combined exceed the code minimum acreage requirement in the R-3 District. The site is code compliant to the acreage requirement.
3	Building Setback: Proposing 25 Feet from Southern (Side) Property Line (existing setback is 5.5 feet)	Minimum 50 feet from property line	22.03.174; 22.03.281	Southern Side	The existing site development is legal non-conforming to the setback requirement and currently has a 5.5’ setback. Planning Commission recommended the site be redesigned to present a 25’ setback which the PDD site plan now proposes. Applicant is improving safety related requirements and redeveloping property that has exceeded its useful life while decreasing the degree of non-conformity with respect to required setbacks
4	Building Setback: Existing 40 Feet from Northern (Side) Property Line	Minimum 50 feet from property line	22.03.174; 22.03.281	Northern Side	The existing site development is legal non-conforming to the setback requirement. Applicant is improving safety related requirements and redeveloping property that has exceeded its useful life while decreasing the degree of non-conformity with respect to required setbacks as recommended by the Planning Commission.
5	Building Setback: Existing 40 Feet from Eastern (Rear) Property Line	Minimum 50 feet from property line	22.03.174; 22.03.281	Eastern Side	The existing site development is legal non-conforming to the setback requirement. Applicant is improving safety related requirements and redeveloping property that has exceeded its useful life while decreasing the degree of non-conformity with respect to required setbacks as recommended by the Planning Commission.

6	Building Setback: Proposing 40 Feet from Western (Front) Property Line (existing setback is 45 feet)	Minimum 50 feet from property line	22.03.174; 22.03.281	Western Side	The existing site development is legal non-conforming to the setback requirement. Applicant is improving safety related requirements and redeveloping property that has exceeded its useful life as recommended by the Planning Commission.
7	Building 1 Height: Not to exceed 35 feet	Maximum height is 32 feet; where slope exceeds 25%, at any point within the building footprint	22.03.279; 22.03.281	Building 1	Because of the sloping grade and the ordinance requirement that building height be measured from the lowest grade rather than the average grade, the measured height at the rear of the building cannot be less than 35 feet. At the front of the building, the redesigned building will be approximately 32 feet in height. The increase in measured height from the rear of the building has no negative impact on surrounding property owners or from the front view from the street because of its location in a hollow with steep canyon walls facing the building rear. Building Height is limited to three stories on Building 1. Building 1 is the only building visible from the driveway at the street view corridor, where it will be at the approximate code limit of 32 feet. Roofline/eaves will overhang the two building foundations over certain façade areas. Applicant has stated that it will honor the current building setbacks and final architectural plans will incorporate this design constraint into the construction plans.
8	Building 2 Height: Proposed not to exceed 35 feet	Maximum height is 32 feet; as slope of the natural grade exceeds 25%	22.03.279; 22.03.281	Building 2	The roof of this building, which has now been reduced to three stories, is almost completely screened along the road frontage by existing trees and the hillside. Because of the sloping grade and the ordinance requirement that building height be measured from the lowest grade rather than the average grade, the measured height from the rear of the building cannot be built at less than 35 feet height measured at the front of the building, where the height will be approximately at the 32 foot code limit. The increase in measured height from the rear of the building has no negative impact on surrounding property owners or from the front view from the street because of its location in a hollow with steep canyon walls facing the building rear. Roofline/eaves will overhang the two building foundations over certain façade areas. Applicant has stated that it will honor the proposed building setbacks with the overhangs and final architectural plans will incorporate this design constraint into the construction plans.

9	Total Number of Dwelling Units: 18	Maximum number of dwelling units not to exceed an average of 2 single-family dwelling units per acre Transitional Residential 10 to 30 Units	22.03.174; 38.03.034	Overall	Section 38.03.034 provides that in an R-3 Transitional Residential District, apartment dwelling units between 10 and 30 units are permitted if on central sewage system in recognition of the preexisting use of the property. Because the subject property is on a central sewage system, the 18-unit plan is code compliant as an R-3 Transitional Residential District.
10	Fire Truck Turnaround	Maximum Cut & Fill limit is 6 feet	City's Drainage & Erosion Control Manual under Section 7.4.1 and Table 7-1	Overall	Cut and fill for the fire truck turnaround could exceed 20 feet for a few lineal feet. Currently there is no code compliant emergency vehicle access to this property. The turnaround is absolutely necessary to allow fire trucks to enter and fight a fire from the access drive, and to do so, they need a turnaround. Planning Commission recommended this variance.
11	Tree Removal: #278, #358, #490, #564, #570, #571, #669, #673 Note: species and caliper inches of each tree is identified in the Exhibit A Survey	Variance is required for removal of trees in excess of 14" caliper or greater	22.03.304	Overall	The tree survey lists over 190 trees, 3" or larger. Only 32 of those trees are proposed to be removed. The described eight trees 14" caliper inches or larger include three large Elm trees ranging from 15" to 25" caliper inches, one 14" China Berry, and four Sycamores ranging from 14" to 17" caliper inches. A number of the Elm trees to be removed currently have major limbs which overhang the existing building and present a potential safety hazard from storm related falling limbs or a brush fire which could engulf trees and spread to the occupied structure under their canopy. The redesigned buildings, which increase the side yard setback and reduce the height of Building 2, saves two Elm trees that were larger than the new Elm trees to be removed. Applicant proposes mitigation for the trees removed in accordance with the City's mitigation formula.
12	Tree Removal: #583, #655, #656, #657, #660, #661, #662, #663, #664, #665, #666, #667, #668, #670, #671, #672, #674, #675, #676, #677, #678, #679, #680, #687 Note: species and caliper inches of each tree is identified in the Exhibit A Survey	Code Compliant	22.03.304	Overall	19 of the 24 trees are 6" or smaller, including three Hackberries, four Crepe Myrtles, three China Berries, and two dead Sycamores. Eleven of these 24 trees that are proposed to be removed are to allow a code compliant, safe emergency turnaround for fire trucks which the existing project does not currently have. Applicant proposes mitigation for the trees removed in accordance with the City's mitigation formula. Applicant will propose to remove all 3" and 4" non-native invasive species to make room for replacement with approved under story plants.
13	Water Quality No water quality ponds required.	City Code 22.03.059	City's Drainage & Erosion Control Manual	Overall	No variance is required. Westlake Hills Code defers to TCEQ for the determination of water quality pond requirements. Since no increase in existing impervious

			Chapter 2.6		cover is proposed, it is anticipated that no water quality pond is required either by City ordinance or TCEQ regulation.
14	Proposed Pool in Drainage Easement	City Code 22.03.059	22.02.095	Southern Side; Pool	In response to staff review comments, the pool is being relocated to the south end of Building 1. It will be at approximately 10' of elevation above the existing pool. It may still be in the drainage easement, but it may not be. The line of the drainage easement dedicated by plat is difficult to locate on the ground. If it is at or below the 503' msl as it appears to be, then the pool will not be encroaching into the drainage easement. The pool has been relocated outside of the 100-yr floodplain and is within the existing building setback. It will only be built after a full engineering analysis during the building permit drainage review stage of the process. A partial vacation/modification of the existing drainage easement will be requested by separate action of the Council after engineering analysis of the drainage requirements of the project to be constructed if it is finally determined that any portion of the pool or deck is within the drainage easement. The proposed decking around the swimming pool will be built on piers more than two feet above the floodplain elevation and shall include an elevated wood walkway access to the creek.
15	Erosion	Streambank Erosion Hazard Setback is 50 feet	City's Drainage & Erosion Control Manual under Chapter 7.4.2; 2.3.1 and Table 2-3	Overall	Applicant's engineer is not aware of any streambank erosion in the area of the proposed site development. By the code, the streambank erosion hazard setback of 50 feet from the center line of the stream which has not been precisely determined. Based upon the most recent redesign, it is anticipated that no portion of Building 1 will encroach into the erosion hazard setback area and may be approved administratively after engineering analysis at time of approval of final construction plans subject to any mitigation requirements conditioning such waiver as approved by the City Administrator and/or City Council.
16	Cut & Fill	Maximum Cut and Fill Limit is 6 feet	City's Drainage & Erosion Control Manual under Section 7.4.1 and Table 7-1	Overall	Besides the cut and fill addressed in Item 10 above for the fire truck turnaround, it is not anticipated that any variance will be required for cut and fill outside of the building footprint. Applicant has not determined if the foundation on the sloped property for Building 1 will be slab on grade under fill or pier and beam or a combination of the two. It is not however anticipated that any cut and fill outside of the building foundations or as previously noted for fire truck turnaround will require a variance.



BEFORE



AFTER

LAGO CREEK
1801 WESTLAKE DRIVE

SHIFLET GROUP
a r c h i t e c t s

BEFORE



LAGO CREEK
1801 WESTLAKE DRIVE

SHIFLET GROUP
architects

AFTER



LAGO CREEK
1801 WESTLAKE DRIVE

SHIFLET GROUP
a r c h i t e c t s

TREE LIST

#	TYPE	SIZE	#	TYPE	SIZE	#	TYPE	SIZE	#	TYPE	SIZE
21	LIVE OAK	16"	236	SYCAMORE	11"	476	ELM	17"	666	CHINABERRY	4"
22	LIVE OAK	10"	237	ELM	10"	477	LIGUSTRUM	10"	667	CREPE MYRTLE	6"
69	SYCAMORE	17"	238	SYCAMORE	12"	440	CHINABERRY	14"	668	SYCAMORE	3'3"3'2"
70	SYCAMORE	20"	240	SYCAMORE	17"	441	CHINABERRY	14"	669	SYCAMORE	14"
71	SYCAMORE	8"	242	SYCAMORE	8"	504	ELM	10"	670	RED OAK	8"
75	HACKBERRY	19"18"	251	SYCAMORE	13"	505	ELM	20"	671	PALM	6'4"
76	HACKBERRY	8"	252	SYCAMORE	17"	507	ELM	11"	672	SYCAMORE (DEAD)	4"
77	ELM	9"	278	ELM	20'15"	509	ELM	11"	673	SYCAMORE	14"
78	ELM	8"	285	ELM	24"	512	ELM	19"	674	LIGUSTRUM	3'2'2'2"
79	SYCAMORE	18"	306	SYCAMORE	16"	513	HACKBERRY	14"	675	LOQUAT	6"
80	SYCAMORE	12"	313	ELM	15"	514	HACKBERRY	8'7"	676	CREPE MYRTLE	2'2'2'
81	SYCAMORE	14"	315	ELM	13"	515	ELM	11"	677	LOQUAT	5"
82	SYCAMORE	8"	321	SYCAMORE	17"	564	ELM	19"	678	JUNIPER	6"
83	HACKBERRY	9"	351	ELM	8'8'1'5'9"	565	ELM	8"	679	HACKBERRY	6"
84	HACKBERRY	11"	358	ELM	20"	566	SYCAMORE	9"	680	JUNIPER	6"
85	HACKBERRY	11"	364	SYCAMORE	17"	567	SYCAMORE	12"	681	SPANISH OAK	8'4"
86	HACKBERRY	11"	360	HACKBERRY	13'10"	568	ELM	8"	682	LOQUAT	5"
87	SYCAMORE	17"	361	HACKBERRY	10"	569	ELM	8"	683	JUNIPER	7'3"
88	SYCAMORE	10"	362	SYCAMORE	32"	570	SYCAMORE	16"	684	SPANISH OAK	4"
89	ELM	16"	363	HACKBERRY	10"	571	SYCAMORE	17"	685	JUNIPER	5"
90	SYCAMORE	8"	364	SYCAMORE	12"	575	ELM	18"	686	JUNIPER	8"
104	HACKBERRY	11"	365	SYCAMORE	25"	576	ELM	15"	687	HACKBERRY	5"
105	SYCAMORE	16"	373	SYCAMORE	12"	577	ELM	8"	689	LIGUSTRUM	7"
106	ELM	8'5"	374	SYCAMORE	14"	578	SYCAMORE	9"	690	SYCAMORE	20'5"
107	ELM	9"	375	ELM	8"	579	SYCAMORE	8"	691	SYCAMORE	20"
108	JUNIPER	9"	384	SYCAMORE	10"	580	ELM	17"			
109	SYCAMORE	9"	385	SYCAMORE	9"	583	SPANISH OAK	8"			
110	JUNIPER	11"	388	ELM	25"	590	LIGUSTRUM	8"			
111	SYCAMORE	10"	389	ELM	11"	592	HACKBERRY	8"			
114	CHINABERRY	8"	404	ELM	27"	593	SYCAMORE	16"			
116	SYCAMORE	9"	406	LIGUSTRUM	9"	596	SYCAMORE	16"			
117	JUNIPER	9"	407	ELM	18"	597	SYCAMORE	8"			
118	CHINABERRY	8"	408	ELM	12"	598	ELM	9"			
152	SYCAMORE	9'5"	409	ELM	10"	602	JUNIPER	8"			
157	SYCAMORE	11"	410	ELM	12"	604	JUNIPER	8"			
164	SYCAMORE	9"	412	SYCAMORE	18"	608	SPANISH OAK	9"			
168	ELM	12'7"1"	413	LIGUSTRUM	9'7"	610	SPANISH OAK	8'7"			
190	ELM	17'16"13"	414	ELM	13"	611	JUNIPER	10"			
191	ELM	25'22"	415	SYCAMORE	29"	613	JUNIPER	11"			
217	HACKBERRY	8"	422	SYCAMORE	14"	634	JUNIPER	10'6"5"			
219	SYCAMORE	24"	425	SYCAMORE	20"	635	JUNIPER	10"			
220	SYCAMORE	13"	430	SYCAMORE	24"	642	LIGUSTRUM	9'5"			
221	ELM	11"	439	SYCAMORE	21"	643	LIGUSTRUM	9'7"4"			
222	SYCAMORE	11"	441	SYCAMORE	18"	644	ASH	9"			
223	HACKBERRY	9"	452	SPANISH OAK	14"	646	ELM	19"			
224	SYCAMORE	18"	454	JUNIPER	13"	655	HACKBERRY	11"			
225	SYCAMORE	20"	455	JUNIPER	13"	656	CREPE MYRTLE	8'6"			
226	ELM	13"	457	ELM	22'17"	657	CREPE MYRTLE	12"			
227	SYCAMORE	11'8"	460	HACKBERRY	21"	658	SYCAMORE	7"			
228	SYCAMORE	14"	465	HACKBERRY	8"	659	JUNIPER	6"			
229	SYCAMORE	12"	466	JUNIPER	8"	660	CHINABERRY	4"			
230	HACKBERRY	10"	467	ELM	8"	661	HACKBERRY	4"			
232	CYPRESS	17"	468	ELM	8'7"	662	SYCAMORE (DEAD)	4"			
233	SYCAMORE	9"	469	JUNIPER	11"	663	CHINABERRY	6"			
234	SYCAMORE	26"	471	LIGUSTRUM	8'4"	664	ELM	5"			
235	SYCAMORE	19"	473	ELM	25"	665	ELM	4"			

--- INDICATES TREE TO BE REMOVED

ZONING/USE

ZONING: R-3, TRANSITIONAL.
CURRENT USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL.
PROPOSED USE: TRANSITIONAL HOUSING,
MULTI-FAMILY RESIDENTIAL.

LEGEND

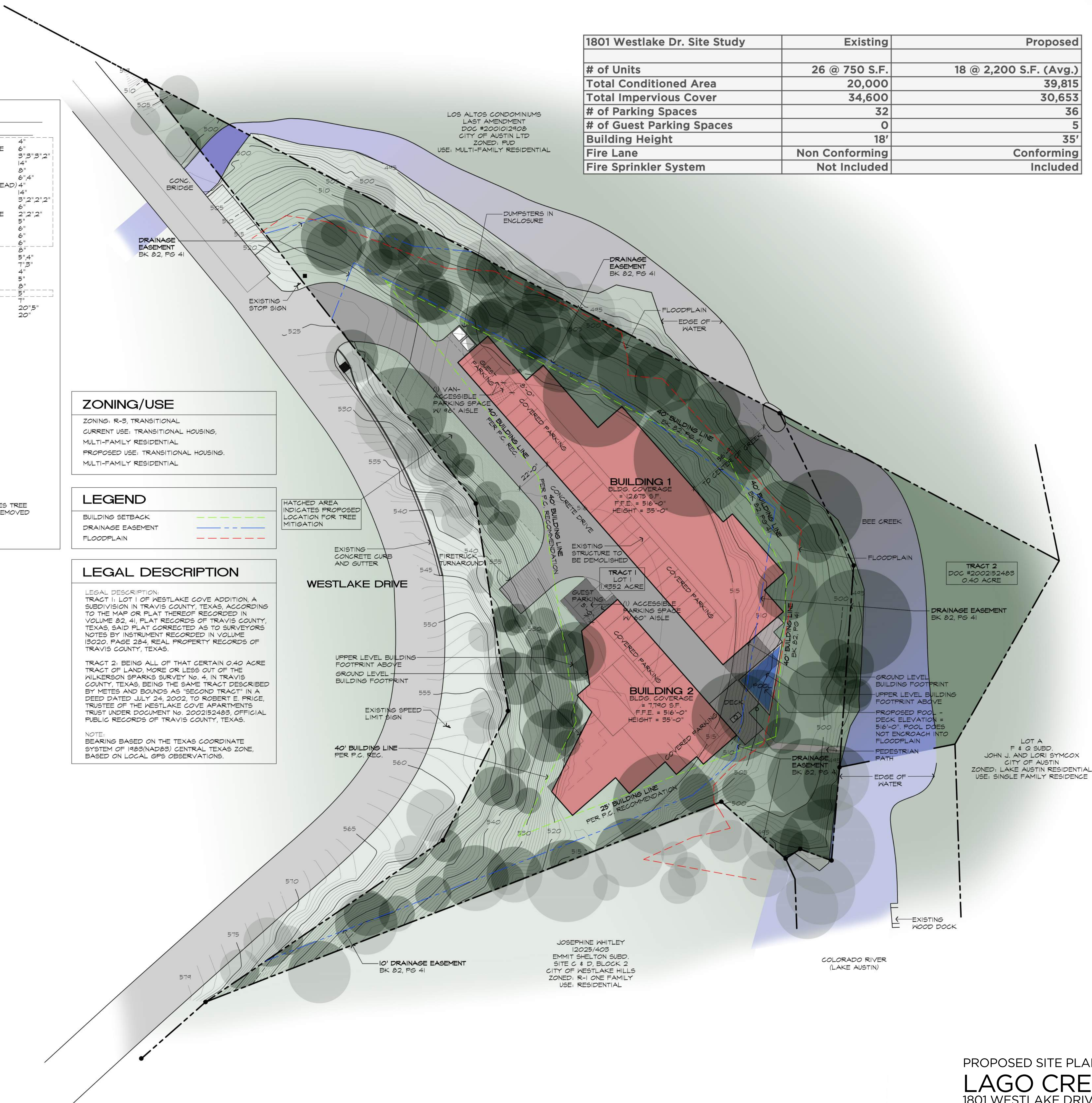
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TRACT 2, BEING ALL OF THAT CERTAIN 0.40 ACRE TRACT OF LAND, MORE OR LESS OUT OF THE WILKERSON SPARKS SURVEY No. 4, IN TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED BY METES AND BOUNDS AS "SECOND TRACT" IN A DEED DATED JULY 24, 2002, TO ROBERT E. PRICE, TRUSTEE OF THE WESTLAKE COVE APARTMENTS TRUST UNDER DOCUMENT NO. 2002152483, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

NOTE:
BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(NAD83) CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.





SPECIAL USE PERMIT CODE AMENDMENTS STAFF REPORT

DECEMBER 9, 2020

Agenda Item: Ordinance: Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 38, Article 38.04, Division 2, of the Code of Ordinances, to amend the administrative procedures for approval of a special use permit; providing for the following: findings of fact; repealer; severability; effective date; codification; proper notice & meeting.

Background/Analysis:

In an effort to streamline the application process and reduce the burden on applicants applying for Special Use Permits (SUPs), staff is proposing Code amendments that will shorten the approval timeframe. Applicants must still comply with the general criteria applicable to all special uses, and the conditions applicable the proposed special use.

Section 211.009(a) of the Local Government Code authorizes the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the BOA to do so. Accordingly, the zoning ordinance authorizes the BOA to issue special use permits subject to the requirements and conditions of the ordinance.

Currently, the ordinance requires written notice the public hearing to all property owners within 300 feet at least ten days prior to the date of the hearing. The applicant is responsible for drafting the notice and serving it (though in reality, City staff drafts and sends all public notices, so staff proposes to amend this provision accordingly). In addition, notice in the form of weather resistant signs must be posted by the applicant for at least 10 days prior to the hearing. Lastly, the notice must be published in the newspaper 15 days prior to the hearing. Due to the notification requirements, applicants therefore must submit SUP applications at least thirty days prior to the next BOA meeting. After feedback from City Council at the last meeting, staff has revised the amendments to the notification procedures to only remove the newspaper notice requirement and otherwise keep the rest of the notification requirements.

The proposed amendments also contemplate requiring home based businesses and short-term rental SUPs to go through the BOA process instead of administrative approval for consistency.

	<u>Section & Page #</u>	<u>Proposed Amendment</u>	<u>Reason for Amendment</u>
1)	38.04.032 (b)(2)	Removal of provisions for administrative approval of home based businesses and STRs	Consistency with the rest of provisions and compliance with LGC 211

	<u>Section & Page #</u>	<u>Proposed Amendment</u>	<u>Reason for Amendment</u>
2)	38.04.032 (e)(4)	Amend this section to require staff to prepare notices. Current language places responsibility on applicant.	Staff already prepares all public notifications
3)	38.04.032 (e)(6)	Removal of newspaper notice requirement	Shorten and streamline application process
4)	38.04.032 (f)	Amend subsection header language to remove “recommendation” by BOA and replace with “approval” by BOA	Correction

Staff Recommendation

Staff recommends approval of the proposed Code amendments.

City of West Lake Hills, Texas

ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING CHAPTER 38, ARTICLE 38.04, DIVISION 2, OF THE CODE OF ORDINANCES, TO AMEND THE ADMINISTRATIVE PROCEDURES FOR APPROVAL OF A SPECIAL USE PERMIT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning; and

WHEREAS, the City seeks to amend the Zoning Ordinance, Chapter 38, Article 38.04, to amend the administrative procedures for approval of a special use permit; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the West Lake Hills City Council on December __, 2020 to consider the proposed amendments and the City Council voted to _____; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt an ordinance amending Chapter 38: Zoning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 38, Article 38.04, Division 2, Section 38.04.032 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment "A"* which is attached

hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment "A"*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____, 2020, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____
Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CHAPTER 38 ZONING

ARTICLE 38.04 SUPPLEMENTARY REGULATIONS

Division 2. Special Uses

Sec. 38.04.032 Special use permit

(a) Required. No special use shall be established, operated or maintained except as authorized by a special use permit issued in accordance with the requirements of this section.

(b) Issuance.

(1) Issuance by board of adjustment. A special use permit may be issued only for the special uses specified in this division, and only for the district where it is authorized. ~~[Unless for a home-based business or a short-term rental, a]~~ A special use permit may only be issued by the board of adjustment acting after a public hearing. In considering any application for a special use permit, the board of adjustment shall give due regard to the nature and condition of all adjacent land, uses, and structures. The board of adjustment may disapprove an application for a special use permit, or approve same subject to such requirements and conditions, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.

~~[(2) — Issuance by city administrator. The city administrator may issue special use permits for:~~

~~(A) — Home-based businesses. The city administrator may issue a special use permit for a home-based business, without public hearings, if: the applicant complies with subsection (c), sections 38.04.033 and 38.04.034(a), provides written notice in accordance with the applicable provisions of subsection (c), and provided the city administrator receives no written protests from owners of all real property located within 300 feet in all directions of the applicant’s property on which the home-based business is sought, regardless of whether the neighboring property is within the city limits or ETJ.~~

~~(B) — Short-term rental. The city administrator may issue a special use permit for a short-term rental, without a public hearing or review by the board of adjustment, if the applicant complies with subsection (c) of this section, section 38.04.033, and section 38.04.034(o)].~~

(c) Application. An application for a special use permit shall be made in writing in a form prescribed by the city administrator and shall be accompanied by such information as may be requested, including a site plan, if required, in order to properly review the proposed use. Such information may include but is not limited to site and building plans, drawings and elevations, and operational data. All applicants for a special use permit for a nonresidential use in a residential district shall provide the city with a signed letter from a licensed attorney verifying that the proposed use will not be violating deed restrictions. Short-term rental permit applications will not require site plans, building plans, drawings, elevations, operational data, or an attorney letter.

(d) Report by city administrator or city inspector. Either the city administrator or the city inspector shall visit the site of the proposed special use, except a proposed short-term rental, and the surrounding area and shall prepare findings to be delivered to the board of adjustment.

(e) Notice of public hearing before board of adjustment.

(1) The board shall hold a public hearing on each application for a special use permit.

(2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than ten days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on the last approved city tax roll, with postage paid.

(3) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.

(4) ~~The applicant~~ City staff shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content. ~~An affidavit of proof of service shall be filed by the applicant with the city administrator at or prior to the hearing.~~

(5) Notice in the form of weather resistant signs provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the board, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least 10 days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as-posted.

~~(6) — Notice of the hearing must be published in the city's official newspaper 15 days prior to the hearing before the board.]~~

(f) Review and [recommendation] approval by board of adjustment.

(1) The board shall review the application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 38.04.033 and with each of the specific criteria in section 38.04.034 applicable to the proposed use, and shall make a separate finding thereon for each criterion.

(2) The board shall not approve an application unless it finds that the proposed special use as presented complies with each of the general and applicable specific criteria.

(3) The board shall make a written finding of its decision in accordance with section 38.02.007.

(4) The board may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to ensure compliance with the criteria.

(5) The board shall not grant a special use permit unless it finds that the proposed special use complies with each of the applicable general and specific criteria; otherwise, it shall deny the application.

Division 2. Special Uses

Sec. 38.04.031 Criteria for establishment of special use categories; uses allowed in specific districts

- (a) General criteria for establishment of a special use category are as follows:
 - (1) Special and associated expenses for regulatory oversight;
 - (2) Higher probability of chance of nuisance to the surrounding areas;
 - (3) Greater impact on surrounding properties with respect to the following:
 - (A) Parking;
 - (B) Waste products and disposal methods;
 - (C) Noise (peace and quiet of the neighborhood);
 - (D) Light or glare;
 - (E) Smell, fumes, dust and odor;
 - (F) Traffic; and
 - (G) Infectious or contagious diseases;
 - (4) Activities which increase potentially objectionable sensory responses for surrounding areas;
 - (5) Greater adverse impact on appraised valuations of surrounding properties;
 - (6) Higher level of impediment to development of surrounding properties;
 - (7) Increase in traffic congestion and reduction of pedestrian safety to a significant degree;
 - (8) Regulatory control for number and type of animals to prevent menace or disturbing of neighbors;
 - (9) Regulatory control for selective activities in other than permitted zoning districts;
 - (10) Regulatory control for activities that have a potential to harm the environment; and
 - (11) Regulatory control for continuance of activity.
- (b) Specific special uses authorized by zoning district are as follows:

<u>Special Use</u>	<u>District Allowed</u>
Alcoholic beverages sold in grocery stores for off-premises consumption	B-2, B-3
Alcoholic beverages sold in restaurants for on- or off-premises consumption	B-2, B-3
Assembly and testing of electronic components	O
Bank or savings and loan association	B-2

Charter school or private school	O
Child day care facility	O, GUI, B-1, B-2, B-3
Church	O, B-1, B-2, B-3
Cocktail lounge	B-3
Commercial coach	All (temporary during construction)
Commercial kennel	B-2, B-3
Employee dining facility	O, B-1, B-2, B-3
Guest or domestic employee quarters	R-1, R-2, R-3
Home occupation	R-1, R-2, R-3
Hospital	B-1, B-2, B-3
Laundry and dry cleaning plant	B-3
Massage therapy school	O, B-1
Private horse stable	R-1, R-2
Publishing business	B-2, B-3
Rehabilitation/wellness center	B-1, B-2, B-3
Research, development or clinical laboratory	B-2, B-3
Restaurant with drive-in/drive-through facilities	B-2
Retail liquor store	B-2
Riding stable	R-1, R-2
Short-term rental	R-1, R-2, R-3
Wireless telecommunication facilities	O, B-1, B-2, B-3, GUI

Sec. 38.04.032 Special use permit

(a) Required. No special use shall be established, operated or maintained except as authorized by a special use permit issued in accordance with the requirements of this section.

(b) Issuance.

(1) Issuance by board of adjustment. A special use permit may be issued only for the special uses specified in this division, and only for the district where it is authorized. Unless for a home-based business or a short-term rental, a special use permit may only be issued by the board of adjustment acting after a public hearing. In considering any application for a special use permit, the board of adjustment shall give due regard to the nature and condition of all adjacent land, uses, and structures. The board of adjustment may disapprove an application for a special use permit, or approve same subject to such requirements and conditions, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.

(2) Issuance by city administrator. The city administrator may issue special use permits for:

(A) Home-based businesses. The city administrator may issue a special use permit for a home-based business, without public hearings, if: the applicant complies with subsection (c), [sections 38.04.033](#) and [38.04.034\(a\)](#), provides written notice in accordance with the applicable provisions of subsection (e), and provided the city administrator receives no written protests from owners of all real property located within 300 feet in all directions of the applicant's property on which the home-based business is sought, regardless of whether the neighboring property is within the city limits or ETJ.

(B) Short-term rental. The city administrator may issue a special use permit for a short-term rental, without a public hearing or review by the board of adjustment, if the applicant complies with subsection (c) of this section, [section 38.04.033](#), and [section 38.04.034\(o\)](#).

(c) Application. An application for a special use permit shall be made in writing in a form prescribed by the city administrator and shall be accompanied by such information as may be requested, including a site plan, if required, in order to properly review the proposed use. Such information may include but is not limited to site and building plans, drawings and elevations, and operational data. All applicants for a special use permit for a nonresidential use in a residential district shall provide the city with a signed letter from a licensed attorney verifying that the proposed use will not be violating deed restrictions. Short-term rental permit applications will not require site plans, building plans, drawings, elevations, operational data, or an attorney letter.

(d) Report by city administrator or city inspector. Either the city administrator or the city inspector shall visit the site of the proposed special use, except a proposed short-term rental, and the surrounding area and shall prepare findings to be delivered to the board of adjustment.

(Ordinance 362 adopted 3/28/18)

(e) Notice of public hearing before board of adjustment.

(1) The board shall hold a public hearing on each application for a special use permit.

(2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not

less than ten days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on the last approved city tax roll, with postage paid.

(3) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.

(4) The applicant shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content. An affidavit of proof of service shall be filed by the applicant with the city administrator at or prior to the hearing.

(5) Notice in the form of weather resistant signs provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the board, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least 10 days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as-posted.

(6) Notice of the hearing must be published in the city's official newspaper 15 days prior to the hearing before the board.

(f) Review and recommendation by board of adjustment.

(1) The board shall review the application for a special use permit to determine whether the proposed special use complies with each of the general criteria in [section 38.04.033](#) and with each of the specific criteria in [section 38.04.034](#) applicable to the proposed use, and shall make a separate finding thereon for each criterion.

(2) The board shall not approve an application unless it finds that the proposed special use as presented complies with each of the general and applicable specific criteria.

(3) The board shall make a written finding of its decision in accordance with [section 38.02.007](#).

(4) The board may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to ensure compliance with the criteria.

(5) The board shall not grant a special use permit unless it finds that the proposed special use complies with each of the applicable general and specific criteria; otherwise, it shall deny the application.

(Ordinance 379 adopted 9/25/19)

Sec. 38.04.033 General criteria applicable to all special uses

A proposed special use permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed special use

are compatible with the surrounding neighborhood and uses;

- (2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
- (3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;
- (4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and
- (5) The proposed use shall comply with all other applicable ordinances and regulations.

Sec. 38.04.034 Criteria applicable to individual special uses

(a) Home-based business. A proposed home-based business in a single-family or two-family residential district must comply with all the following specific criteria as well as the general criteria in [section 38.04.033](#):

- (1) External evidence of the business shall not be detectable at any lot line. The interior/exterior of the dwelling shall not be structurally altered to comply with nonresidential construction codes, nor additional structures built on the property to accommodate the home-based business.
- (2) The business shall not change the residential character of the lot and dwelling, nor alter the exterior appearance of the principal building from that of a dwelling for human habitation, nor require the installation of machinery or equipment other than that customary to domestic, hobby, standard office, or ordinary household activities.
- (3) The business shall be carried on entirely within a dwelling unit or within only one accessory building (not to include a carport) by a bona fide resident(s) of the premises and not more than one nonresident assistant.
- (4) The business shall be operated by a permanent full-time resident (or residents) of the dwelling unit, and no other persons.
- (5) There shall be no in-person contact at the premises with customers or clients except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction may be given to four or less pupils at one time.
- (6) The business shall be conducted as an accessory use that is clearly incidental and secondary to the residential use of the premises, shall not use an area exceeding 20 percent of the gross under roof floor areas of the dwelling, nor cause a substantial increase in any utility usage.
- (7) Adequate off-street parking shall be available on the property where the use is located without exceeding the impervious cover limits for residential property. Business guests or invitees parking shall be restricted to on-site use of the driveway and parking areas wholly contained within the property. All vehicular traffic to and from the home-based business shall be limited in volume, type, and frequency to what is normally associated with other residential uses in the residential neighborhood and not to exceed 10 average daily trips.
- (8) Merchandise, materials and equipment associated with the business shall not be displayed or stored where visible from any location off the premises. The direct sale of merchandise on the premises is prohibited. In other words, no on-site retail in-person sales; however, sales via internet, telephone, or mail is permitted as long as no sales are made in-person.

(9) There shall be no signage or advertising, linking the residential property with the home-based business including, but not limited to, any billboard, internet, pamphlets, newspaper, radio, television, phone directory, sign, or vehicle advertising.

(10) The home-based business shall not be detrimental or injurious to adjoining property by the creation of dust, electrical interference, fumes, gas, glare, heat, light, noise, vibration, waste runoff, or other objectionable or obnoxious conditions.

(11) A home-based business shall not create any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the federal government, State of Texas, City of West Lake Hills, or which would constitute a common law nuisance.

(12) Nothing herein shall be construed to allow animal breeding, animal hospitals, pet grooming, commercial kennels, commercial stables, veterinary offices, clinics, hospitals, barber shops, beauty parlors, contractor's yards, junk yards, lodging houses, "bed and breakfast" lodges, short-term rentals, massage parlors/therapy clinics, restaurants, rental outlets, or vehicle repairs shops as home-based businesses.

(b) Churches. A proposed church sanctuary or parsonage to be located in a residential district shall comply with all the following specific criteria as well as the general criteria in [section 38.04.033](#):

(1) Hours of operation shall not begin before 10:00 a.m. and shall end by 3:30 p.m., weekdays and weekends.

(2) Noise shall not exceed 60 decibels as measured from any of the church's lot lines.

(3) Lighting shall conform to all Code requirements for the residential district in which the structure is located. All lighting shall be shielded with zero (0) footcandle spillover across property lines.

(4) No signage is permitted. Land use notice shall be limited to address only. Name, graphic representation, and any signage is prohibited.

(5) The total number of car trips per hour entering or leaving the church sanctuary or parsonage, whether the same or different cars, shall not exceed 10, unless fronted on a collector street.

(6) The structure and development should be situated on the lot in such a way that their visibility is minimized. The use of natural materials and unobtrusive colors is required.

(7) A buffer zone of tree growth is required between roads and building improvements to preserve the wooded, rural character of the hills. A buffer zone is required as well, on each of the other property lines, to preserve the wooded, rural character of the hills and to protect individuals' privacy. Trees must be from the City's approved tree list, and planted in accordance with a landscaping plan approved by the City.

(8) Churches shall provide on all property lines, a fifty (50) foot undisturbed conservation easement for all subdivisions. Churches shall comply with all tree requirements in the city's code, including protection and preservation.

(9) Driveway entrances must be laid as inconspicuously as possible in order to maintain the look of unbroken, undisturbed landscape along the right-of-way.

(10) Surfacing.

(A) The color of church parking lot surface asphalt and/or concrete shall be dark (e.g.

asphalt or dark colored concrete) in order to blend with the natural landscape of the neighborhoods.

(B) All off-street driveway, parking, and loading areas shall be well drained and maintained with a durable and dustless all-weather surface approved by the city inspector and shall be kept in a state of good repair.

(11) Parking. All parking spaces shall comply with the following requirements:

(A) The minimum number of off-street parking spaces provided shall be the more restrictive of either:

(i) 1 space for each 4 people normally expected on the premises at the time of maximum use; or

(ii) 1 space for each 200 square feet of floor area.

(B) Adequate aisles and driveways shall also be provided to permit proper maneuvering within the parking area and for safe and orderly entry and exit. Parking area design is included as an integral part of the site plan development.

(C) Handicap parking requirements are a minimum of one percent of total parking spaces. Dimensional requirements are 12-foot width and 18-foot depth per handicap space.

(D) Parking dimensional and design regulations shall conform to [section 22.03.242](#) of this code.

(E) On-site parking and circulation regulations. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Separate rows or aisles in parking areas shall be divided by a five-foot wide region of trees, shrubbery and other landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles. All parking facilities or structures shall be on one level.

(F) Off-street loading space. Property owners shall ensure adequate off-street space exists on the lot for loading and unloading vehicles receiving or distributing materials or merchandise.

(G) Required parking spaces shall be maintained. Required parking and loading areas shall not be encroached upon, reduced in any manner, or devoted to any other use. A maximum of 25 percent of the parking spaces shall be allocated to compact cars.

(H) Drainage. No off-street driveway, parking or loading area may be drained onto or across a public right-of-way or walkway, or onto any adjacent property except into a natural watercourse or drainage easement. Drainage facilities for each parking area shall be designed and constructed in accordance with the drainage and erosion control design manual.

(I) Driveway, parking, and loading area setbacks.

(i) It is the policy of the city to encourage adjoining lot owners to share a common driveway. A variance to the side setback stipulations is required by both adjoining lot owners; however, variance fees may be waived by the city administrator or the board of adjustment.

(ii) Off-street parking and loading shall be located no closer to the street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:

- a. The minimum setback distance for driveways, parking areas, and loading areas from street right-of-way shall be 50 feet.
 - b. The minimum setback distance for driveways, parking areas, and loading areas from the boundary lines of the R-1 and R-2 lot is 50 feet.
 - c. The term “driveways” includes those areas used for required vehicle turnaround or other maneuvering. Where nonresidential driveways adjoin R-1, R-2 and R-3 districts, the 50-foot setback shall preserve existing landscape vegetation and natural features as provided in [article 22.03](#).
 - d. All driveways are limited to undeveloped slopes below 25 percent gradient. They shall not exceed a maximum of 15 percent grade after construction.
- (12) Fire safety standards required for a church to receive a special use permit:
- (A) The church must be within 200 feet of a fire hydrant that provides adequate fire flow for fire protection.
 - (B) The driveway must provide adequate space for all appropriate fire equipment to access property and turnaround to exit in order to provide protection to large groups of people.
- (13) Churches shall be located with frontage on collector or arterial streets.
- (14) Setbacks. Setbacks for proposed structures, if the proposed structure has an R-1 or R-2 property adjacent to or immediately in front of the proposed property, are:
- (A) A minimum front setback of 100 feet;
 - (B) A minimum rear setback of 50 feet;
 - (C) Minimum side setbacks of 50 feet each.
- (15) Lot size. Dimensional minimums of lots:
- (A) 2 acres;
 - (B) Depth of 200 feet; and
 - (C) 150 feet wide.
- (16) Height of structure. Maximum 30 feet.
- (17) All other requirements shall conform to the regulations of the residential district in which the structure is located as stated in this code.
- (18) A sanctuary shall be defined as a congregating meeting place of worship for sermons, ceremonies, prayers, etc., and not to include instruction rooms, the place of residence for ministers, priests, rabbis, teachers, clergy, directors of the premises, etc.; or accessory uses on the same site, including child care facilities operated during services/events sponsored by the organization. A sanctuary authorized by special use permit issued under this section may not exceed 2,000 square feet for total building area.
- (19) No accessory structures or uses may be authorized by special use permit. This includes schools, recreational facilities, offices, and child day care unless operation occurs during regular service, etc.
- (c) Riding stable. A proposed riding stable must comply with the following specific criteria, as well as the general criteria in [section 38.04.033](#):
- (1) The parcel on which the use is conducted shall contain a minimum of three acres of land.
 - (2) The stable shall not be located any closer than 150 feet to a residence on an adjoining

lot.

(3) The operations of a riding stable shall be limited to providing riding lessons and the boarding, training and renting of horses. No horse racing shall be permitted on the premises.

(4) A limit on the number of horses permitted to be stabled on the lot shall be set by the city council applying the general criteria in [section 38.04.033](#); provided that the number of horses permitted on the premises used for a riding stable shall never exceed one horse for every acre of land, except for riding stables located on ten or more acres where the number of horses permitted on the premises shall never exceed one horse for every three-fourths acre of undeveloped land.

(5) The following facilities shall be provided and properly maintained:

(A) Adequate enclosures to keep the horses from running at large;

(B) Adequate space within each enclosure for proper exercise;

(C) Adequate shelter from the elements;

(D) Enclosures that properly drain; and

(E) Facilities and program for proper waste disposal and for eliminating odor.

(6) An applicant shall maintain the horse stable in a sanitary condition at all times and keep odor to a minimum.

(7) All horses brought into or maintained in the city shall be free of all infectious or contagious diseases that the state animal health commission has determined to be dangerous.

(d) Kennel, commercial. A proposed commercial kennel must comply with the following specific criteria and conditions, as well as the general criteria in [section 38.04.033](#):

(1) The operations of a commercial kennel, unless otherwise limited by the city council, shall be limited to boarding, training, breeding, selling, veterinary treatment, care and grooming of dogs and cats, and may include the sale of dog and cat accessories and supplies.

(2) The following facilities shall be provided and properly maintained:

(A) Adequate enclosures to keep animals from running at large;

(B) Adequate space within each enclosure for proper exercise;

(C) Adequate shelter from the elements;

(D) Enclosures that drain properly; and

(E) Facilities and program for proper waste disposal and for eliminating odor.

(3) An applicant shall maintain animal enclosures in a sanitary condition at all times and shall keep odor from being detectable from off the premises.

(4) All dogs and cats brought into or maintained in the city shall be free of infectious or contagious diseases and shall be effectively inoculated against rabies at all times.

(5) An applicant shall provide and maintain an effective means to prevent barking sounds from being audible off the premises.

(6) The number of animals on the premises at any one time shall be no greater than authorized in the permit issued by the city council.

(e) Alcoholic beverages sold in a restaurant for on- or off-premises consumption. A proposal to sell alcoholic beverages in a restaurant for on- or off-premises consumption must comply with the following specific criteria and conditions, as well as the general criteria in

section 38.04.033:

- (1) The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.
- (2) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.
- (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food.
- (4) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year.
- (5) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.
- (6) Special offers to the public promoting the sale of alcoholic beverages commonly known as "happy hour" shall be conducted only at times when the permittee offers full food service and only during the period of time from 4:00 p.m. through 7:00 p.m. during the days of Monday through Friday inclusive except as indicated in this subsection. The permittee may select a period of time not to exceed three hours per each day to conduct a happy hour promotion for the days of Saturday and Sunday. The permittee shall give written notification to the city administrator of the hour selected for such a happy hour and any changes thereto. The permittee shall give a 72-hour notice to the city administrator of changes to any happy hour designation.
- (7) Live entertainment utilizing electronically amplified musical instruments or an associated sound system shall not be permitted. Live entertainment is permitted as follows:
 - (A) The group of performers is limited to not more than four persons;
 - (B) The entertainment must be located within the confines of the restaurant interior;
 - (C) The sound is not to be heard outside the restaurant premises; and
 - (D) All performances must end at 10:30 p.m. daily.
- (f) Alcoholic beverages sold in liquor or grocery stores for off-premises consumption.
 - (1) The liquor or grocery store where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.
 - (2) The liquor or grocery store where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.
 - (3) The permit shall be reviewed annually by the city administrator, and, if reissued, reissued at the end of the calendar year.
 - (4) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.
 - (5) A permit shall only be granted if the applicant agrees that all litter associated with off-premises consumption of alcoholic beverages within 200 feet of the applicant's premises is presumed to be the applicant's. In addition, the applicant agrees to collect and dispose of all litter within 200 feet of the boundary line of the premises from which alcoholic beverages are sold.
 - (6) Wine or beer tasting is permitted on-site by prospective purchasers provided required state permits are obtained.

(g) Employee dining facilities.

- (1) The employee dining facility must be operated within the office buildings and only in projects that total over 100,000 total surface feet of building floor area within one lot.
- (2) The employee dining facility shall be limited in size so as to serve the employee population of the office complex. No advertising of the facility shall be permitted outside the complex.
- (3) The employee dining facility shall not serve meals after 6:00 p.m.
- (4) The employee dining facility shall have a separate wastewater system approved in advance by the city.
- (5) The permit shall be reviewed annually.

(h) Banking or savings and loan establishments. A proposed bank or savings and loan association in a B-2 district or must comply with the following specific criteria and conditions, as well as the general criteria in [section 38.04.033](#):

- (1) The parcel must have direct access to Bee Cave Road or the Capital of Texas Highway.
- (2) The remodeling of a financial facility in existence prior to May 1, 2005, located within a B-2 district shall be limited to a maximum floor area of the lesser of the existing area or 2,000 square feet, excluding any drive-in facility area.
- (3) The building, if located within a B-2 district shall be a minimum of 200 feet from any major thoroughfare is limited to two lanes of drive-in windows.
- (4) The site plan must provide adequate anticipated stack space for automobile drive-in needs within the facility complex.
- (5) The anticipated traffic load from the banking facility shall not interfere with residential traffic.
- (6) The site plan shall provide for adequate landscaping, and the maintenance of landscaped areas shall be the subject of restrictive covenants which are enforceable by the city.
- (7) There shall be no more than one curb cut for access to the office complex unless otherwise approved by the city council.

(i) Hospital in B-1 district. A proposed hospital must comply with the following specific criteria and conditions, as well as the general criteria in [section 38.04.033](#):

- (1) The parcel of land shall have a minimum of 500 feet frontage on either the Capital of Texas Highway or Bee Cave Road.
- (2) The parcel must have direct access to Bee Cave Road or the Capital of Texas Highway.
- (3) The anticipated traffic load from the hospital shall not interfere with traffic from residential streets.
- (4) There shall be no more than one curb cut unless otherwise approved by the city council.
- (5) The hospital shall be operated by a physician licensed to practice medicine in the state and currently in good standing with the state board of medical examiners.
- (6) The disposal system for the hospital shall be specifically designed by a licensed engineer for water consumption or capacity typically associated with hospitals.

(j) Laundry and dry cleaning plant operation in B-3 district.

- (1) Dry cleaning machines shall be an EPA-approved nonvent unit and have an enclosed

trough to accommodate any solvent spill.

(2) Solvent use shall be PERC, which is nonflammable perchloroethylene, and which is limited to 50 gallons on-site at any one time.

(3) No fumes, odor or noise shall be detectable beyond the premises of the business.

(4) No chemical discharge shall be allowed into an organized central sewer system or private septic disposal system.

(5) There shall be a maximum of 1,800 square feet for the gross area of the business.

(6) Dry clean processing is limited to on-site business, not trucked-in processing.

(7) Used chemicals and filters shall be disposed of weekly or after every 8,000 pounds of processing and be transported by a state-licensed disposal company.

(k) Massage therapy school in O district. A proposed massage therapy school shall comply with the following specific criteria and conditions, as well as the general criteria in [section 38.04.033](#):

(1) The owner and instructors shall be registered massage therapists pursuant to Vernon's Ann. Civ. St. art. 4512k [V.T.C.A. Occupations Code, chapter 455].

(2) The massage therapy school shall have at least two registered instructors that teach the course of instruction required for registration as a massage therapist, as specified by the provisions of Vernon's Ann. Civ. St. art. 4512k [V.T.C.A. Occupations Code, chapter 455].

(3) The hours of operations are limited to 6:00 a.m. to 10:00 p.m.

(4) Hazardous chemicals as defined by Ordinance No. 240, as amended, shall not be discharged into a private sewage disposal system or into an organized central sewer system.

(5) The parcel of land on which the school is located shall have direct ingress and egress to Bee Cave Road or Capital of Texas Highway.

(6) Employee and student parking spaces shall be allocated on a one-to-one ratio. The number may be reduced upon presentation of evidence that the provided parking is adequate due to shared parking between retail facility users.

(7) The anticipated traffic load from the school shall not interfere with traffic within the multitenant complex.

(l) Charter school or private school in O district. A proposed charter school or private school shall comply with the following specific criteria and conditions, as well as the general criteria in [section 38.04.033](#):

(1) The charter school or private school presents to the city proper credentials, licenses or certifications to operate as provided by the Texas Education Code.

(2) Outdoor recreational activities are permissible so long as the noise from the activity does not interfere with the other tenants or neighbors.

(3) A fence must be constructed surrounding any outdoor recreational activity area at a height of at least four (4) feet but no higher than six (6) feet.

(4) The hours of operations are limited to 8:00 a.m. to 5:00 p.m.

(5) Employee parking spaces shall be allocated on a one-to-one ratio. Additional parking must be provided for transportation of students, unless documentation is provided that the available parking is adequate due to shared parking between other tenants.

(6) The anticipated traffic load from the school, including loading and unloading, shall not

interfere with other traffic within a multi-tenant complex.

(7) As part of the operation of a private or charter school, food and drink may be provided for on-premises consumption by the students and staff without having to obtain a food establishment permit under Chapter 10 provided that: (A) the provision of food or drink, and disposal of refuse, does not create a nuisance for other tenants or neighbors; (B) the food or drink is provided as a part of the educational services being provided, and not primarily for retail sale; and (C) the food is pre-packaged, nonperishable, and does not require cooking or other preparation. The terms in this subsection have the meaning assigned to them by [chapter 10](#) of this code.

(8) The private or charter school must meet the minimum ratio of classroom size per student as required by the Texas Education Agency and the number of persons occupying the space may not violate the occupancy limits set by the fire code.

(m) Wireless telecommunication facilities. For the purposes of special use permits, the term “wireless telecommunication facilities” includes antennae, satellite dishes, mounts, power cabinets, platforms, and any other equipment or fixtures necessary for the provision of cellular or wireless internet service. A property owner within an O, B-1, B-2, B-3, or GUI district may obtain permission to install, or permit to be installed, wireless telecommunication facilities in compliance with the general criteria in [section 38.04.033](#), any other section of this code, and the following:

(1) The installation and use of such facilities may not inhibit or otherwise interfere with an existing, lawful wireless telecommunication facility within the city limits.

(2) The facilities will be installed in the least visually intrusive manner practicable, using paint colors to make the facilities blend in, screening of structures at ground level, and other measures to reduce the visual impact.

(3) Facilities may not be constructed within the setback from the property line.

(Ordinance 362 adopted 3/28/18)

(n) Restaurant with drive-in/drive-through facilities. A proposed restaurant with drive-in/drive-through facilities must comply with the general criteria in [section 38.04.033](#).

(Ordinance 379 adopted 9/25/19)

Sec. 38.04.035 General conditions for all special uses

(a) Adherence to approved plans and limitations. A special use shall be established, operated and maintained in accordance with the plans, terms, conditions and limitations contained in the permit approved by the BOA.

(b) Duration of permit; renewal. Special use permits shall be granted for a definite period of time, not to exceed two years. Upon the special use permit’s expiration, renewals may be granted at the discretion of the city administrator provided no written complaints were received during the use period. If there is a record of complaints or if the city administrator opts not to approve the renewal, the applicant can seek renewal from the BOA. If the BOA declines the renewal, the applicant can reapply for the special use permit. This process entails the applicant receiving approval from (1) the building design committee, and (2) then the BOA. The applicant shall pay new fees.

(c) Revocation of permit. The BOA, after notice and a public hearing, may revoke any special use permit for one or more of the following reasons:

(1) A substantial violation of any of the plans, terms, conditions and limitations applicable to the special use;

- (2) A substantial violation of any applicable ordinance or regulation;
- (3) Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; or
- (4) Discontinuance of the use.
- (d) Lapse of permit. A special use permit shall lapse if the use has not been commenced, or, in the case of construction, if construction has not been commenced, within one year of the date the permit was issued.
- (e) Transfer of permit. A special use permit is not transferable and shall cease upon transfer of the property or business.

Secs. 38.04.036–38.04.060 Reserved



OSSF CODE AMENDMENTS STAFF REPORT

DECEMBER 9, 2020

Agenda Item: Ordinance: Discuss And Consider Action For Approval Of An Ordinance Of The City Of West Lake Hills, Texas Amending Chapter 18, Article 18.03, Division 3, Section 18.03.066, Of The Code Of Ordinances, To Amend The West Lake Hills On-Site Sewage Facilities Amendments; Providing For The Following: Findings Of Fact; Repealer; Severability; Effective Date; Codification; Proper Notice & Meeting

Summary of Proposed Code Amendments:

Staff proposes to amend the City of West Lake Hills OSSF Amendments in Section 18.03.066 of the Code of Ordinances. The City had adopted more stringent regulations than TCEQ's requirements because of the city's challenging topography and location in the Edwards Aquifer Recharge Zone. The proposed amendments make the distinction between properties inside the Edwards Aquifer Recharge Zone versus those outside of the Recharge Zone, keeping the stricter requirements for three-year inspections/pumping intervals; and lengthening the inspection/pumping interval to seven years for properties outside of the Recharge Zone. For properties that are partially located in the Recharge Zone, the stricter regulation will apply unless otherwise determined by the City Administrator. Commercial OSSF systems will continue to be required to have one-year inspection intervals.

The City submitted the proposed amendments to TCEQ, and received a notice to proceed letter on November 17, 2020. Required public notification was published in the newspaper at the end of November.

There are approximately 627 properties in the city limits located within the Edwards Aquifer Recharge Zone.

Staff Recommendation

Staff recommends approval of the proposed Code amendments.



City of West Lake Hills

911 Westlake Drive
West Lake Hills, TX 78746
(512) 327-3628 www.westlakehills.org

October 30th, 2020

Attn: Ms. Tanya Mitchell
Texas Commission on Environmental Quality (TCEQ)
OSSF Program (MC-235)
PO Box 13087
Austin Texas 78711-3087
Via e-mail: Tanya.Mitchell@tceq.texas.gov

Regarding: Proposed Amendment to our OSSF Ordinance

City of West Lake Hills – 2020 Proposed OSSF Amendment

An inspection shall be required on all treatment units at the following intervals: once every three years for residential OSSF's located in the Edwards Aquifer Recharge Zone; once every seven years for all other residential properties located outside of the Edwards Aquifer Recharge Zone; and once every year for commercial OSSF's. Properties that are partially located in the Edwards Aquifer Recharge Zone are subject to the shorter inspection intervals unless otherwise determined by the city administrator. All treatment units will be pumped by a licensed waste transporter at the owner's expense and the city will inspect the treatment unit and conduct a surface walk over inspection. The city administrator may vary the seven-year pumping interval for residential OSSF's based on verified loading rates.

Justification: The proposed revision maintains focus on the 3-year inspection interval for all properties located in Edwards Aquifer Recharge Zone. This revision more closely aligns with other Central Texas municipalities. The City of West Lake Hills will continue to maintain detailed records of all septic systems located within its jurisdiction.

Respectfully,

A handwritten signature in blue ink, reading "Travis Askey".

Travis Askey, City Administrator
City of West Lake Hills

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 17, 2020

The Honorable Ms. Linda Anthony, Mayor
West Lake Hills City Hall
911 Westlake Drive
West Lake Hills, Texas 78746

Re: On-Site Sewage Facility Order Revision for City of West Lake Hills
Authorized Agent ID: 620187

Dear Mayor Anthony:

The Texas Commission on Environmental Quality (TCEQ) On-Site Sewage Facility (OSSF) program staff has reviewed the proposed revisions to the City of West Lake OSSF Ordinance. Our review has determined the enclosed revised draft order meets minimum State requirements.

Please proceed with the uncompleted steps of the adoption process as outlined in Title 30 TAC Chapter 285, Section 285.10 (b)(5)(A)-(C) and 285.0 (b)(6)(A)-(D), with particular consideration of the following items:

1. Publish notice of a public meeting at least 72-hours before the public meeting, but not more than 30-days before the meeting. The notice must appear in a regularly published newspaper(s) of general circulation in the area of jurisdiction and the notice must include the time, date and location of the public meeting.
2. After the public meeting is held, submit a copy of the following items:
 - A public notice as it appeared in the newspaper(s);
 - A publisher's affidavit from the newspaper(s) in which the public notice appeared;
 - A certified copy of the minutes of the meeting when the order was adopted; and
 - A certified copy of the order that was adopted by the West Lake Hills City Council.

The Honorable Ms. Linda Anthony, Mayor
Page 2 of 2
November 17, 2020

If further information or assistance is needed, please contact Tanya Mitchell at tanya.mitchell@tceq.texas.gov.

Sincerely,



Shannon Frazier
Technical Programs Team, Work Leader

Enclosure: 1. Copy of Proposed Order
 2. Model Public Hearing Notice

cc: Travis Askey, City Administrator, 911 Westlake Drive, West Lake Hills, Texas 78746

ORDINANCE NO. 2020-XXX

**AN ORDINANCE AMENDING CITY OF WEST LAKE HILLS
OSSF AMENDMENTS, SECTION 18.03.066, ARTICLE 18.03,
CHAPTER 18 UTILITIES; TITLE I – GENERAL ORDINANCES,
OF THE WEST LAKE HILLS CODE OF ORDINANCES;
PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT;
ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE
DATE; CODIFICATION; PROPER NOTICE & HEARING**

WHEREAS, the City has adopted OSSF rules, title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G and title 30 TAC chapter 285, promulgated by the state commission on environmental quality (TCEQ); and

WHEREAS, the City finds it necessary and advisable to adopt more stringent rules to regulate OSSFs within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code; and

WHEREAS, the City Council adopted OSSF amendments on September 9, 2009 and finds it necessary to revise those amendments; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt these OSSF amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Section 18.03.066, Division 3, Article 18.03, Chapter 18, Title I of the City of West Lake Hills Code of Ordinances is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein. If a conflict arises between OSSF rules specified in other chapters of the Code of Ordinances, the OSSF amendments herein enacted

shall govern.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____ 2020

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

CITY OF WEST LAKE HILLS CODE OF ORDINANCES

TITLE I – GENERAL ORDINANCES

CHAPTER 18 – UTILITIES

ARTICLE 18.03 SEWERS

Division 3. On-Site Sewage Facilities

Sec. 18.03.066 Amendments

The city finds it necessary and advisable to adopt more stringent rules to regulate OSSF's within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code. The city submits that these more restrictive rules are justified due to its challenging topography, complex drainage characteristics, predominately shallow and poor soil and sensitive location relative to the Edwards Aquifer and tributaries of the Colorado River. The TCEQ has approved the following more restrictive/stringent rules requested by the city.

City of West Lake Hills - OSSF Amendments

1. All drip irrigation systems shall be designed to an application rate of less than or equal to 0.1 g/sf/day regardless of the soil class. Dosing of the drip tubing must be controlled by a timer set to spread the design flow dosing over a period of 18 to 20 hours per day.
2. An inspection shall be required on all treatment units at the following intervals: once every three years for residential OSSF's located in the Edwards Aquifer Recharge Zone; once every seven years for all other residential properties located outside of the Edwards Aquifer Recharge Zone; and once every year for commercial OSSF's. Properties that are partially located in the Edwards Aquifer Recharge Zone are subject to the shorter inspection intervals unless otherwise determined by the city administrator. All treatment units will be pumped by a licensed waste transporter at the owner's expense and the city will inspect the treatment unit and conduct a surface walk over inspection. The city administrator may vary the seven-year pumping interval for residential OSSF's based on verified loading rates.
3. All persons/companies pumping OSSF treatment units or repairing an OSSF component for any reason shall notify the designated representative in advance of pumping or repairs made on a working day or on the first business day after a weekend or holiday on which the work was performed.
4. Pump tanks shall be sized to contain a minimum of one day's flow between the alarm-on level and the inlet to the pump tank.
5. An owner of an OSSF located within the Edwards Aquifer Recharge Zone shall ensure

that the facility is capable of consistently meeting, at minimum, secondary treatment standards specified in chapter 309 of the Texas Administrative Code.

6. Before the city issues a written notice of approval (license to operate) for an OSSF whose planning material is required by the rules to be prepared by a professional engineer or professional sanitarian, (designer), the city must receive a written letter from the designer stating that based on personal inspection, the designed system has been constructed in accordance with the approved submitted design material.

7. All OSSF planning materials shall be prepared by a registered professional engineer or registered sanitarian and all local procedures for permitting shall be complied with and observed. The planning materials must clearly show at the minimum the information from the submittal checklist located on the city's website. A copy of the checklist must accompany all submittals.

(Ordinance 170 adopted 9/9/09)

Enclosure 2

DRAFT: NOTICE OF PUBLIC MEETING

The (entity) will conduct a public meeting on (date) at (time) at (location) . The purpose of the meeting is to discuss adoption of proposed rules relating to on-site sewage facilities within the (entity's) area of jurisdiction. Following the public meeting the (entity) will consider adoption of the proposed (order, ordinance, resolution) regulating on-site sewage facilities. You are encouraged to participate in this process. Public comments may be presented in person or by mail prior to the public meeting and the public will be granted an opportunity to speak at the meeting. Copies of the proposed (order, ordinance, resolution) are available for review at (location) .

ORDINANCE NO. 2020-XXX

**AN ORDINANCE AMENDING CITY OF WEST LAKE HILLS
OSSF AMENDMENTS, SECTION 18.03.066, ARTICLE 18.03,
CHAPTER 18 UTILITIES; TITLE I – GENERAL ORDINANCES,
OF THE WEST LAKE HILLS CODE OF ORDINANCES;
PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT;
ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE
DATE; CODIFICATION; PROPER NOTICE & HEARING**

WHEREAS, the City has adopted OSSF rules, title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G and title 30 TAC chapter 285, promulgated by the state commission on environmental quality (TCEQ); and

WHEREAS, the City finds it necessary and advisable to adopt more stringent rules to regulate OSSFs within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code; and

WHEREAS, the City Council adopted OSSF amendments on September 9, 2009 and finds it necessary to revise those amendments; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt these OSSF amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Section 18.03.066, Division 3, Article 18.03, Chapter 18, Title I of the City of West Lake Hills Code of Ordinances is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein. If a conflict arises between OSSF

rules specified in other chapters of the Code of Ordinances, the OSSF amendments herein enacted shall govern.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____ 2020

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

CITY OF WEST LAKE HILLS CODE OF ORDINANCES

TITLE I – GENERAL ORDINANCES

CHAPTER 18 – UTILITIES

ARTICLE 18.03 SEWERS

Division 3. On-Site Sewage Facilities

Sec. 18.03.066 Amendments

The city finds it necessary and advisable to adopt more stringent rules to regulate OSSF's within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code. The city submits that these more restrictive rules are justified due to its challenging topography, complex drainage characteristics, predominately shallow and poor soil and sensitive location relative to the Edwards Aquifer and tributaries of the Colorado River. The TCEQ has approved the following more restrictive/stringent rules requested by the city.

City of West Lake Hills - OSSF Amendments

1. All drip irrigation systems shall be designed to an application rate of less than or equal to 0.1 g/sf/day regardless of the soil class. Dosing of the drip tubing must be controlled by a timer set to spread the design flow dosing over a period of 18 to 20 hours per day.
2. An inspection shall be required on all treatment units at the following intervals: once every three years for residential OSSF's located in the Edwards Aquifer Recharge Zone; once every seven years for all other residential properties located outside of the Edwards Aquifer Recharge Zone; and once every year for commercial OSSF's. Properties that are partially located in the Edwards Aquifer Recharge Zone are subject to the shorter inspection intervals unless otherwise determined by the city administrator. All treatment units will be pumped by a licensed waste transporter at the owner's expense and the city will inspect the treatment unit and conduct a surface walk over inspection. The city administrator may vary the ~~three-year~~ seven-year pumping interval for residential OSSF's based on verified loading rates.
3. All persons/companies pumping OSSF treatment units or repairing an OSSF component for any reason shall notify the designated representative in advance of pumping or repairs made on a working day or on the first business day after a weekend or holiday on which the work was performed.
4. Pump tanks shall be sized to contain a minimum of one day's flow between the alarm-on level and the inlet to the pump tank.

5. An owner of an OSSF located within the Edwards Aquifer Recharge Zone shall ensure that the facility is capable of consistently meeting, at minimum, secondary treatment standards specified in chapter 309 of the Texas Administrative Code.

6. Before the city issues a written notice of approval (license to operate) for an OSSF whose planning material is required by the rules to be prepared by a professional engineer or professional sanitarian, (designer), the city must receive a written letter from the designer stating that based on personal inspection, the designed system has been constructed in accordance with the approved submitted design material.

7. All OSSF planning materials shall be prepared by a registered professional engineer or registered sanitarian and all local procedures for permitting shall be complied with and observed. The planning materials must clearly show at the minimum the information from the submittal checklist located on the city's website. A copy of the checklist must accompany all submittals.

(Ordinance 170 adopted 9/9/09)

Division 3. On-Site Sewage Facilities*

Sec. 18.03.061 Chapter 366

The city acknowledges the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities (OSSFs), and will fully enforce chapter 366 of the Texas Health and Safety Code (H&SC) and chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in [section 18.03.064](#) of this division of the code.

Sec. 18.03.062 Area of jurisdiction

The rules shall apply to all of the area within the incorporated limits of the city.

Sec. 18.03.063 OSSF rules

Any permit issued for an OSSF within the jurisdictional area of the city must comply with the rules adopted in [section 18.03.064](#) of this division of the code.

Sec. 18.03.064 OSSF Rules adopted

The rules, title 30 Texas Administrative Code (TAC) chapter 30, subchapters A and G and title 30 TAC chapter 285, promulgated by the state commission on environmental quality (TCEQ) for OSSFs are hereby adopted, and all officials and employees of the city, having duties under said rules are authorized to perform such duties as are required of them under said rules.

Sec. 18.03.065 Incorporation by reference

The rules, 30 TAC chapter 30, subchapters A and G and title 30 TAC Chapter 285, all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules.

Sec. 18.03.066 Amendments

The city finds it necessary and advisable to adopt more stringent rules to regulate OSSF's within its jurisdiction to promote and protect the public health and general welfare, and understands that a more restrictive/stringent local rule shall take precedence over the corresponding TCEQ requirement and additional applicable requirement provisions as provided and authorized by section 285.40-42 of the Texas Administrative Code. The city submits that these more restrictive rules are justified due to its challenging topography, complex drainage characteristics, predominately shallow and poor soil and sensitive location relative to the Edwards Aquifer and tributaries of the Colorado River. The TCEQ has approved the following more restrictive/stringent rules requested by the city.

City of West Lake Hills - OSSF Amendments

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3. All persons/companies pumping OSSF treatment units or repairing an OSSF component for any reason shall notify the designated representative in advance of pumping or repairs made on a working day or on the first business day after a weekend or holiday on which the work was performed.
4. Pump tanks shall be sized to contain a minimum of one day's flow between the alarm-on level and the inlet to the pump tank.
5. An owner of an OSSF located within the Edwards Aquifer Recharge Zone shall ensure that the facility is capable of consistently meeting, at minimum, secondary treatment standards specified in chapter 309 of the Texas Administrative Code.
6. Before the city issues a written notice of approval (license to operate) for an OSSF whose planning material is required by the rules to be prepared by a professional engineer or professional sanitarian, (designer), the city must receive a written letter from the designer stating that based on personal inspection, the designed system has been constructed in accordance with the approved submitted design material.
7. All OSSF planning materials shall be prepared by a registered professional engineer or registered sanitarian and all local procedures for permitting shall be complied with and observed. The planning materials must clearly show at the minimum the information from the submittal checklist located on the city's website. A copy of the checklist must accompany all submittals.

(Ordinance 170 adopted 9/9/09)

Sec. 18.03.067 Supplemental rules and procedures

The city has also found it necessary and advisable from time to time to adopt additional rules and administrative procedures to regulate OSSFs within its jurisdiction which reflect specific local conditions, desires, and needs unique to the city, but which the city has not considered nor intended to be more restrictive/stringent than any TCEQ requirement. Such supplemental rules and procedures follow:

(1) Permitting and licensing of on-site sewage facilities.

(A) A permit shall be obtained from the designated representative prior to installing, or modifying an on-site sewage facility.

(i) All permit fees shall be collected by the city at the time the application is made. Fees are not refundable.

(ii) The city may, by resolution, establish permit fees to cover the cost of applications, inspection, and other costs incurred by the city in the administration of this division.

(iii) When substantial changes in design of an on-site sewage facility are made after issuance of a construction permit, the city inspector shall review the changes and payment of an additional permit fee is required.

(iv) Applicants or individuals contemplating the removal of live vegetation of any kind for any reason to accomplish the work to be allowed under a permit to install or substantially modify an on-site sewage facility, shall schedule a vegetation inventory or "tree count" with the city inspector. No permit shall be issued and no live vegetation shall be removed unless and until the city inspector has completed such inventory or "tree count."

(B) A license shall be obtained from the designated representative prior to operating a new on-site sewage facility or an existing on-site sewage facility to which substantial modifications have been made.

- (i) If an application for a license is rejected, the city shall notify the applicant of such fact in writing and state the reason or reasons for rejection. Upon rejection of an application, the city may issue temporary license containing such terms and conditions as it deems suitable.
- (ii) License for an on-site sewage facility shall be issued for a one-year period if it is located in the waterfront zone and for a three-year period if it is located outside the waterfront zone. Renewal licenses shall be issued under the terms and conditions of this section. License for commercial property sewage facility shall be issued for a one-year period. The issuance of a license in no way relieves a property owner from his obligation and responsibility of maintaining his on-site sewage facility in properly functioning order, safe to public health.
- (iii) A license issued by the city is revoked if there is any construction or modification on the site which affects the sewage load of an on-site sewage facility without first obtaining the approval of the city. The following shall be added to the city septic license:

“This license is revoked if there is any change to the originally approved use, alteration or modification to any structure, building, or residence or any addition of new construction on the property which affects the sewage load of this on-site sewage facility without first obtaining the approval of the city.”
- (iv) All septic tanks will be inspected and pumped at least once a year for commercial and once every three years for residential systems and the city furnished a copy of the pumping company invoice. The city administrator may vary the three-year requirement to pump residential systems based upon demonstrated loading rates.
- (C) No person, except the person owning or having the right of possession and use of the property upon which a proposed on-site sewage facility is to be located, or a designated representative, may apply for a permit or license to install, modify or operate an on-site sewage facility.
- (D) The design, construction, installation, modification, operation or maintenance of each on-site sewage facility shall meet the requirements set forth in the standards.
- (E) No person may cause, suffer, allow or permit the installation or substantial modification of an on-site sewage facility unless a permit has been first issued by the designated representative.
- (F) No component of a new on-site sewage facility or of a substantial modification of an on-site sewage facility shall be covered by soil or other material until the designated representative has inspected and approved the component. Provided, however, absorption trenches, evapotranspiration beds or absorption beds may be partially backfilled, except that ends and other critical areas shall not be covered until the designated representative has determined that the installation or modification complies with this division, the standards, and special conditions, if any, specified in the permit authorizing the installation or modification.
- (G) No person may cause, suffer, allow, or permit the operation or use of a new on-site sewage facility, or an on-site sewage facility that has been substantially modified, unless an operating license has been issued by the designated representative.
- (H) Due to the fact that some of the land within the city lies over the Edwards Aquifer Recharge Zone, an environmentally sensitive area, and is subject to the more stringent regulations contained in the standards which are specifically applicable to on-site sewage facilities on the recharge zones of the Edwards Aquifer, the installation of a new on-site sewage facility on a lot or tract which is smaller than one acre, or which fails to meet the other criteria contained in the standards, is prohibited. The foregoing notwithstanding, a new on-site sewage facility may be constructed on a lot smaller than one acre if such lot was

platted and recorded in the county deed or plat records prior to November 21, 1983; provided that it is demonstrated by an analysis performed by a registered professional engineer or registered professional sanitarian that the facility can be operated on such lot or tract without causing a threat or harm to the public health or an existing or proposed water supply system, and without creating the threat of pollution or nuisance conditions.

(I) No person may cause, suffer, allow or permit the operation or maintenance of an on-site sewage facility in a manner that causes pollution, injury to public health, or nuisance conditions.

(J) No on-site sewage facility for a single-family residence shall be installed within the city on a lot or tract of land less than one acre and does not lie over the Edwards Aquifer Recharge Zone unless:

(i) The lot is in a subdivision legally platted, approved, and recorded in the office of the county clerk prior to May 5, 1970.

(ii) The tract was divided by metes and bounds description and legally recorded in the office of the county clerk prior to May 5, 1970.

(K) Combining more than one dwelling's sewage in one septic system requires the prior approval of the city council.

(L) On-site sewage facilities for two-family residential dwellings are authorized only on lots or tracts of land not over the Edwards Aquifer Recharge Zone with an area of at least one acre or one-quarter acre per bedroom for each family unit and unless:

(i) The lot is in a subdivision legally platted, approved and recorded in the office of the county clerk prior to May 5, 1970.

(ii) The tract was divided by metes and bounds description and legally recorded in the office of the county clerk prior to May 5, 1970.

(M) Specific authorization is required by the city council and no on-site sewage facility shall be installed on a lot or tract of land containing less than one-quarter acre per bedroom for each family unit. All on-site sewage facilities for two-family residential shall have septic tanks with two or more compartments, shall be large enough to accommodate a two-day sewage loading and include sufficient usable land for a primary and alternate disposal field. Combining more than one dwelling's sewage in one disposal system requires the prior approval of the city council.

(N) Where a residential use more intense than a single-family residence is involved or anticipated, a permit shall not be issued to construct a disposal system until the applicant for such permit shows to the satisfaction of the city and produces evidence of a registered engineer or registered sanitarian that a disposal system will be capable of functioning properly.

(O) No on-site sewage facility for commercial property (nonresidential) shall be installed within the city on a lot or tract of land less than 1-1/2 acres. In determining whether lots are suitable for any type disposal system development, the city shall require such information, supporting data, soil percolation tests, soil borings, and other tests reasonably necessary to determine whether a disposal system including sufficient usable land for a primary and alternate disposal field each of 6,000 square feet on slopes of less than 30 percent will function properly on each lot in the subdivision in accordance with the criteria set out in this division. The cost of all tests shall be borne by the applicant and the city shall have the right to witness all tests and inspect the property. All tests must be certified by a registered professional engineer, registered sanitarian, or other person who, in the opinion of the city, is

qualified to make the determination. All on-site sewage facilities for commercial property (nonresidential) shall have septic tanks with two or more compartments, shall be large enough to accommodate a three-day sewage loading, and shall include sufficient usable land for a primary and alternate disposal field. No more than 4,000 gallons of effluent per building per day shall be disposed into one field. Over 4,000 gallons per building per day effluent disposal shall require an on-site package treatment plant or other means of disposal as approved by the state commission on environmental quality.

(P) Where a commercial use more intense than a single-family residence is involved or anticipated, a permit shall not be issued to construct a disposal system until the applicant for such permit shows to the satisfaction of the city and produces evidence of a registered engineer or registered sanitarian that a disposal system will be capable of functioning properly.

(Q) Upon satisfactory evidence that an on-site sewage facility has been properly constructed in compliance with this section, the city shall issue a license in accordance with this division.

(2) Permit to construct or modify an on-site sewage facility.

(A) Any person desiring to build, alter, or replace on-site sewage facilities shall be required to obtain a permit from the city before any construction work is begun.

(B) No building permit shall be issued until either an application for a permit to construct, modify or replace an on-site sewage facility has been filed and approved by the city, or it is shown to the satisfaction of the city that the building is to be served by an organized disposal system.

(C) An application for a permit to construct a new on-site sewage facility or to make substantial modifications to an existing on-site sewage facility shall comply with local procedures and must clearly show the information from the submittal checklist located on the city's website.

(D) The application shall not contain any false information or conceal any material facts.

(3) Conditions for obtaining a construction permit.

(A) To obtain a permit to construct an OSSF, the following conditions must be met:

(i) The design of the OSSF must meet the construction standards of this division and all minimum construction standards promulgated by the TCEQ.

(ii) Each lot upon which an OSSF is to be located must have an area of at least one acre (43,560 square feet), unless such lot was platted and recorded in the county plat records or deed records prior to May 5, 1970, if not over the Edwards Aquifer Recharge Zone, or November 21, 1983, if over the Edwards Aquifer Recharge Zone, and meet the requirements set forth in this division.

(iii) A permit shall not be issued except as indicated below to construct an on-site sewage disposal system if the slope of the ground where the primary or alternate sewage disposal field is to be located exceeds 15 percent.

a. Narrow trench type soil absorption systems (conventional or low pressure dose) may be located on slopes up to and including 25 percent providing that all other applicable requirements are met according to the criteria and setback limitations set forth in the most current version of title 30, chapter 285, and [section 18.03.066](#) above. Such systems shall also be located on slopes up to and including 30 percent provided that they meet the requirements noted above and are hand excavated with the spoils removed as they are excavated.

b. The permit application for any OSSF on natural slopes between 15 percent and 30 percent and for existing systems which require replacement shall establish to the satisfaction of the city inspector and shall provide evidence from a state registered engineer or registered sanitarian that the system will meet the most current TCEQ standards, and will be capable of functioning properly at that site.

c. A certified ground survey with one-foot interval contours shall be required for both the primary and alternate disposal field areas for all systems regardless of slope conditions. The survey shall be sealed and certified by a state registered public surveyor.

d. New development on lots subdivided after July 1, 1991 shall not dispose effluent on natural slopes in excess of 30 percent.

e. When disposal by conventional or alternative soil absorption is proposed, the city inspector must do a vegetation inventory or "tree count". No permit shall be issued and no live vegetation shall be removed unless and until the city inspector has completed a vegetation inventory or "tree count."

(B) No permit shall be issued to construct a on-site sewage facility within the city unless the city finds, on the basis of tests, inspections, and reports as it deems appropriate, that the nature of the soils and the drainage of the property, including sufficient area for an alternate disposal field, will permit the use of the proposed facility. In making such determination, the city shall consider the following:

- (i) The location of the property;
- (ii) The location (or proposed location) of the OSSF on the property;
- (iii) The nature of the use (or proposed use) of the property;
- (iv) Total proposed maximum area of impervious surfaces;
- (v) The probable population density of the development and the adjacent area;
- (vi) The anticipated sewage load (daily sewage flow per capita);
- (vii) The soil absorption capacity;
- (viii) The location of intermittent springs;
- (ix) The proposed subsurface soil absorption or evapotranspiration system;
- (x) The depth of and characteristics of subsurface impervious strata;
- (xi) The groundwater table;
- (xii) The quantitative geologic description of soil and rock encountered by profile holes;
- (xiii) Topography or ground slope and drainage characteristics in the area of the proposed facility;
- (xiv) The volume of soil removed or relocated during construction;
- (xv) The septic tank capacity and the requirement for a two-compartment tank or two single-compartment tanks, installed in series with the first tank comprising between one-half and two-thirds of the total storage capacity;
- (xvi) The distance from floodplains, wells, lakes, creeks, faults, and water lines;
- (xvii) The possible contamination of streams, lakes, creeks, groundwater, or waterlines;
- (xviii) The usable land available for the primary and alternate absorption fields;
- (xix) Whether alternate methods would be more suitable; and

(xx) Other relevant factors.

(C) All OSSFs shall be constructed in accordance with the requirements contained in the current edition of title 30, chapter 285, as amended. Where any conflict exists between the state standards and the city standards, the city standards shall govern, provided such standards do not fall below state standards. The city shall require a 25 percent increase in field sizing above the state standards. The city shall require a leak monitor detection system for lined and partially lined evapotranspiration beds or trenches.

(D) The city may require such additional tests and inspections as it considers appropriate to determine whether the proposed construction will comply with the provisions of this division. It shall require that the proposed construction and the on-site sewage facility as constructed be approved by the inspectors. All tests and inspections shall be at the expense of the owner.

(E) The city shall have the right to select and engage sanitarians or engineers, or any combination thereof, to conduct investigations, tests, examine plans and specifications, present evidence, advise and represent the city, and assist the applicant in the development of a on-site sewage facility in accordance with the provisions of this division; and the applicant shall be required to reimburse the city for reasonable costs of such services.

(F) The city shall have access to the property during construction of an on-site sewage facility for the purpose of verifying compliance with this division. After construction is completed, a final inspection shall be made by a city inspector.

(4) Approval of new or modified on-site sewage facilities.

(A) Each new on-site sewage facility and each existing on-site sewage facility that has been substantially modified shall be inspected and approved by the designated representative at all critical stages of construction, according to the inspection schedule prescribed by the designated representative. The person installing or modifying the facility shall give the designated representative at least two work days' advance notice of the need for an inspection at a particular stage. Additionally, the applicant or installer shall provide whatever reasonable assistance the designated representative requests in order to make the inspection.

(B) Within five days after completing the final inspection of a new or modified on-site sewage facility, the designated representative shall make a finding on the issuance of an operating license, based upon the information obtained from the inspection and any other information available to the designated representative. Upon a finding that the facility complies with the requirements of this division, and upon receipt of a letter of certification from a registered professional engineer or registered professional sanitarian that the facility has been installed or modified in accordance with the requirements of this division, the designated representative shall issue a license to operate the facility to the applicant. Upon a finding that a license to operate the facility will not be issued, the designated representative shall notify the applicant in writing within five days of that finding, and shall include in the notice the reasons for denying the issuance of the license.

(C) A license issued pursuant to this division shall be for a term outlined in this division, and shall be transferred to a succeeding owner if the facility has not been substantially modified without authorization subsequent to issuance of the operating license. Upon the request of a new owner of a licensed on-site sewage facility, the designated representative shall transfer the license to the new owner.

(5) Information to be provided to certain purchasers, lessees and renters. Any person desiring to construct a residential development containing two or more lots upon which on-site sewage facilities will be utilized and located, in whole or in part, over the Edwards Aquifer recharge zone, as such recharge zone is defined by the state commission on

environmental quality (TCEQ), and desiring to sell, lease, or rent the lots therein, must give written notice to each prospective purchaser, lessee, or renter of the following:

- (A) That each lot within the regulated development is subject to the requirements of this division;
- (B) That a permit to construct must be obtained from the city before an on-site sewage facility can be constructed in the subdivision;
- (C) That a license to operate an on-site sewage facility must be obtained from the city; and
- (D) Whether or not an application for a water pollution abatement plan, as defined in 30 T.A.C. chapter 213, has been submitted to the TCEQ, and whether or not such application has been approved, together with a description of any restrictions or conditions placed on that approval.

(6) Approval for subdivisions where on-site sewage facilities may be used.

- (A) This division shall apply to all proposed subdivisions within the city and in the city's extraterritorial jurisdiction, and these subdivisions shall comply with title 30, chapter 285.
- (B) No subdivision plat shall be recorded until approved by the city pursuant to this section.
- (C) All plats shall meet all the requirements of [article 26.02](#) and [chapter 36](#) and shall show any existing on-site sewage facilities or parts thereof.
- (D) Before the city approves any subdivision plat, the applicant shall demonstrate and certify that all lots, other than those served by an organized sewage system, will support the installation of private on site sewage disposal facilities.
- (E) In determining whether lots will support private on site sewage disposal facilities, the city may require such information, supporting data, profile holes, soil borings, or other tests reasonably necessary to determine whether disposal systems, including sufficient usable land for primary and alternate drain fields of 6,000 square feet each on natural slopes of less than 30 percent, will function properly on each lot in the subdivision in accordance with the criteria of this division. The applicant shall bear the cost of all tests and the city shall have the right to witness all tests and inspect the property. All tests must be certified by a registered professional engineer, registered sanitarian, or other person whom the city deems qualified to make such determination.
- (F) If any lot in the proposed subdivision located within the city's municipal boundaries is not served by an organized disposal system, the plat shall not be approved unless it bears a conspicuous legend stating:

"Septic systems: Every lot within the city's municipal boundaries in this subdivision is subject to the City of West Lake Hills' sanitation ordinance, as amended, in [article 18.03, division 3](#), of the city Code. No septic system or other on-site sewage facility may be constructed on those city lots until the City of West Lake Hills has issued a permit for their construction. No on-site sewage facility in the city limits may be used until the facility has been approved and licensed by the city. Lot size requirements for residential and commercial on-site sewage facilities shall conform to construction and development limitations in the Sanitation Ordinance 108, as amended, in [article 18.03, division 3](#), of the city code."

- (G) If the city has determined that any lot in the subdivision is not suitable for a disposal system, the plat shall not be approved unless the legend also contains substantially the following additional language:

"Notice. Lot (designating the lot by number) has been determined not suitable for septic

system development.”

(7) Noncomplying on-site sewage facilities.

(A) Upon receiving notification that an on-site sewage facility is being operated in a manner that is causing or will cause pollution of the Edwards Aquifer or other areas of the city or otherwise violates the requirements of this division, the designated representative shall make an on-site investigation to determine if the facility complies with the requirements of this division. If the designated representative determines that the facility violates the requirements of this division, the cost of any inspection or tests conducted by the designated representative in the course of the on-site investigation shall be assessed against the property owner, which shall be immediately due and payable to the city, and may be billed to the property owner.

(B) If the designated representative determines that an on-site sewage facility violates the requirements of this division, he shall give written notice thereof to the property owner.

(C) A property owner shall, within 30 days of receiving a notice of noncompliance from the designated representative, complete all repairs or other work necessary to bring the facility into compliance with the requirements of this division and shall present evidence of compliance to the designated representative. If adverse weather or other problems outside the control of the owner prevent the performance of such work during this period, the designated representative shall grant an extension not to exceed an additional 30 days. Additional extensions of time can only be granted by the city council.

(i) If noncompliance has not been corrected within the period allowed for its correction, the city shall revoke the license or permit and notify the property owner in writing.

(ii) If the city determines that continued use of an OSSF constitutes an immediate threat to the public health and welfare, the city health authority may revoke the license by notice to the owner(s) and/or persons in possession of the property and direct that use of such facility cease immediately.

(iii) A license or permit which has been revoked is void and of no effect as if the license or permit had never been issued.

(iv) If a complaint has been lodged with the city and tests are required to verify the complaint, the cost of such tests shall be borne by the property owner unless the tests prove negative, in which event, the cost shall be borne by the city.

(D) Failure by a property owner to bring a noncomplying on-site sewage facility into compliance with the requirements of this division within the time prescribed shall constitute a violation of this division, and shall subject the owner to the penalty provided by this division. Further, the city shall revoke the license to operate of any property owner who fails to bring a noncomplying OSSF into compliance with the requirements of this division within the time prescribed by this division.

(8) Chemical toilets and holding tanks. Neither chemical toilets nor holding tanks are permitted as a permanent means of dealing with sewage; however, the city may authorize the use of either for a period not to exceed 180 days under the following terms and conditions:

(A) Holding tanks must be provided with an audible alarm system which will trigger when the tank is three-quarters full. The alarm shall be placed in a location which can be easily detected by persons responsible for the tank.

(B) Persons authorized use of chemical toilets and holding tanks shall maintain a complete and accurate record of the servicing and emptying of the tank which record shall be delivered to the city inspector on the last business day of every month. This record shall be available to

the city inspector at reasonable times and places.

(C) The city may require the temporary use of chemical toilets at construction sites.

(D) The use of either a chemical toilet or a holding tank without the prior approval of the city is prohibited.

(E) Every chemical toilet and holding tank shall be maintained and operated so as not to constitute a nuisance.

(9) Disposal of chemical waste. Liquid or powdered chemical waste may be toxic to the bacteria in septic tanks and will not be disposed of in an OSSF. Such waste shall be temporarily stored on the premises in a properly designated and maintained container for a periodic pickup and transfer to a licensed waste disposal site.

(10) Experimental OSSFs.

(A) Experimental, nonconventional sewage systems for private on-site sewage treatment may be authorized for use within the city. All requests for experimental on-site sewage facilities must be submitted in writing to the zoning and planning commission. Upon recommendation of the zoning and planning commission, the city council may authorize the use of experimental on-site sewage facilities when, in its opinion, the facility complies with the intent of this article and does not endanger the public health and the environment as provided for the article. The city may require that the experimental facility be approved by the state commission on environmental quality.

(B) Licenses issued for experimental on-site sewage facilities shall be issued for a one-year period. The water pollution control and abatement officer or the city inspector may inspect the experimental facility to determine whether or not the system is operating satisfactorily. If the city finds that the system has performed satisfactorily during the test, the experimental facility may be licensed for periods as provided for in this division.

(11) Notice. All notices required or permitted under this division shall be given by written notice delivered by personal service or by registered or certified mail. Notice by mail shall be deemed given when deposited in the United States mail.

(12) Variances.

(A) Variances from the requirements of this division may be granted by the city council.

(B) All requests for variances from the requirements of this division must be submitted in writing to the city secretary. Upon recommendation of the designated representative, the city council may grant a variance.

(C) The city council may prescribe conditions with respect to a variance if such conditions are deemed necessary for or desirable in the public interest.

(D) A variance shall not be granted unless the city council finds that:

(i) There are special circumstances or conditions affecting the property involved, such that the strict application of the requirements of this division would deprive the applicant of the reasonable use of his property;

(ii) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(iii) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

(iv) The granting of the variance will not have the effect of preventing the orderly development of other properties in accordance with the requirements of this division; and

(v) Alternative methods to the installation or modification of the facility would not be suitable.

(E) In making the findings required under this section, the city council shall take into account the nature of the proposed use of the property involved, and the probable effect upon the public health, safety, convenience and welfare in the vicinity of the on-site sewage facility that is the subject of the application for a variance.

(F) A variance may be granted only when in harmony with the general purposes and intent of this division so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

(G) The findings of the city council, together with the specific facts upon which such findings were based, shall be incorporated into the official minutes of the city council meeting at which the variance was granted or denied.

(H) Any recommendation or findings of the zoning and planning commission may be appealed to the city council. The city council may reverse such recommendations or findings by simple majority vote of those present. This appeal must be filed in writing within 30 days. Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the board of adjustment/city council without a recommendation.

(I) If the after-the-fact variance application(s) are denied or withdrawn prior to approval, the applicant has fourteen (14) days to bring the property into compliance or make an agreement, in writing, with the city administrator regarding a timeframe for bringing the property into compliance. If the deviation(s) are not corrected within the fourteen (14) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by [section 2.02.041](#) of this code may be taken to bring the property into compliance.

(13) Offenses. A person commits an offense if he/she knowingly:

(A) Disposes of sewage in a manner contrary to the requirements of this division;

(B) Constructs, installs or modifies an on-site sewage facility without a permit;

(C) Operates a new on-site sewage facility, or an on-site sewage facility to which substantial modifications have been made, without a license;

(D) Uses or allows the use of an on-site sewage facility on property owned or possessed by such person in a manner which results in a threat to public health, or causes pollution of the Edwards Aquifer, or is contrary to the provisions of this division;

(E) Removes or hauls waste from an on-site sewage facility unless approved by the state commission on environmental quality or the Austin-Travis County Health Department for such activity;

(F) Permits sewage or effluent to flow onto adjoining property;

(G) Possesses premises upon which there is a nuisance, and then fails to abate the nuisance after notice; or

(H) Violates any provision of this division.

(I) Occupies a property without either:

(i) A functioning connection to the city's central wastewater system; or

(ii) A licensed, functioning on-site sewage facility.

(Ordinance 373 adopted 9/11/19)

Sec. 18.03.068 Mandatory OSSF

The city deems it necessary that any eligible property not connected to the city's central wastewater system shall have a licensed and fully operational on-site sewage facility.

Sec. 18.03.069 Revocation of certificate of occupancy

In the event a property has neither:

- (1) A functioning connection to the city's central wastewater system; or
- (2) A licensed, functioning on-site sewage facility, the city may revoke the certificate of occupancy issued for the structure.

The revocation in accordance with this section is in addition to any other remedies available to the city at law or in equity.

(Ordinance 185, att. A, adopted 1/13/10)

Sec. 18.03.070 Duties and powers

The city inspector for OSSFs must be certified by the TCEQ before assuming her/his duties and responsibilities. The persons listed below are authorized to inspect OSSFs. This authorization shall be effective until revoked by the city with notice to the person affected.

- (1) The city inspector, city sanitarian, or designated representative;
- (2) Governmental agencies or persons approved by the TCEQ or the Austin-Travis County Health Department to inspect on-site sewage facilities;
- (3) The city's water pollution control and abatement officer; or
- (4) Any other person the city authorizes to inspect OSSFs.

Sec. 18.03.071 Fees

All fees collected for permits and/or inspections shall be made payable to "The City of West Lake Hills." Application fees for permits, licenses, re-inspections or other shall be set by the city council and are not refundable.

Sec. 18.03.072 Appeals

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the city council. A person may appeal the denial of a permit or license, or a determination of noncompliance under this division by filing a written request with the city administrator within ten calendar days of receiving notice of denial or notice of noncompliance. The city council shall conduct a hearing on the appeal within a reasonable time after receipt of the request.

Sec. 18.03.073 Penalties

This division of the code adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in chapters 341 and 366 of the Texas Health and Safety Code, chapters 7, 26, and 37 of the Texas Water Code and 30 TAC chapters 30 and 285. A violation of this division shall be punishable by a fine of not more than \$2,000.00.

(Ordinance 170 adopted 9/9/09)

Secs. 18.03.074–18.03.090 Reserved



DEMOLITION PERMIT CODE AMENDMENTS STAFF REPORT

DECEMBER 9, 2020

Agenda Item: Ordinance: Discuss and Consider Action for Approval of an Ordinance of the City of West Lake Hills, Texas, amending Chapter 22, Article 22.03 of the Code of Ordinances to Establish Regulations for Demolition of Structures, and Providing for the Following: Findings of Fact; Enactment; Repealer; Severability; Penalty; Codification; Effective Date; and Proper Notice & Meeting.

Summary of Proposed Code Amendments:

Staff proposes to amend Chapter 22 – Building Regulations, to establish clearer and more robust regulations for demolition permits. The proposed amendments include clarification for demolition permit requirements; requiring a demo permit to be filed/completed prior to submitting a building permit application (when applicable); clarifying that demolition permits are not transferrable to a different person; establishes clearer and stricter timeframes for commencement and completion of demolition; and establishes site maintenance standards; requires protective measures for trees and utilities.

The goal of these amendments is to provide clearer standards, promote safety and well-maintained demolition worksites, and help prevent demolitions from becoming a public nuisance. Below is a more detailed summary of the proposed amendments:

- Requires demolition permit
- Clarifies that demolition permit applications cannot be combined with the building permit applications
- Establishes standards for demolition activities in a new Division 18 of Article 22.03
- Excepts demolition permits from the standard expiration of permits rule (12 months/24 months)
- Requires certain information in the demolition permit application
- Denials of demolition permits can be appealed to the City Council
- Demolition permits cannot be transferred
- Demolition work has to be commenced within ten (10) working days of permit issuance or permit expires
- If no progress has been made toward completion of the demolition, permit expires sixty (60) days after date of issuance
- Demolition work, including cleanup, authorized by the permit shall be completed within sixty (60) days of the date demolition commences
- City inspector may grant up to three (3) permit extensions of up to sixty (60) days if contractor shows good cause
- Indemnification agreement and surety bond are required

- Establishes certain site preparation requirements
- Requires protective devices for public property, utilities, and trees to be preserved
- Hours of operation in accordance with City's construction hours ordinance
- Provides site condition standards upon completion of demolition (remove all portions of structure, repair damage, etc.)

Staff Recommendation

Staff recommends approval of the proposed Code amendments.

BUILDING REGULATIONS ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING CHAPTER 22, ARTICLE 22.03, OF THE CODE OF ORDINANCES, TO ESTABLISH REGULATIONS FOR DEMOLITION OF STRUCTURES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the West Lake Hills City Council has determined that minimum standards are necessary for demolition activities to protect the health, safety, and welfare of its citizens and guests, protect public infrastructure, and surrounding property values after demolition has occurred; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt an ordinance amending Chapter 22: Building Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 22, Article 22.03, Division 4 of the West Lake Hills Code of Ordinances is hereby amended to read in accordance with *Attachment “A”* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment “A”*.

Chapter 22, Article 22.03 of the West Lake Hills Code of Ordinances is hereby amended to add a new Division 18 “Demolition” to read in accordance with *Attachment “B”* which is

attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____, 2020, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____
Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

ATTACHMENT “A”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 2. Permits and Inspections

Sec. 22.03.121 Permits required

(a) Site clearance, excavation, grading, and landfill permits. No site clearance, excavation, grading, or landfill on public or private land shall commence unless a permit shall have first been issued for such work.

(b) Blasting permit. No blasting or use of explosive materials on public or private land shall commence unless a permit shall have first been issued for such work. Blasting permits can only be approved by the city council.

(c) Building permit. No building or structure or part thereof shall be erected, altered, moved, or placed within the city unless a building permit shall have first been issued for such work. No building permit shall be issued by the city for building or for the installation of a private sewage facility upon any lot in a subdivision or confirming plat for which a final plat has not been approved by the city and filed for record, or upon any lot in a subdivision or confirming plat in which the standards contained in chapter 36, or referred to therein have not been complied with in full. Site clearance, excavation, grading, landfill and temporary use of street permits may be consolidated under a single building permit provided that the applicable requirements of the individual permit being consolidated, as determined by the city inspector, are complied with. See the appendix to Ordinance 366, instructions for obtaining a building permit, for further guidelines in permit processing.

(1) Any owner may make minor improvements and ordinary repairs on any structure without a permit provided that such improvements and repairs conform to all applicable building laws and ordinances.

(2) The city inspector or his designated representative shall have the right to inspect all such improvements or repairs.

(3) Residential building permit fees for new construction are set by the city fee schedule. The application for a building permit for new residential construction shall be accompanied by a deposit that is equal to two times the initial building fee amount.

(d) Private sewage facility permit. No private sewage facility or part thereof shall be hereafter constructed or altered unless a construction permit shall have first been issued for such work pursuant to the current private sewage facility ordinance.

(e) Moving permit. No building or structure or part thereof shall be moved onto or over the city streets unless a permit shall have first been issued for such move.

(f) Street use permit. No person shall place any building materials, barricade, covered walkway, or obstruction of any kind upon the streets, alleys or sidewalks of the city without first securing a permit therefor from the city inspector. The city inspector shall not issue a permit unless the application for street or sidewalk space has been reviewed by the chief of police. This section shall not apply to work done by the city or work done by any public

utility companies for the purposes of emergency repair of their systems, or to the temporary use of the street space by moving vans for the purpose of moving equipment and furniture from or into any building or structure.

(g) Utility permit. No utility (electric, water, gas, cable television, telephone) shall construct, erect, move, enlarge, improve, remove, alter, or repair any of its transmission or distribution lines and/or equipment unless a utility development permit shall have first been issued for such work. Emergency repairs required to restore service may be completed without a permit provided that such repairs are forthwith reported to the city inspector.

(h) Site plan. No horizontal infrastructure or part thereof shall be improved, erected, altered, moved, or placed within the city unless a site plan has first been approved for such work. Site clearance, excavation, grading, landfill and temporary use of street permits may be consolidated under a single site plan approval request provided that the individual permit being consolidated complies with the applicable requirements, as determined by the city inspector.

(i) Demolition permit. No demolition of any structure or any portion of a structure shall be permitted within the city unless a demolition permit has been issued first for such work.

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Sec. 22.03.126 Site clearance and demolition permits

(a) To obtain a site clearance permit, the applicant shall first file an application in writing. This permit may be combined with the building permit application. Each such application submission shall include all items pertinent to review, as provided in the permit application, available from the city.

(b) ~~[All]~~ Site clearance permits issued under this section shall be governed by the provisions of division 12 of this article.

(c) To preserve the required mandatory areas of natural vegetation landscape from inadvertent damage during construction, a physical barrier shall be erected around the perimeter of these inviolate areas. The barriers will be in place and approved by the city inspector before any site clearance can commence. The barrier may consist of a temporary chainlink fence, wooden stake (snow) fence, orange plastic construction fence or other devices as approved by the city inspector. Minimum height for all types of barriers is four feet. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy. Only after this time can the barriers be removed.

(d) To obtain a demolition permit, the applicant shall first file an application in writing. This permit may not be combined with the building permit application. Each such application submission shall include all items pertinent to review, as provided in the permit application, available from the city.

(e) Demolition permits issued under this section shall be governed by the provisions of division 18 of this article.

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Sec. 22.03.137 Expiration

(a) Any permit, other than one for a fence and associated screening vegetation or for demolition issued under the provisions of this article shall expire if the building, construction, or work authorized by such permit is not commenced within 60 days from the date such permit is approved, or if the building, construction, or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 12 months. A permit for a fence and associated screening vegetation shall expire if the construction of the fence and the planting of the associated screening vegetation has not commenced within 60 days or on a date specified by the city council to accommodate the next favorable growing season, whichever is later. A permit for demolition shall expire in accordance with the provisions of division 18 of this article. Notwithstanding the preceding sentences, a permit, other than one for a fence and associated screening vegetation or for demolition, expires if the building, construction, or work authorized by such permit is not completed according to the approved plans and specifications within 24 months from the date such permit is approved. A permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within six months of the approval date of the permit.

(b) Before any such work can be resumed, an extension to the permit shall first be obtained; the fee for which shall be set by the city council in a standard fee schedule. The city administrator may approve such extensions, provided that:

- (1) No changes have been made or will be made in the original plans and specifications for such work;
- (2) Any suspension or abandonment of construction has not exceeded twelve (12) months. A permit under the construction code shall be considered suspended if construction has “substantially ceased” during the 12-month period. A permit under the construction code shall be considered abandoned if construction has “completely ceased” during the 12-month period; and
- (3) The additional fees for extension of the permit, if any, are paid pursuant to the amounts set by the city fee schedule.

(c) Except for extensions for demolition permits, [A]any extension approved by the city administrator will be valid for twelve (12) months from the date of approval. Extensions for demolition permits shall be in accordance with the provisions of division 18 of this article.

(d) The permit shall only be renewed if the applicant has commenced construction during the term of the original permit. The maximum number of extensions shall be limited to three (3).

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ATTACHMENT “B”

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

Division 18. Demolition

Sec. 22.03.571 Definitions.

The following terms used in this division shall have the meanings indicated in this section:

Contractor. A person, and any employees, engaged in the business of demolition of structures who have been contracted to demolish a particular structure.

Demolition. The destruction of a structure or part of a structure.

Sec. 22.03.572 Demolition permit required.

(a) *Permit required.* A person shall not demolish or begin demolition of a structure without obtaining a demolition permit from the city inspector.

(b) *Fees.* Before being issued a demolition permit, the applicant shall pay all applicable fees required by Article A9.003 of the West Lake Hills Code of Ordinances.

Sec. 22.03.573 Permit application.

(a) *General.* Application for a demolition permit signed and verified by the owner or owner’s agent shall be made to the city inspector on a form provided for that purpose and shall include all of the following information:

- (1) Location of the structure to be demolished.
- (2) A plan for demolition and a schedule of time to complete the demolition project.
- (3) Location of the sites to be used for disposal of debris and proposed routes for the transport of the debris to the sites.
- (4) Name and address of the owner of the structure and the notarized signature of the owner or the owner’s agent authorizing the contractor to obtain a permit for demolition of the structure.
- (5) Name and address of the contractor.
- (6) Documentary evidence from an insurance company authorized to do business in the State of Texas, indicating a willingness to provide liability insurance required by section 22.03.577.
- (7) A statement that the abatement of asbestos hazards will be accomplished in accordance with the applicable city, state and federal laws and regulations, including but not limited to the Texas Asbestos Health Protection Act (TAHPA),

specifically Texas Occupations Code Section 1954.259(b) requiring that a municipality that requires a person to obtain a permit before renovating or demolishing a public or commercial building may not issue the permit unless the applicant provides:

- (A) Evidence acceptable to the municipality that an asbestos survey, as required by this chapter, of all parts of the building affected by the planned renovation or demolition has been completed by a person licensed under this chapter to perform a survey; or
 - (B) Certification from a licensed engineer or registered architect, stating that:
 - (i) The engineer or architect has reviewed the material safety data sheets for the materials used in the original construction, the subsequent renovations or alterations of all parts of the building affected by the planned renovation or demolition, and any asbestos surveys of the building previously conducted in accordance with this chapter; and
 - (ii) In the engineer's or architect's professional opinion, all parts of the building affected by the planned renovation or demolition do not contain asbestos.
- (8) Such additional information as the city inspector considers necessary to promote the implementation or enforcement of this chapter or the protection of the public safety.

Sec. 22.03.574 Permit issuance; appeal of denial.

(a) *Issuance of permit.* The city inspector shall issue a demolition permit to the applicant, incorporating any special conditions as part of the permit, if the city inspector determines that:

- (1) The applicant has complied with the requirements of sections 22.03.572 and 22.03.573;
- (2) The applicant has submitted proof of the insurance coverage and bond required by section 22.03.577;
- (3) The methods and procedures to be used by the applicant will comply with the requirements of this chapter and will not present a hazard to the public; and
- (4) The applicant has agreed to comply with the special conditions, if any, determined to be necessary by the city inspector.

(b) *Appeal of denial.* If the city inspector denies issuance of a permit, the applicant may appeal the action to the city council.

Sec. 22.03.575 Transferability; commencement of work; continuation of work; duration of permit; extension.

(a) *Transferability.* A demolition permit is not transferable to another.

(b) *Commencement of work.* A contractor or owner shall begin demolition work authorized by a permit within ten (10) working days from the date the permit is issued, otherwise the permit expires and the contractor or owner must apply for a new permit.

(c) *Exception:* The time limit in the contract applies to a contractor who demolishes a structure under contract with the city or other governmental entity.

(d) *Continuation of work.* After beginning a demolition project, a contractor or owner shall work continuously at the normal rate of progress in keeping with good demolition practices until the project is completed.

(e) *Expiration of permit.* A permit issued for demolition of a structure expires sixty (60) days after the date of issuance if no progress has been made toward completion of the demolition, unless a longer period of time is granted in the permit as a special condition approved by the city inspector. Demolition work, including cleanup, authorized by the permit shall be completed within sixty (60) days of the date demolition commences or within the time stated in the special condition.

(f) *Extensions of permit.* The city inspector may grant an extension of a demolition permit for up to sixty (60) days if the contractor or owner shows good cause for not completing the project within the required time. The maximum number of extensions shall be limited to three (3).

Sec. 22.03.576 Cost for changes in public property; equipment or utilities.

The owner of the property to be demolished is responsible for the cost of changes in public property, equipment or utilities, including, but not limited to, damage caused by the demolition activity, removal and reinstallation if damage cannot be avoided, and temporary equipment or utilities if determined to be necessary by the city inspector.

Sec. 22.03.577 Indemnification; bonding requirements.

(a) *Indemnification required.* A permittee shall execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of demolition activities by the permittee that affect public property.

(b) *Bond required.* No person or entity shall be issued a demolition permit until such person or entity shall have made, executed, and delivered to the city inspector a surety bond in the amount of fifty thousand dollars (\$50,000.00) in the name of the City of West Lake Hills, Texas. The said surety bond shall be with a recognized and reliable surety company and shall be approved by the city inspector. Said bond shall hold the city free and harmless from damage or loss of every nature for acts of neglect of the principal of the said bond, its agents, or employees, and said bond shall be held for the benefit and use of the city, or any person injured or damaged by any act or neglect of the principal or its agents or employees, or by reason of failure to repair any defective workmanship or materials without additional cost to the person for whom the work was done within the time prescribed by the city inspector for the completion of such remedial work and guaranteeing compliance with the requirements of this article of all work done by the principal, its agents or employees.

Sec. 22.03.578 Demolition by city.

This Division 18 does not apply to demolition work conducted by city employees in the course of their city employment.

Sec. 22.03.579 Preparation of the demolition site.

(a) *Site preparation requirements.* A contractor shall not begin demolition work until all of the following preparations have been made:

- (1) Relocate gas, water, steam, storm and sanitary sewer lines that will be used during the demolition process and construct devices to protect the relocated lines.
- (2) Shut off and cap accessible gas, water, steam, storm and sanitary sewer lines not required during demolition outside the building line and shut off other lines as they become accessible.
- (3) Reduce electrical service connections to a minimum needed for the demolition work and relocate and protect needed lines.
- (4) Disconnect unneeded electrical service lines outside the property line and conspicuously identify energized circuits.

(b) *Notification to utility agencies.* A contractor shall notify the appropriate utility agency before making the preparations required in section 22.03.579(a)(1) and shall accomplish the disconnections and construction of protective devices in a manner approved by that agency.

Sec. 22.03.580 Protective devices.

(a) *Protective devices.* A contractor shall not begin demolition of the exterior walls or roof of a structure until the following protective devices have been constructed when required by the city inspector:

- (1) A structure to protect public property and utilities, as illustrated by, but not limited to, fire hydrants, streetlights, signal lights and control boxes, parking meters, utility lines and poles, and traffic signs.
- (2) A temporary protective barrier that equals the diameter of the tree canopy for each tree to be preserved. The barrier shall be in place before any site work is initiated and maintained throughout the demolition to avoid impact injuries to the tree and the tree's root system during demolition. During demolition, no excess soil, additional fill, construction equipment, liquids or construction debris shall be placed inside the protective barrier nor shall any soil be removed from within the barrier.
- (3) Temporary fencing to enclose the demolition site.

(b) *Maintenance and removal of protective devices.* A contractor shall maintain the required protective devices so long as a hazard to persons or property exists and shall remove the devices immediately when they are no longer needed for protection.

(c) *Water accumulation.* Provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

Sec. 22.03.581 Dust and drainage.

(a) *Dust.* In order to control dust in the air, a contractor shall do the following:

- (1) Maintain an adequate water supply on the demolition site to properly control dust.
- (2) Wet down material sufficiently to lay the dust before the material is removed.
- (3) Remove asbestos in accordance with applicable city, state and federal laws and regulations, including but not limited to, the TAHPA.

(b) *Drainage.* A contractor shall maintain the drainage facilities so that storm water and water used for controlling dust will not cause flooding of streets, sewers or other property.

Sec. 22.03.582 Hours of operation.

A contractor shall conduct demolition activity on a structure only during the days and hours specified in section 22.03.056 subject to the limitations of Article 12.02, Noise, and the zoning ordinance, as amended.

Sec. 22.03.583 Removal of material.

A contractor shall remove all material, rubbish and debris at least every other day from the demolition site in accordance with applicable city, state and federal laws and regulations, and in accordance with the routes, disposal sites and precautions established by the city inspector, taking care to maintain adjacent streets, alleys and public ways clear of loose material.

Sec. 22.03.584 Condition of the demolition site.

(a) *Site condition upon completion of demolition.* Upon completion of a demolition project, a contractor shall:

- (1) Leave the demolition site clean (other than living shrubbery and trees); and
- (2) Remove all portions of the structure, including foundation; and,
- (3) Grade the land to provide adequate drainage; and,
- (4) Fill, level, compact and smooth basements, cellars, wells, cisterns, excavations, holes, voids under public or private sidewalks, or any declivity or depression that extends below the grade of the lot and is an apparent consequence of the demolition; and
- (5) Install and maintain sod on any disturbed areas of the site for demolition sites located in the One-Family Residential Districts (R-1), Two-Family Residential Districts (R-2) or Transitional Residential Districts (R-3), and reseed or take measures to prevent erosion in all other zoning districts; and

- (6) Repair any damage to the immediately adjacent curbing, sidewalks, streets or alleys that were affected by the demolition activity; and
- (7) Owner shall demonstrate to the city inspector, using a pre-and post-demolition camera inspection (or similar), that any city-owned sanitary sewer line was undamaged by the demolition activities. The scope of the inspection shall include:
 - (A) Any city-owned sewer main that is within the demolition site; and,
 - (B) The sewer tap connecting demolition site to the city-owned sewer line, and 50 feet (both upstream and downstream) of said tap.

Sec. 22.03.585 Penalty.

Any person, firm, association, delegation or group who violates any provision of this division shall be guilty of a misdemeanor and, upon conviction, shall be punished according to the general penalties described in Section 1.01.013. Each day any violation continues to exist shall constitute a separate offense

Secs. 22.03.586-22.03.580 Reserved