



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, March 24, 2021 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Remote Regular Meeting on the 24th day of March 2021 at 7:00 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the Open Meetings Act update from the Office of the Texas Attorney General issued March 19, 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 875 7277 1367, Password: 076631

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 March 24, 2021

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 March 24, 2021

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 March 10, 2021 Regular Meeting Minutes
4. **Land Use 808 Westlake Drive:** Discuss and Consider Action on three variance requests for the construction of a fence:
 - 1) Encroachment into a front yard fence setback (Westlake Drive)
 - 2) Encroachment into a front yard setback (Yaupon Valley)
 - 3) Construct a solid front yard fence(West Lake Hills Code Sec. 22.03.173) Owner/Applicant Cynthia Brandimarte
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
5. **Land Use 310 Westhaven Drive:** Discuss and Consider Action on a variance request to allow a driveway gate to open towards the street Applicants/Owners Andrew Schwartz & Sylvia Arabian
(City of West Lake Hills Code Sec. 22.03.173)
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
6. **Land Use 0 Wild Cat Hollow (Wild Cat Estates):** Discuss and consider action on a variance request to a Subdivision Ordinance requirement for subdivisions greater than 10 acres to provide a new internal public street to instead allow the construction of a private street approximately 20 feet wide for a new proposed subdivision (West Lake Hills Code Sec. 36.01.009 (a)(3)). Owner David Altounian/Applicant Foursquare builders, LLC.
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
7. **Land Use 803 Westlake Drive:** Discuss and Consider Action on an application to subdivide a tract of land into an eight-lot single family subdivision for a property zoned R-1 Owners Doyle & Colleen Moore/Power of Attorney Terry Irion
(West Lake Hills Code Chapter 36)
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
8. **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, including Submitted Master Grading and Vegetation Plan, 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)
9. **Administration** Take any necessary or appropriate action on matters posted for consideration in closed/executive session
10. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the March 24, 2021 City Council Remote Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, March 19, 2021 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, March 10, 2021 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:01 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Jim O'Connor, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Darin Walker.

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

Mayor Anthony opened the meeting for public comments.

Emailed comment regarding Brush Pick up from Brian Smith & Steven Wooldridge was read

**Emailed comment regarding Brush Pick up from David McWilliams was read
Doug Danforth spoke regarding Brush Pick up**

3. Announcements Recognize and Thank the Citizens of West Lake Hills for Being Good Neighbors During the Recent Winter Storm

Mayor Anthony recognized and thanked multiple citizens for their assistance to neighbors during the recent winter storm

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 February 10, 2021 Regular Meeting Minutes
- b. Proclamation Recognizing the First Monday in March as Covid Memorial Day
- c. Q4 2020 Quarterly Report for the Building & Development Department
- d. Q4 Public Safety Report
- e. Annual Racial Profiling Report
- f. Recognition of City Secretary Stephanie Mills for Her Graduation from the Texas Municipal Clerks Association as a Texas Registered Municipal Clerk

**Motion for Approval of the Consent Agenda with the addition of Items #6 and #7
made by Councilmember Plunkett with a Second by Mayor Pro Tem O'Connor
Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays**

5. Ordinance Discuss and Consider Action on the Approval of an Ordinance Cancelling the May 1, 2021 General Election and Declaring the Unopposed Candidates for the Offices of Councilmember Place 1, Councilmember Place 3 and Councilmember Place 5 as Elected

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

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

Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays

6. Land Use 606 Rocky River Road: Discuss and Consider Action on the Approval of a 4,175 SF Wastewater Utility Easement Located on Tract A, Ben Jones Subdivision (0.872 Acre) Owners Philip and Mindy Vescovo/Applicant Blair Langlinais

- a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

This item was moved to the Consent Agenda and approved

7. Ordinance 3300 Bee Cave Road, Ste. 795: Discuss and Consider Action on the Approval of an Ordinance to Amend the Westbank Market Uniform Sign Agreement to Establish Uniform Signage for Bank of America
Applicant Liberty Signs, Inc.

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

This item was moved to the Consent Agenda and approved

8. Adjournment

Motion to adjourn the meeting made at 7:26 p.m. by Councilmember Walker with a Second by Councilmember McCollough

Motion to Adjourn carried unanimously by a vote of 5 ayes to 0 nays

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2021.



FENCE VARIANCE STAFF REPORT

MARCH 24, 2021

Project Address: 808 Westlake Drive

Project Number: 16338

Agenda Item: Land Use: 808 Westlake Drive: Discussion/recommendation on three variance requests for the construction of a fence: 1) Encroachment into a front yard fence setback (Westlake Drive); 2) Encroachment into a front yard setback (Yaupon Valley); and 3) Construct a solid front yard fence. (West Lake Hills Code Sec. 22.03.173). Owner/Applicant Cynthia Brandimarte.

Applicant Information: Owner/Applicant Cynthia Brandimarte

Hearing Dates:

February 17, 2021	ZAPCO - <i>meeting cancelled</i>
March 17, 2021	ZAPCO
March 24, 2021	City Council

Location: The subject property is located on the southern corner of Westlake Drive and Yaupon Valley Road, south of Laurel Valley Road.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R – 1 – One-Family Residential and is approximately 0.9470 acre.

Background & Analysis:

The homeowner is seeking variances to the front yard setback for two sides of her property that are considered front yards. The front yard fence setback for properties 0.75 acre and larger is 30ft. The homeowner is requesting to maintain a 24ft setback on Westlake Drive and 25ft setback on Yaupon Valley Road. She plans to replace a portion of her existing chain link fence with a solid wooden fence. A variance is also needed for the solid fence, as the Code requires front yard fences to be 80% visible, and to be 80% screened by vegetation. The purpose of the fence is to help reduce noise and pollution. Due to the location of existing trees and limestone on the property, the homeowner has determined the proposed location is the most suitable.

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 – “Increased noise and fumes; the house sits above an extremely busy intersection.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “Sincere there is already a chain-link fence in place, the proposed wooden fence would not further interrupt the path of deer and small animals, nor impact water resources, nor in any way deter the movement of birds and insects.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states –
 - “Berms are not only costly and generally built not to exceed several feet in height, but a linear mound would not withstand erosion that takes place on the lot’s slope.
 - Stone retaining wall as currently designed would conflict with my 1952 house aesthetic and would be prohibitively expensive.
 - Noise walls/acoustic fences and gabion walls would be more effective to block pollutants and noise; they do not have a place at this point in the residential setting.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “Although it lacks the density of more permanent barriers identified in my response to Question # 3, a wooden fence is considered a noise barrier and may disperse fumes.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states –
 - “A wooden fence is not unsightly as are other options to reduce/remedy the hardships.
 - The vegetative screen will retain the look of the neighborhood and mitigate view of the wooden fence.
 - The prevailing breezes from the northwest and southeast are unlikely to be affected, as prevailing breezes do not generally originate or stir at the low elevation of the east side of the property.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “It would not reduce their light and air, nor diminish their scenic views, nor increase noise on their property. Two neighbors – at 901 Westlake

Dr. and at 100 Yaupon Valley Rd. currently have a limited view of my property because of the existing vegetative screens and those that I will plant in the future as shown in the landscape plan.”

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 March 17, 2021 ZAPCO meeting, the Commissioners unanimously recommended approval of the requested variances by a vote of 4 – 0.

Staff Recommendation

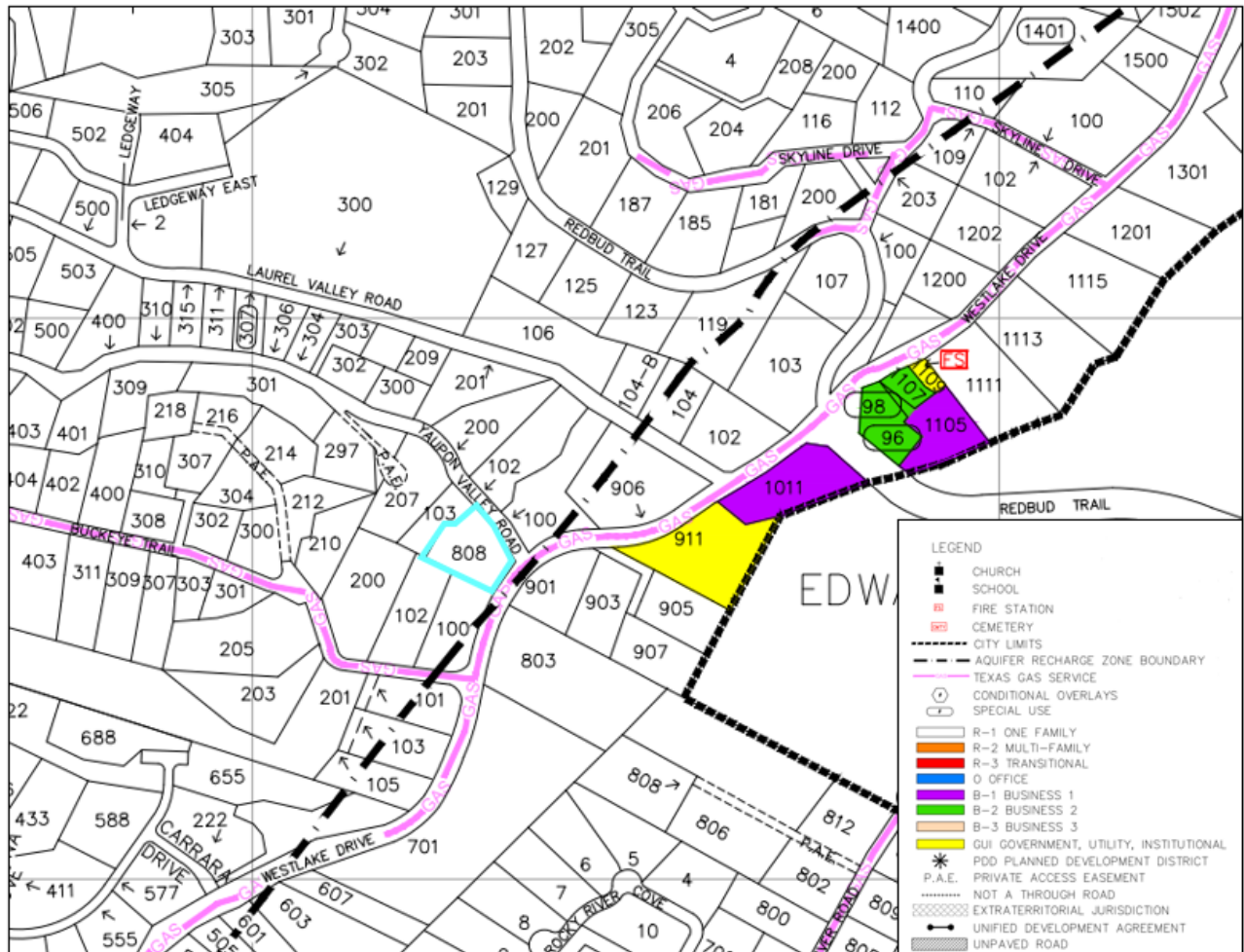
Staff recommends approval of the requested setback variances as the location of the proposed fence will be the same as the existing fence and also will avoid removing existing vegetation for its installation. Staff recommends disapproval for the solid front yard fence due to lack of hardship.

Links to Relevant Code:

- [Sec. 22.03.281 Schedule of Regulations](#)
- [Sec. 22.03.173 Fences](#)

(Maps to follow)

Zoning:



Aerial:



CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, March 17, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:30 p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, Karen Bartoletti and James Vaughan. Commissioner Bill Harwell is absent.

Chairman Meisel announces that Item 9 is postponing.

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 January 20, 2021 Regular Meeting Minutes.

VICE-CHAIRMAN PLEDGER MOVES TO APPROVE. SECONDED BY COMMISSIONER BARTOLETTI. UNANIMOUS (4-0) APPROVAL.

3. Land Use 118 Bluff Park Circle: Discussion/recommendation on a variance request to construct a swimming pool encroaching a building setback (West Lake Hills Code Sec. 22.03.281). Owners/Applicants Emily & Matt Franke.
 - a. Staff Briefing

Planner Naini gives the Staff Report. Staff Recommendation: Approval.

- b. Presentation by applicant

Matt and Emily Franke are present and explain why they are requesting the variance.

- 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: My only concern is the pool size and decking in the encroachment.

Emily Franke: We were concerned about the distance from the drain field. The deck is shallow.

Chairman Meisel: The hardship is terrain and trees which would be effected if not an encroachment.

VICE-CHAIRMAN PLEDGERS MOVES TO RECOMMEND APPROVAL BASED ON THE HARDSHIPS MENTIONED. COMMISSIONER VAUGHAN SECONDS. COMMISSIONER BARTOLETTI OPPOSES. (3-1) APPROVAL.

4. **Land Use 808 Westlake Drive:** Discussion/recommendation on three variance requests for the construction of a fence: 1) Encroachment into a front yard fence setback (Westlake Drive); 2) Encroachment into a front yard setback (Yaupon Valley); and 3) Construct a solid front yard fence. (West Lake Hills Code Sec. 22.03.173). Owner/Applicant Cynthia Brandimarte.

- a. Staff Briefing

Planner Naini gives the Staff Briefing. Staff Recommendation: Approval due to being in the same location and no removal of vegetation. Disapproval for solid fence.

Commissioner Maccini: How tall is the fence?

Planner Naini: 6'.

- b. Presentation by applicant

Cynthia Brandimarte is the application. I've waited six months to prepare for this hearing. An attractive wood fence will provide a barrier from noise and pollution.

- 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 Bartoletti: The degree of noise and traffic does present a hardship.

Chairman Meisel: We can all agree that conditions on Westlake Drive are getting worse.

Commissioner Maccini: I live on Reveille and I understand the traffic. She should be able to enjoy her lot.

Vice-Chairman Pledger. The location of the fence is set back and a fair amount of plants already.

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

5. Land Use 310 Westhaven Drive: Discussion/recommendation on a variance request to allow a driveway gate to open towards the street (City of West Lake Hills Code Sec. 22.03.173). Applicants/Owners Andrew Schwartz & Sylvia Arabian.

a. Staff Briefing

Planner Naini gives the Staff Briefing. Staff Recommendation: Approval.

b. Presentation by applicant

Andrew Schwartz is the property owner. Right in the middle of our driveway is a huge tree and the fence will wrap around that.

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. Given the location, I don't think there is a major issue.

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

6. Land Use 3423 Bee Cave Road: Discussion/recommendation on a request for several variances in order to construct a new medical office building: 1) removal of six trees 14" or greater (#5040 - 16" Cedar; #5046 - 14" Cedar; #5140 - 15" Live Oak; # 5143 - 14" Live Oak; #5324 - 18" Cedar; & # 5373 - 14" Cedar); 2) building height exceeds maximum permitted height; and 3) impervious cover exceeds maximum permitted (West Lake Hills Code Sec. 22.03.304 & Sec. 22.03.281). Owner the Keller Group/Applicant Central Austin Management Group-Peter Narvarte.

a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Commissioner's approval as submitted or subject to conditions.

- b. Presentation by applicant

Peter Narvarte is representing the group.

Randy Kunik: I've had my practice in the Schoolyard for 25 years and live on Buckeye. West Lake Hills is a part of all our homes. The location is perfect for patients and future patients. Our goal is to be sensitive to our neighbors.

Peter: There are a lot of details in the application. It will be lower than Sway Restaurant and heavy vegetation. There is a parking agreement in place.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Kristi Berrier lives directly behind the property. There is a drainage structure behind our yard. We have concerns on what effect it will have on our property. We do request we be taken into account.

Olga Kobzar lives on Snowy Owl. The key to me is doing it appropriately. Making sure it is the right size and doesn't create any safety concerns. This application looks incomplete. The proposal is the minimum necessary. There is no traffic study provided.

Kimberly Klein: My two children go to Acton School. We needed to express our concerns about the impact during construction process on the students. The increase in traffic is also a concern.

Jessica Blacklock: I'm opposed to this project. A variance should show a hardship. This development will cause hardship to the neighbors. The entrance to the parking garage is close to the entrance to the school.

David and Laura Linton: We live behind the property. I'm not a lawyer but I know the law. It can only be granted as a hardship.

Mark Barrier: You heard from my wife earlier. We are on the downhill side of the property. Tree removal is a concern. Height of the building is also a concern. This is going to have a huge negative impact on our property. We've been ignored.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

Vice-Chairman Pledger: This is not a zoning issue, am I correct?

Planner Naini: No, just variances.

Vice-Chairman Pledger: I'm not sure when a hydrologist report is needed, with the impervious cover involved has that been done?

Peter: We do have an engineer and drainage easement that we are allowed to impact. We will do a Type III drainage. We do have opportunity to improve that runoff.

Vice-Chairman Pledger: Has there been flooding?

Peter: I don't know that. We would go through that in the engineering.

Vice-Chairman Pledger: One concern is, and you're looking at the building during the year, it looks like the building would look into the windows of neighbors.

Peter: We've taken drone photos from every direction. Shepherd of the Hills and others are larger buildings.

Chairman Meisel: The applicant hasn't shown a hardship. Given the building is not buildable by our code.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND DENIAL. VICE-CHAIRMAN PLEDGER SECONDS.

Commissioner Maccini: I am hopeful the council hasn't already made up their minds. I appreciate what Ms. Blacklock said.

Vice-Chairman Pledger: I have to say I think this building has a lot of positive aspects. There may be some reasonable modifications to the building. There is a possible for design issues to improve the privacy question. Some work needs to be done. Solve the issues and the needs and address the neighbor's issues.

Commissioner Maccini: There needs to be mitigation on the design.

UNANIMOUS (4-0) DENIAL.

7. **Land Use 4700 & 4704 Bee Cave Road:** Discussion/Consideration of a rezoning request from One-Family Residential District (R-1) to Government, Utility, & Institutional District (GUI) for two properties with the following variances: 1) cut/fill; 2) driveway and parking setback encroachments; 3) retaining walls encroaching a setback and exceeding maximum permitted height; 4) minimum lot size; 5) rear and side building setback encroachments; 6) consider incentives to have up to 46% impervious cover; 7) variance to minimum lot size required to consider impervious cover incentives; 8) variance to permit nonresidential

development on slopes exceeding 25%; and 9) removal of 48 trees 14" or greater (West Lake Hills Code Sec. 38.05.092, Sec. 22.03.210, Sec. 22.03.249, Sec. 22.03.276, Sec. 22.03.281, & Sec. 22.03.304). Owner/Applicant Ramon Aguirre - Young Peoples Workshop.

a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Approval by the Commission or approval with conditions.

b. Presentation by applicant

Ramon Aguirre is joined with the architect and engineers. A background is given. We want to be a continued asset to the community.

David Polkinghorn is the architect and explains the application and the requests for each variance.

c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Richard South lives at 103 Swiftcurrent and has for 30 years. We've had 3 rain events that have affected our property. He did approach us to discuss the project. Most concerning is the 40' retaining wall. This is a zoning issue. We're entitled to have reports and studies done that haven't been.

Mike Haberman lives at 107 Swiftcurrent and has for 3 1/2 years. We love the natural surroundings. This will negatively impact all of that. Why haven't the studies been done? This is a residential neighborhood.

Ramesh Jandhyala lives at 101 Swiftcurrent: I am a new member of this community for the past 3 to 4 years. My concern was addressed in a letter.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

Commissioner Vaughan: The neighbors have a right to have concerns.

Commissioner Maccini: I understand the desire to rezone, what they want to build doesn't match the property. Variances are above and beyond. Square peg round hole.

Vice-Chairman Pledger: 40' cuts I don't understand. I believe the impervious cover is

excessive. I'm going to recommend denial on all requests.

Chairman Meisel: GUI zoning requires a 2-acre lot and this is not. This is a non-starter.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND DENIAL ENTIRELY. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (4-0) DENIAL.

8. **Land Use 0 Wild Cat Hollow (Wild Cat Estates):** Discussion/recommendation on a variance request to allow continuation of a private street in lieu of constructing a public street for a new proposed subdivision (West Lake Hills Code Sec. 36.01.009 (a)(3)). Owner David Altounian/Applicant Foursquare builders, LLC.

- a. Staff Briefing

Planner Naini gives the Staff Briefing: Staff Recommendation: Approval.

Commissioner Bartoletti: The existing private road, how far does it go to the paved part of Wildcat Hollow? Is that dirt portion a private road?

David Altounian: That is a private road.

Commissioner Bartoletti: How will access be accomplished?

David: The plan is an extension off a private road.

Vice-Chairman Pledger: In the future can you number e-mails sent?

Wes Wigginton: 20' private access.

- b. Presentation by applicant

Wes Wigginton is the representative. Five of the lots are developable. It is not a public road. The Fire Department recommends a 20' wide road for emergency access. We want to save more trees on the properties.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Chris Gunter lives at 410 Skyline which is directly up the hill. We are opposed to the private street. The applicant has not shown a hardship. Our biggest concern is

adequate fire department access. Lots 2 and 3 don't have access by the private street.

Steve Margolin lives next door and have the same concerns with fire department access.

David Altounian: We've owned this property since 1999. We have excellent water pressure now.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

Commissioner Maccini: This is considered a development or just a road?

Wes Wigginton: This is only addressing accessing the property.

Commissioner Maccini: Are you considering this as a construction road?

Wes: It will be addressed under the building permits.

Chairman Meisel: You have lot 4 and 7 is a disaster waiting to happen. The whole project seems inappropriate and design driven. No hardship has been shown.

Wes: Many parts of the city are a hazard. It's all handled by the HOA.

Commissioner Maccini: You're lacking a hardship in this case.

Wes: A public road would take more trees.

Commissioner Bartoletti: The proposed private drive, explain how access to lots 2 and 3 is accomplished?

Wes: Ultimately all will be off the private access.

Vice-Chairman Pledger: You're going to need to give us more information here.

Commissioner Vaughan: We have to assume the applicant wants to build a private drive. We don't have a visual. For me that's something I'd like to see.

Vice-Chairman Pledger: I live on a private access road. I don't understand what we're being asked to approve.

Chris Gunter: The original site plan showed the road going much further with a turnaround. The fire department has no access to lot 2 and 3.

COMMISSIONER MACCINI MOVES TO RECOMMEND DISAPPROVAL FOR

**LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. (3-1)
COMMISSIONER VAUGHAN ABSTAINS.**

9. **Land Use Seven Point Seven Ranch:** Discussion/recommendation on an application for several variance requests for a proposed subdivision located at Caravan Circle between Kennan Road and Terrace Mountain: 1) Encroachment into a side building setback; 2) Proposed lots have slopes exceeding 30% for 50% or more of the lot; 3) No conservation easement on the south property line; 4) Provide only one location for a proposed on-site sewage facilities septic field smaller than 6,000sf on less than 30% slopes. (West Lake Hills Code Sec. 22.03.281, 36.01.009, 36.01.010, & 36.01.011). Owner Ranch Dubois Holdings/Applicant Jeffrey Dochen.

a. Staff Briefing

THIS ITEM WAS POSTPONED.

b. Presentation by applicant

c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

d. Deliberation and Action

10. **Land Use 803 Westlake Drive:** Discussion/recommendation on an application to subdivide a tract of land into an eight-lot single family subdivision for a property zoned R-1. (West Lake Hills Code Chapter 36). Owners Doyle & Colleen Moore/Power of Attorney Terry Irion.

a. Staff Briefing

Zoning and Planning Commission went into Executive Session at 9:19 p.m. and reconvened in Open Session at 9:35 p.m.

Planner Naini: No staff recommendation.

b. Presentation by applicant

Terry Irion represents the applicants. Ric Thompson is the engineer. Terry explains the history of the property.

c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Bobby Levinski is with SOS and is opposed to the application. This is a very important environmental property and has caves on this property.

Robert Kleeman: I don't see any variances and referenced his letter submitted

earlier.

Randy Lee lives at 6 Rocky River Cove which is right across the valley and objects to this application and references his letter submitted.

George Peyton lives at 7 Rocky River Cove and also submitted a letter of objection. Any development would be directly in our back yards.

Doris Robitaille lives at 806 Rocky River Road which is across the creek. I'm concerned about the environment and tree removal. It's difficult to be built on. I would love to see it being preserved.

Karen Downing is concern about the lots under an acre and traffic on Westlake Drive.

Chairman Meisel closes the Public Hearing.

d. Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL DUE TO NON-COMPLIANCE WITH CITY CODE. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0). DENIAL.

11. Adjournment. Chairman Robert Meisel.

**Motion to adjourn the meeting made at 10:07 p.m. by Chairman Meisel.
Motion to Adjourn carried unanimously by a vote of 4 ayes to 0 nays.**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.

December 30, 2020

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

Dear Mr. Chairman:

I am hoping to reclaim some of the features that first attracted me to Westlake, namely the spacious and quiet wooded setting.

My house is at the intersection of TWO increasingly busy roads—Westlake Dr. and Yaupon Valley Rd. Recent road construction, especially on Bee Caves Rd., has patterned drivers to use Yaupon Valley Rd., which is now also beset with the problems of a thoroughfare. I have witnessed the traffic get progressively worse over the past decades as the number of vehicles has increased—heavy construction vehicles, cars, trucks, motorcycles, and the like. With the increase in numbers, so goes the increase in noise and visual intrusions; moreover, the gasoline fumes and other pollutants make it unhealthy to be in the back yard since there is nothing solid to buffer their rise from the streets.

Therefore, I am seeking a variance for one setback on Westlake Dr. (24 ft. vs. 30 ft.) and one on Yaupon Valley Rd. (25 ft. vs. 30 ft.) in order to replace a section of a chain-link fence with a wooden fence.

I have considered a berm with vegetation, but one could not be built to withstand the erosion that takes place on the lot; a retaining wall would be prohibitively expensive and not in keeping with the 1952 house style; and noise walls/acoustic fences are unsightly in this setting.

My lot already includes a privacy wooden gate made of the same pickets that I propose for a fence. Thus, the effect will be more aesthetically pleasing. Over time, the wood turns the color of trees and blends with the Westlake setting, as at 906 Westlake Dr.; 101 Buckeye Tr. West; and 802 Yaupon Valley Rd.

Although the mailbox and disposal service are on Westlake Dr., it is not the front of the lot: the west side of the house allows entry.

Thank you for considering my application for a variance.

Sincerely,

Cynthia Brandimarte
808 Westlake Dr.

APPLICATION COVER SHEET

Property Address: 808 Westlake Dr.
Applicant Name: Cynthia Brandimarte
Designated Agent (if any, Power of Attorney Required): na
Applicant Phone Number: 512-329-5509 Email Address: cindy.brandimarte@gmail.com
Date Application was Submitted: Dec. 30, 2020
Variance(s) Requested: Variance for wooden fence to replace a section of an existing 6 ft chain link fence and setback.

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: _____

Variance 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.

Increased noise and fumes; the house sits above an extremely busy intersection. See <https://www.ncbi.nlm.nih.gov/books/NBK361807/>.

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?

Since there is already a chain-link fence in place, the proposed wooden fence would not further interrupt the path of deer and small animals, nor impact water resources, nor in any way deter the movement of birds and insects.

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

- Berms are not only costly and generally built not to exceed several feet in height, but a linear mound would not withstand erosion that takes place on the lot's slope.
- Stone retaining wall as currently designed would conflict with my 1952 house aesthetic and would be prohibitively expensive.
- Noise walls/acoustic fences and gabion walls would be more effective to block pollutants and noise; they do not have a place at this point in the residential setting.

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

Although it lacks the density of more permanent barriers identified in my response to Question #3, a wooden fence is considered a noise barrier and may disperse fumes.

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?

- A wooden fence is not unsightly as are other options to reduce/remedy the hardships.
- The vegetative screen will retain look of the neighborhood and mitigate view of wooden fence.
- The prevailing breezes from the northwest and southeast are unlikely to be affected, as prevailing breezes do not generally originate or stir at the low elevation of the east side of the property.

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

It would not reduce their light and air, nor diminish their scenic views, nor increase noise on their property, nor increase pollution on their property. Two neighbors—at 901 Westlake Dr. and at 100 Yaupon Valley Rd. currently have a limited view of my property because of the existing vegetation screens and those that I will plant in the future as shown in landscape plan.*

*803 Westlake Dr. has been a long-term rental property.

Detailed Narrative of Work

Project Narrative:

I live at the intersection of TWO busy roads—Westlake Dr. and Yaupon Valley. I have witnessed the traffic get progressively worse over the past decades as the number of vehicles has increased—heavy construction vehicles, cars, trucks, motorcycles, and the like. With the increase in numbers, so goes the increase in noise and visual intrusions; moreover, the gasoline fumes and other pollutants make it unhealthy to be in the east yard since there is nothing solid to interrupt their rise from the streets. The problems--cacophony, viewshed, and pollution—are not confined to Westlake Dr., but spill onto Yaupon Valley Rd., where the volume of cut-through traffic is notorious and very loud as recent road construction around Austin and Westlake Hills, especially on Bee Caves Rd., has patterned drivers to use Yaupon Valley Rd.

I am, therefore, applying for a fence permit (with variance) to replace a section of my existing chain link with a 6-ft. wooden fence of 6-in. dogeared pickets with steel posts at 8-ft. intervals. I propose 78 ft. in length along Westlake Dr. plus 94 ft. in length along Yaupon Valley. The 150 ft. of existing 6-ft. chain-link fence on Yaupon Valley remains as is.

My lot already includes a privacy wooden gate made of the same pickets that I propose here. Thus, the effect will be more aesthetically pleasing along Westlake Dr. There are already several 6-ft. high wooden fences of 6-in. dogeared pickets nearby: 906 Westlake Dr.; 101 Buckeye Tr. West; and 802 Yaupon Valley Rd.

The current chain-link fence is largely shielded from drivers by vegetation as shown on Google map's most recent street-view capture of the property (see Jan. 2020); aerials show no trace of a fence. (I have recently removed dead vegetation debris and planted within the chain-link fence Texas red cedar, Mountain Laurel, and Viburnum.)

The attached plat marks the setbacks from the asphalt; an attached landscape plan identifies the location of native Mountain Laurel bushes facing Westlake Dr. and Yaupon Valley Rd., plus a conjectural drawing of the appearance of the 5-gal. bushes at planting and then after three years of growth (rate of growth=1 ft. per yr.).

Additional Information:

Since November 2020, when I first undertook a fence application, I have been notified of a Subdivision Application at 803 Westlake Dr. proposing 8 lots for single-family houses. This location is directly across from my house. In light of the proposed new construction and the increased noise and fumes that will occur over years, there is some urgency to my variance application for 172 ft. of wooden fence.

Although the address is 808 Westlake Dr., only the mailbox and disposal service are on that thoroughfare: it is the back of the lot. People enter and exit at the chain-link gate on Yaupon Valley rather than via the wooden gate on Westlake Dr. The house faces west.

Austin Brothers Fence Company and Viking Fence Company have been contacted as possible contractors for the work.

Summary:

I am seeking a variance for one setback on Westlake Dr. (24 ft. instead of 30 ft.) and one on Yaupon Valley Rd. (25 ft. instead of 30 ft.) in order to replace a section of an existing chain-link fence with a 6-ft. high wooden fence of dogeared 6-in. pickets 78 ft. in length on the east side of my property along Westlake Dr. and 94 ft. in length along Yaupon Valley Rd.

Cynthia Brandimarte
808 Westlake Dr.

ATTACHMENTS

Plats and Graphics

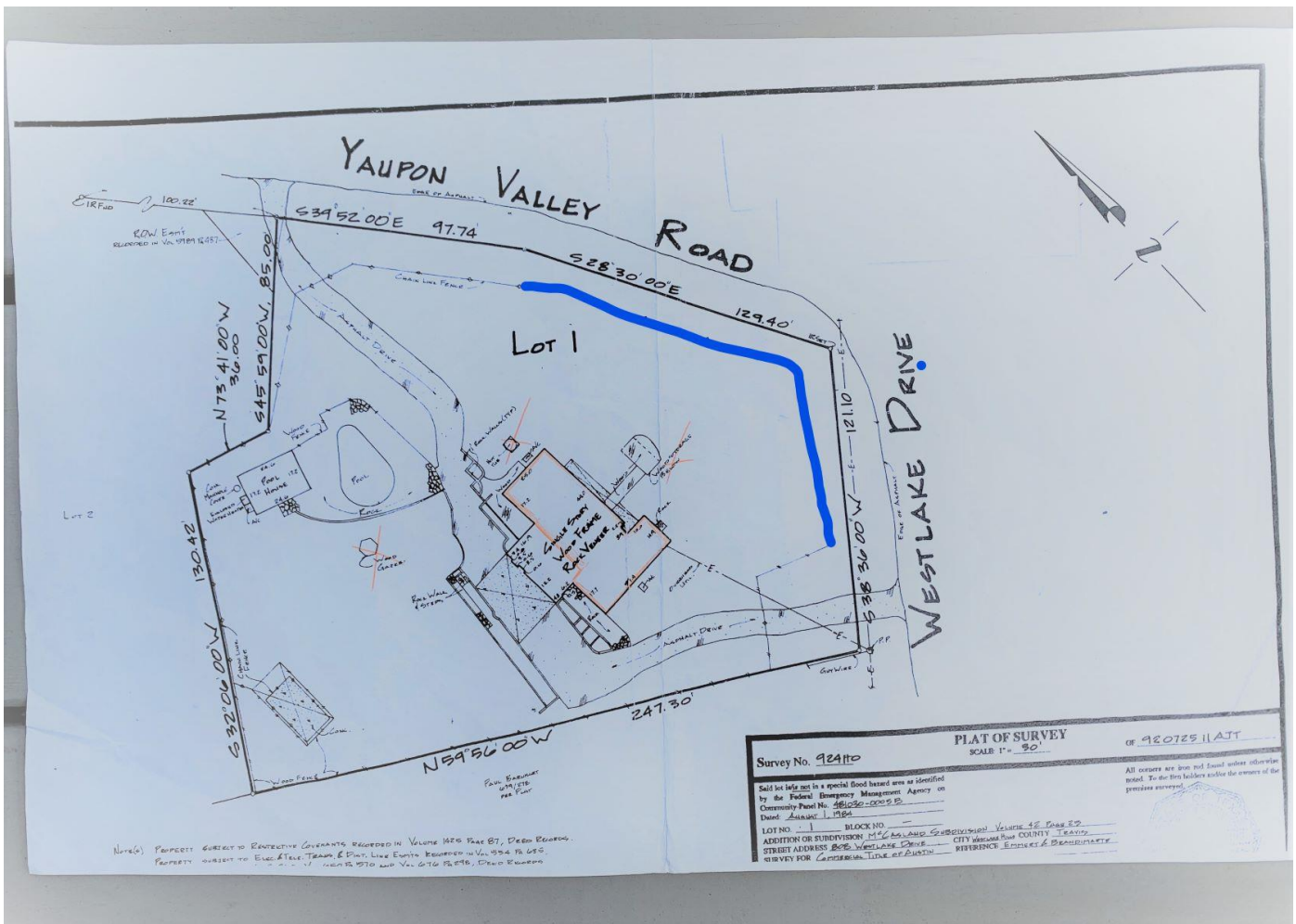
1. Graphic of proposed fence line
2. House plat with setbacks-arrows
3. House plat with landscape plan
4. Conjectural Landscape Image
5. Three years of growth 1 ft=1yr

Photographs

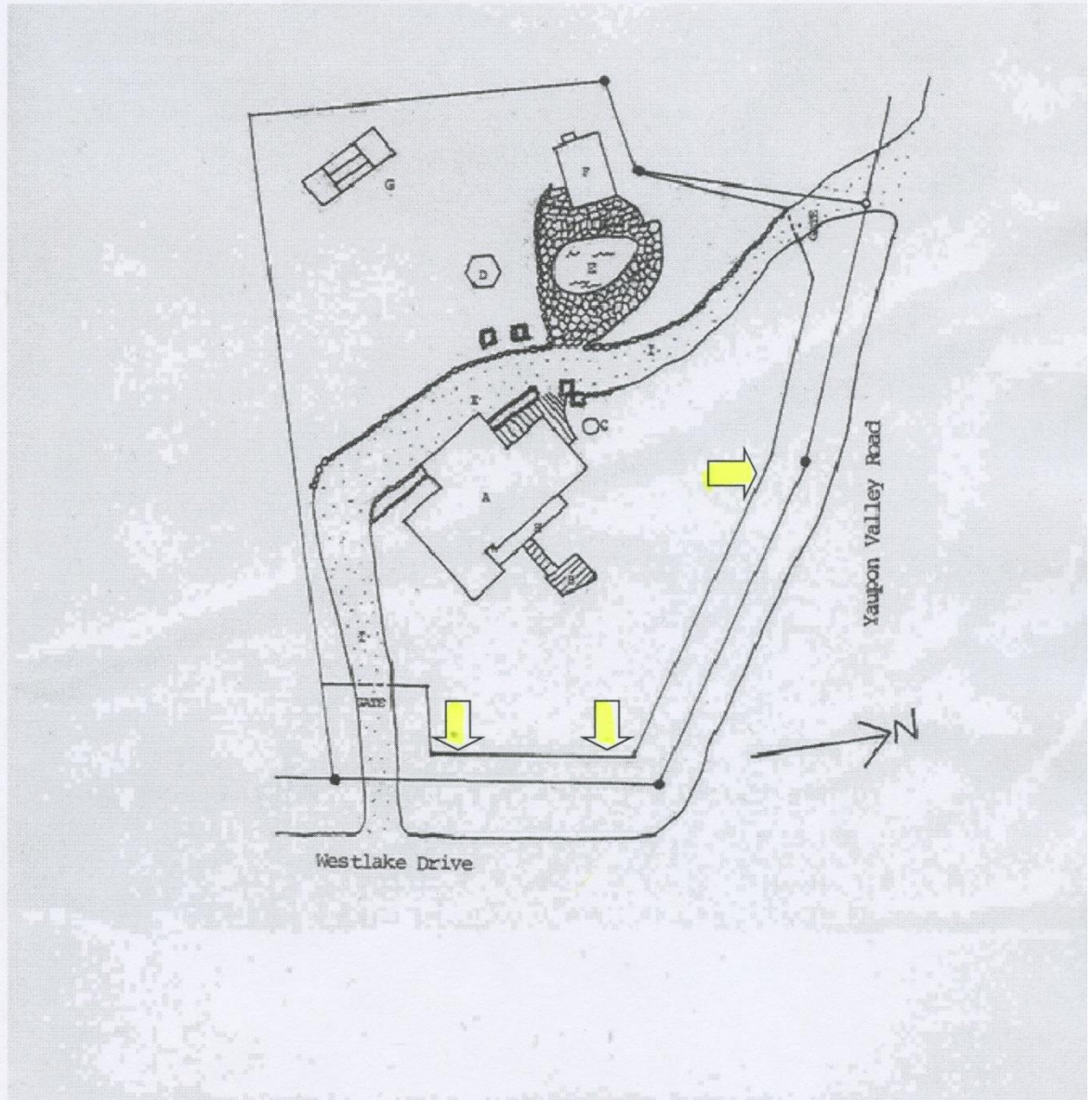
6. Traffic driving north on Westlake Dr.
7. Looking East-View of Westlake Dr. Sunday am.
8. Front of house west side
9. Current south fence
10. Proposed new fence
11. Wooden gate on Westlake Dr.-east side
12. Existing fence on Yaupon Valley Rd.-Sunday am.
13. Sunday am-Standing in setback at intersection
14. Sunday am-View from east side of Westlake Dr.

Other Documentation

15. Ownership and Home Insurance



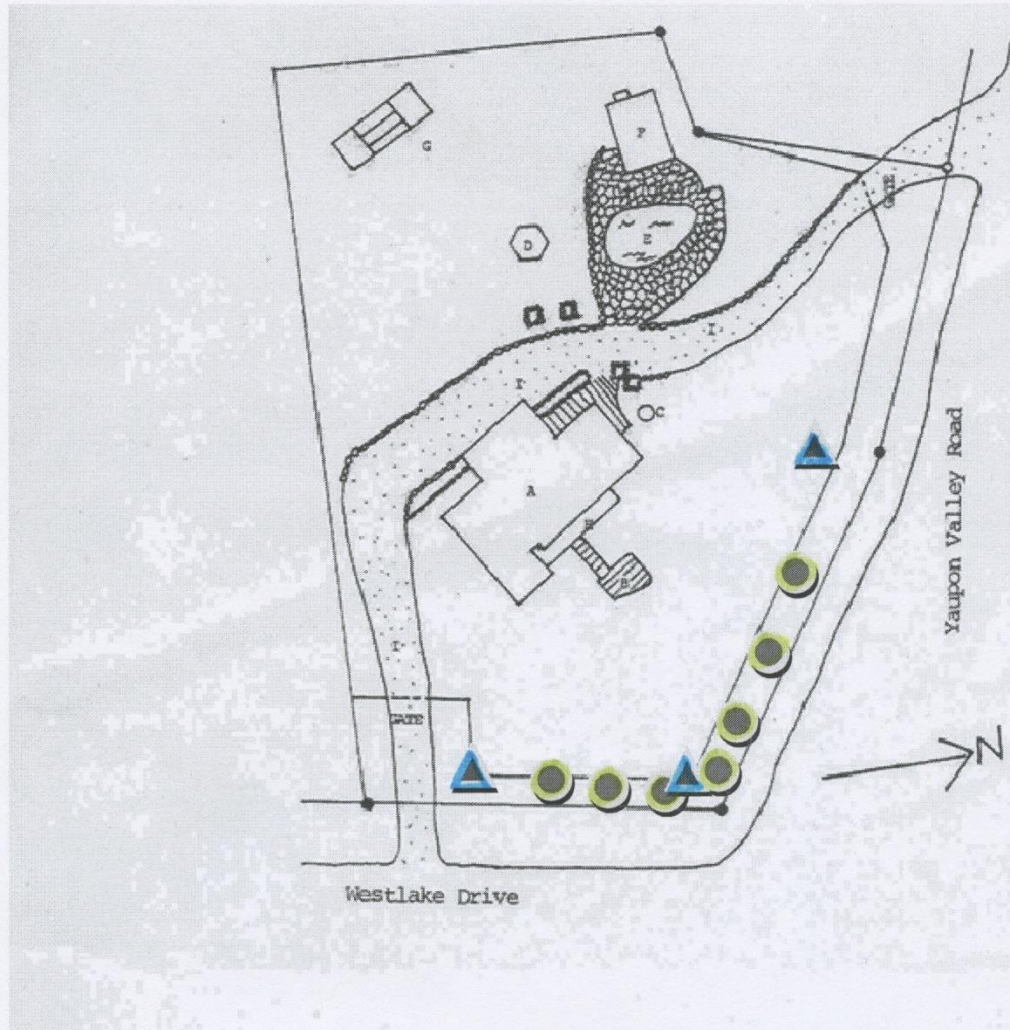
SETBACKS



Setbacks

See three arrows above (L to R).

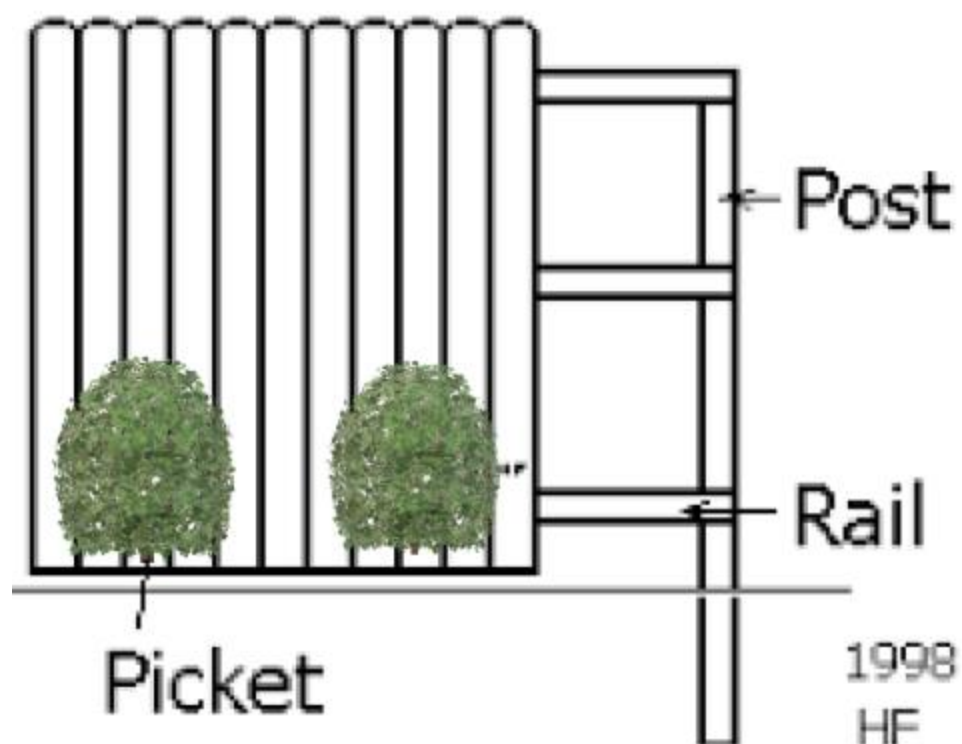
1. 24 ft. (Westlake Dr.)
2. 32 ft. (Westlake Dr.)
3. 25 ft. (Yaupon Valley Rd.)



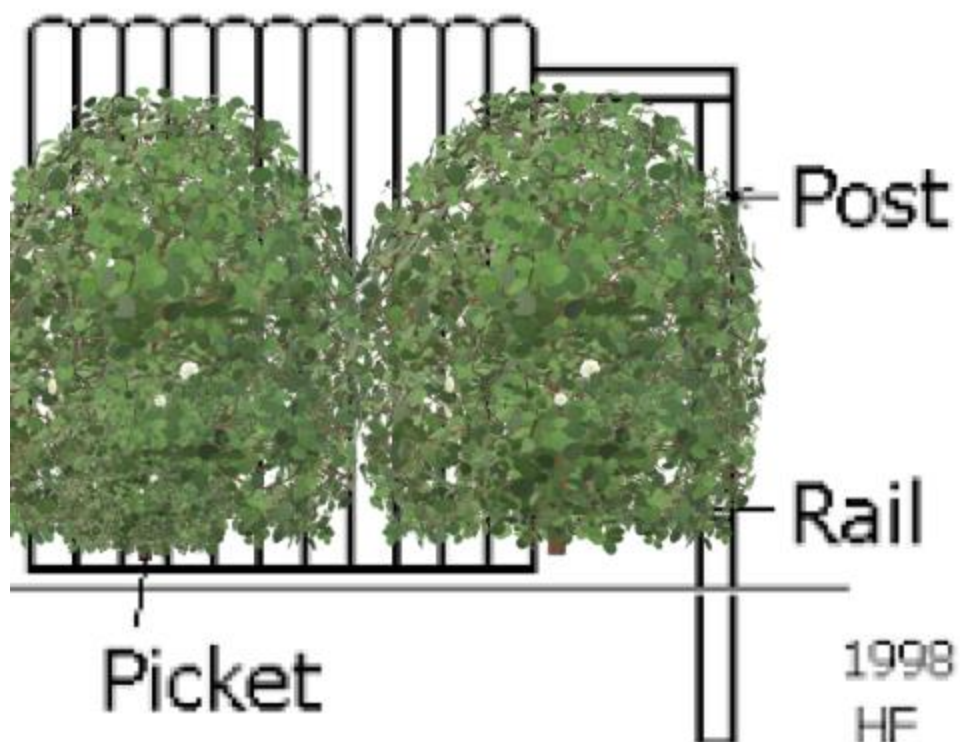
Plantings

- First blue triangle (L to R) = Beginning of proposed fence
- On Westlake Dr., three plantings of Mountain Laurels from first blue triangle: @ 28 ft., @ 40 ft., and @ 60 ft. (placed between existing cedar trees and bushes).
- On Yaupon Valley Rd., four plantings of Mountain Laurels from second blue triangle spaced @ 10 ft. from corner, @ 18 ft., @ 40 Ft., and at 55 ft.
- Third blue triangle (L to R) = End of proposed fence

Solid or Spaced, Straight-Top, Dog-Ear Fence



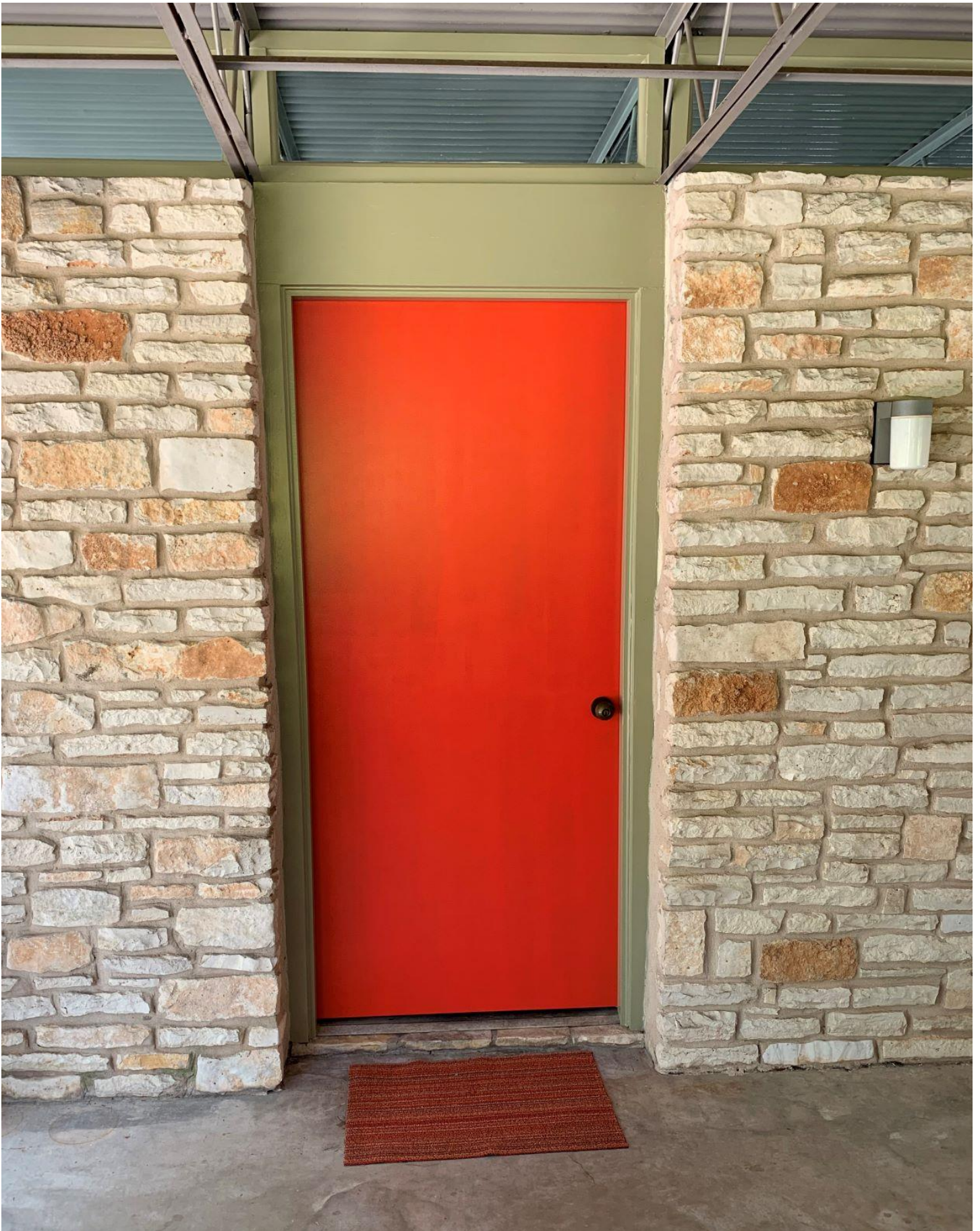
Solid or Spaced, Straight-Top, Dog-Ear Fence





Typical 4:45 pm traffic on Westlake Dr.



















General Responses

#2 The issue may be that it is a sketch, and I speculate that the place where the street asphalt actually begins may vary a few feet from the sketch. (I can confirm that my housemate and I carefully used a heavy-duty tape measure to take the measurements early one Sunday morning in December.)

#3 Yes, I am proposing a wooden fence to replace the current chain-link fence. Please see Photos 9 and 10 in original application packet.

#4 There is an outcropping set back some 5 ft. from the current chain link fence. It runs north about 30 feet (and parallels Westlake Dr.). This is the likely reason that the chain link fence was not built there (and setbacks in 1952 were likely different than currently established).

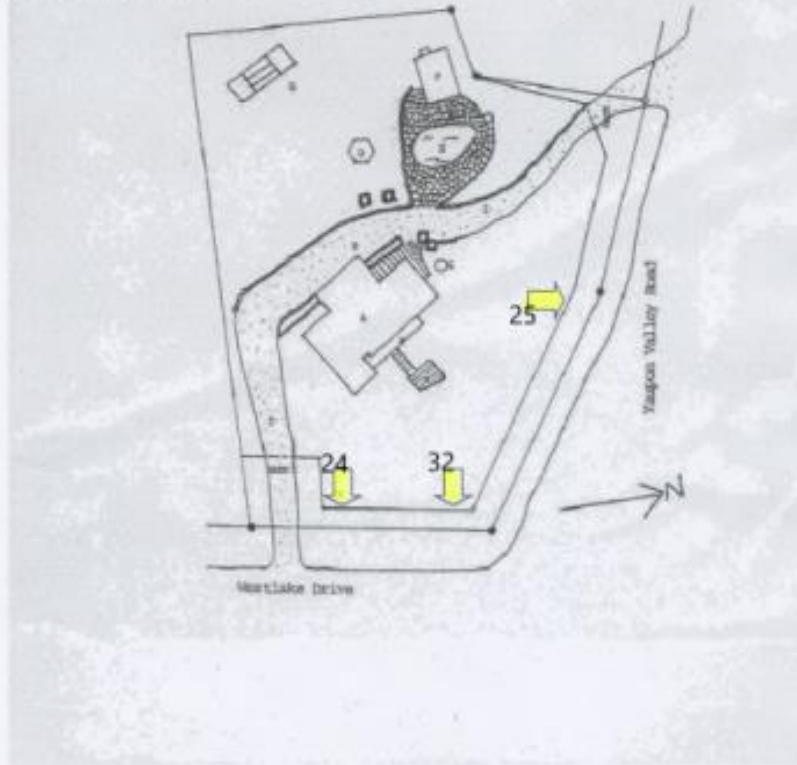
There are two oaks that would be damaged if the fence were set back 5 ft. Photo shows that one would fall without the support of the current placement of the fence and another is in the path of the currently established setback of 30 ft. In the same line as the two trees is the water main and a fence traversing this cover would prevent it being opened in case water to the property needed to be turned off.

#5 I have taken currently available contour maps from TCAD and Google maps that indicate topographical features. I have no USGS topographic survey nor tree survey. I can tell you that the property sustains 3 mature live oak trees and at least a dozen red oaks at various stages of growth and that many mature cedar trees.

Cindy Brandimarte

Replace chain-link fence with wooden fence
in same location

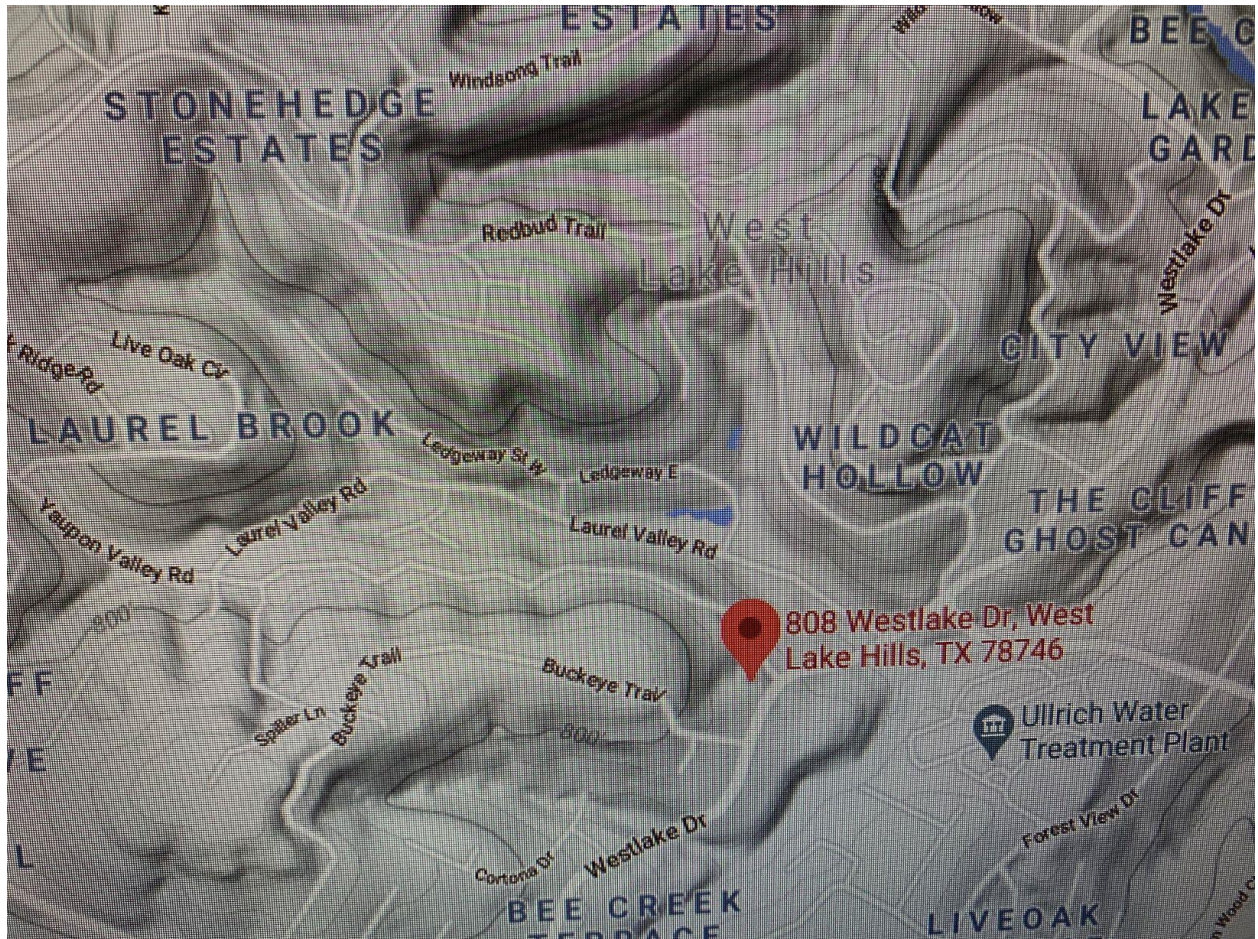
SETBACKS



Setbacks

See three arrows above (L to R).

1. 24 ft. (Westlake Dr.)
2. 32 ft. (Westlake Dr.)
3. 25 ft. (Yaupon Valley Rd.)









Anjali Naini

From: Tim Olson [REDACTED]
Sent: Tuesday, February 9, 2021 11:35 AM
To: Anjali Naini
Cc: [REDACTED]
Subject: Comments Re: 808 Westlake Dr. Fence Application

Hi, Anjali:

I received a letter from Cindy Brandimarte regarding a proposed fence project at 808 Westlake Drive; she asked for neighbors to comment on the proposal.

I have no issues with the proposed fence project, and will support proceeding with it.

Sincerely,

Tim Olson

903 Westlake Drive



DRIVEWAY GATE VARIANCE STAFF REPORT

MARCH 24, 2021

Project Address: 310 Westhaven Drive

Project Number: 16457

Agenda Item: Land Use: **310 Westhaven Drive**: Discussion/recommendation on a variance request to allow a driveway gate to open towards the street (City of West Lake Hills Code Sec. 22.03.173). Applicants/Owners Andrew Schwartz & Sylvia Arabian.

Applicant Information: Owners Sylvian Arabian and Andrew Schwartz

Hearing Dates:

March 17, 2021	ZAPCO
March 24, 2021	City Council

Location: The subject property is located north of Bee Cave Road, east of McConnell Drive, and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property is zoned R-1 – One-Family Residential and is approximately 0.6910 acre.

Background & Analysis:

The homeowners are seeking a variance to install a driveway gate that swings outward towards the street (the City's Code requires gates to open inward, away from the street, or parallel). Due to the slope of the property and driveway, they are not able to install a gate that complies with the Code. The gate will be positioned approximately 60ft away from the street, and when open, will be approximately 50ft at the closest point to the street.

The property is located on a dead-end and the long driveway (130ft) is utilized by various delivery vehicles as a turnaround. Often, the trucks pull all the way up the driveway into the homeowners' property to turnaround. The proposed gate location will keep the trucks from pulling deeper into their property, but still allow enough room to turnaround. There will also be ample room for a car to get off the street and avoid blocking traffic while waiting for the gate to swing open.

Variances were previously approved for this property late last year to remodel an existing nonconforming accessory structure.

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 – “Property must be secured for pool. Driveway gate necessary for security and deer deter in backyard. As the turnaround for the neighborhood, we would like to preserve the turnaround while keeping our privacy and security.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “If granted, no terrain changes will be necessary. If not granted, terrain changes will be necessary.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “Sliding gate has been considered, but that would require significant changes to the landscape.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “The gate, though the opening toward the street, will still maintain a 50ft setback from the street when open.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “Intent of the 50’ setback is to allow for cars, trucks, school buses, landscapers, FedEx, UPS, garbage, recycling, and USPS to pull completely out of the street to the gate. Open and closed, this setback will be preserved.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “Neighbors and their employees, delivery trucks, EISD buses, etc. will still be able to use our driveway as a turnaround.”

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. A permit application will need to be submitted to install the driveway gate.

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 March 17, 2021 ZAPCO meeting, the Commissioners unanimously recommended approval of the variance request by a vote of 4 – 0.

Staff Recommendation

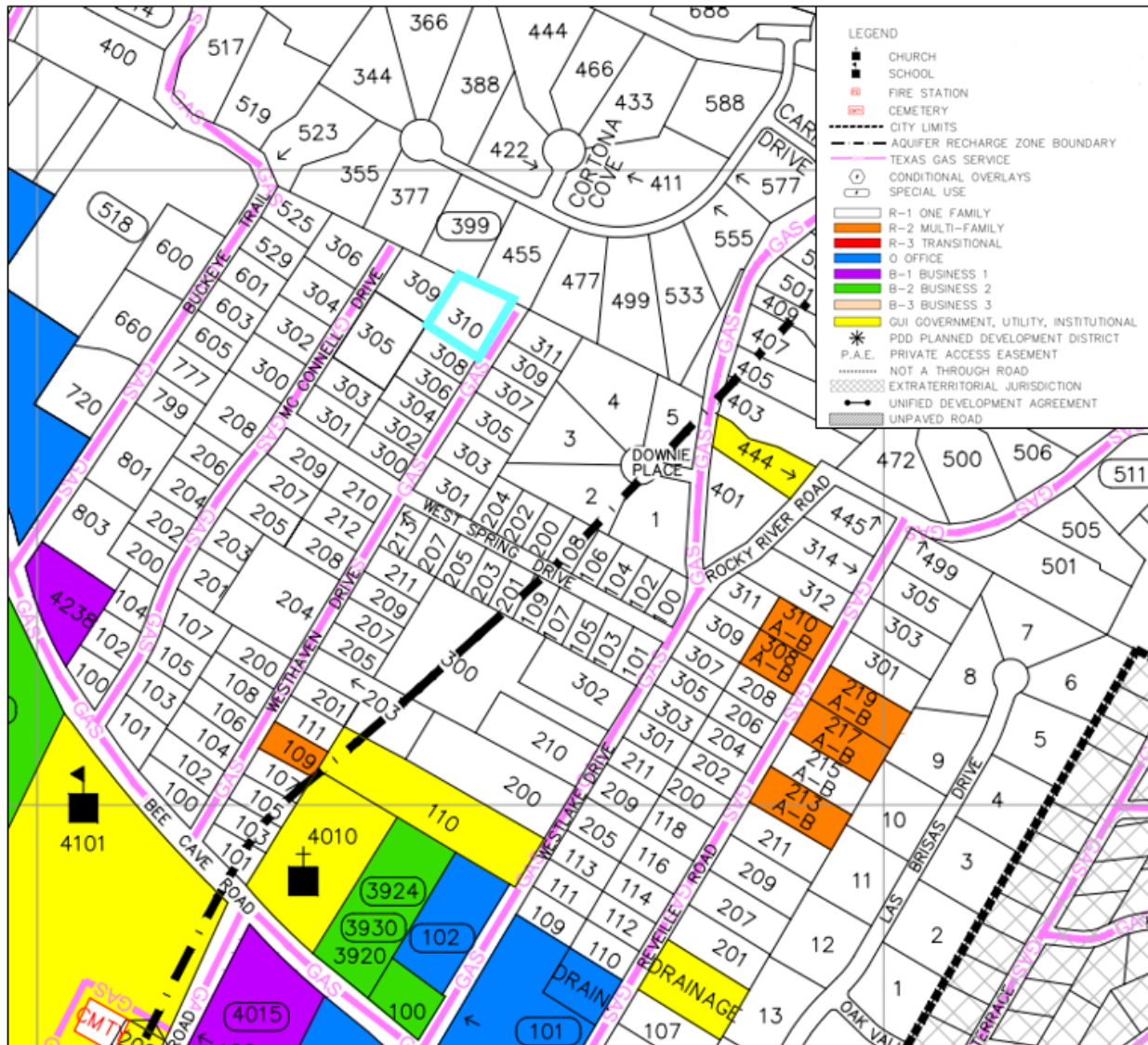
Staff recommends approval of the requested setback variance due to the slope. The proposed gate will meet front yard fence setback requirements and will not have a negative impact on traffic.

Links to Relevant Code:

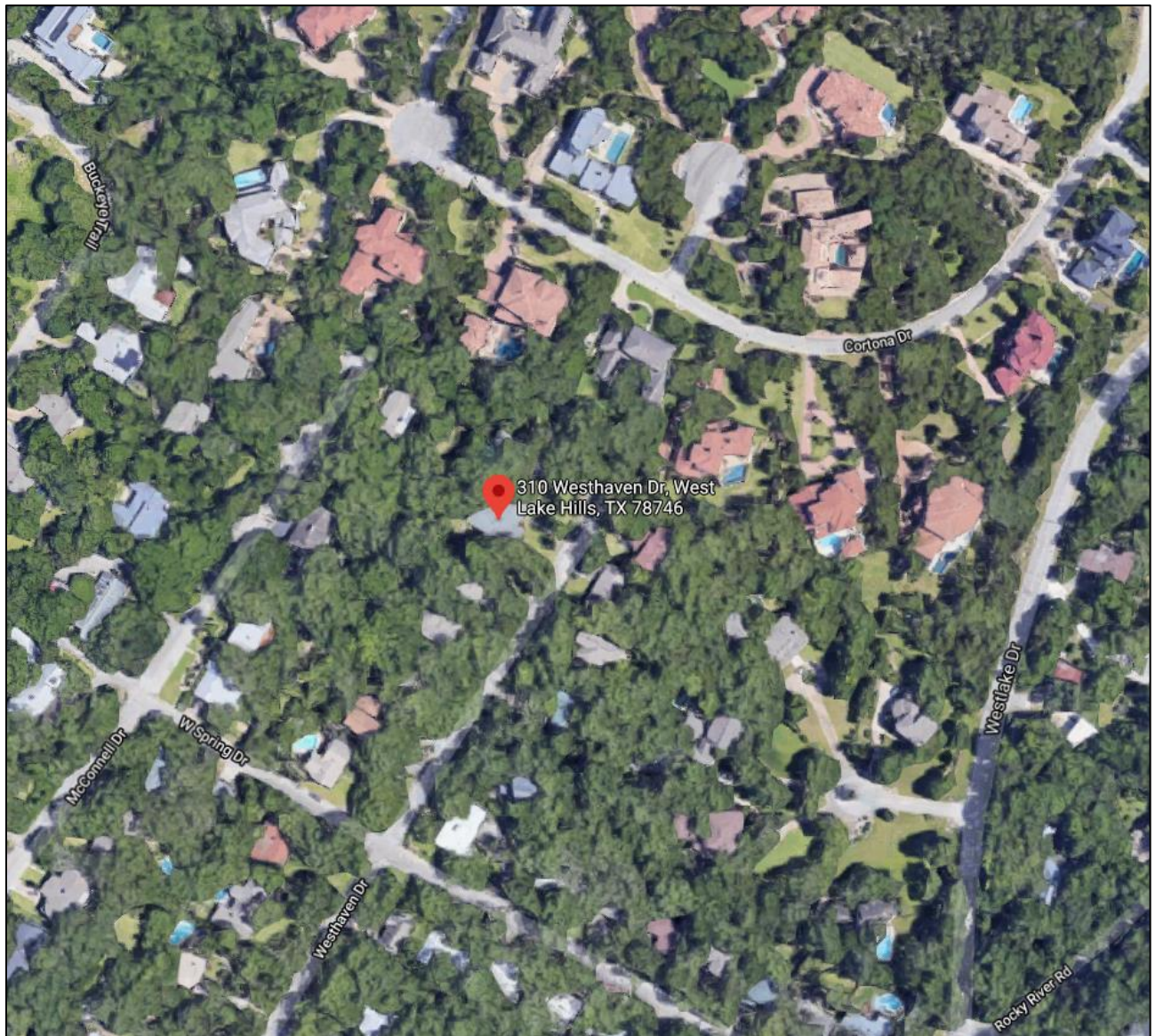
- [Sec. 22.03.173](#) [Fences](#) (*see Sec. 22.03.173 (d) (5) for gated driveway requirements; see Sec. 22.03.173 (d)(6)(B) for front yard fence setbacks*)

(Maps to follow)

Zoning:



Aerial:



VARIANCE APPLICATION



Date Received: 1-28-21 Received By: [Signature]
Amount Due \$ 650.00 Date Payment Received: _____
Admin Complete Date: _____ Permit No: 16457

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

APPLICANT & PROPERTY 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.

Property Owner: Andrew Schwartz Phone: 512-924-1202
Email: [Redacted]
Address: 310 Westhaven Dr City: West Lake Hills State: TX Zip: 78746
Agent*: _____ Phone: _____
Email: _____
Address: _____ City: _____ State: _____ Zip: _____
Property Address: _____ City: _____ State: _____ Zip: _____

Property Information

Subdivision Name: Westlake Park
Block: Westlake Terrace Lot: 37+38 TCAD Tax Parcel ID: 113338
BOOK 7 pg 176
Current Zoning Classification: Single family Total Lot Size (Acres): .65

*Please submit Power of Attorney form designating authorized agent.

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Driveway gate variance to open toward the street
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Brief Description of project/why variances are needed: Due to the slope of the land and driveway, to be secure, the gate needs to open toward the street.

Variance Questionnaire (Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)

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.

Property must be secured for pool. Driveway gate necessary for security + deer deter in back yard. As the turn around for the neighborhood, we would like to preserve the turn around while keeping our privacy + security.

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?

If granted, NO terrain changes will be necessary. If not granted, terrain changes will be necessary.

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

Sliding gate has been considered, but that would require significant changes to the landscape.

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

The gate, though opening toward the street, will still maintain a 50ft setback from the street when open.



VARIANCE APPLICATION

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?

Intent of 50' setback is to allow for cars, trucks, school buses, landscapers, FedEx, UPS, Garbage, recycling, & USPS to pull completely out of the street to the gate. Open & Closed, this 50' setback will be preserved.

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

Neighbors & their employees, delivery trucks, ETSO Bus, etc. will still be able to use our driveway as a turn around.

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

Printed Name

Date



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☒ Building elevations, if applicable
- ☒ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☒ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☒ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

Letter to ZAPCO Chairperson
1/21/2021

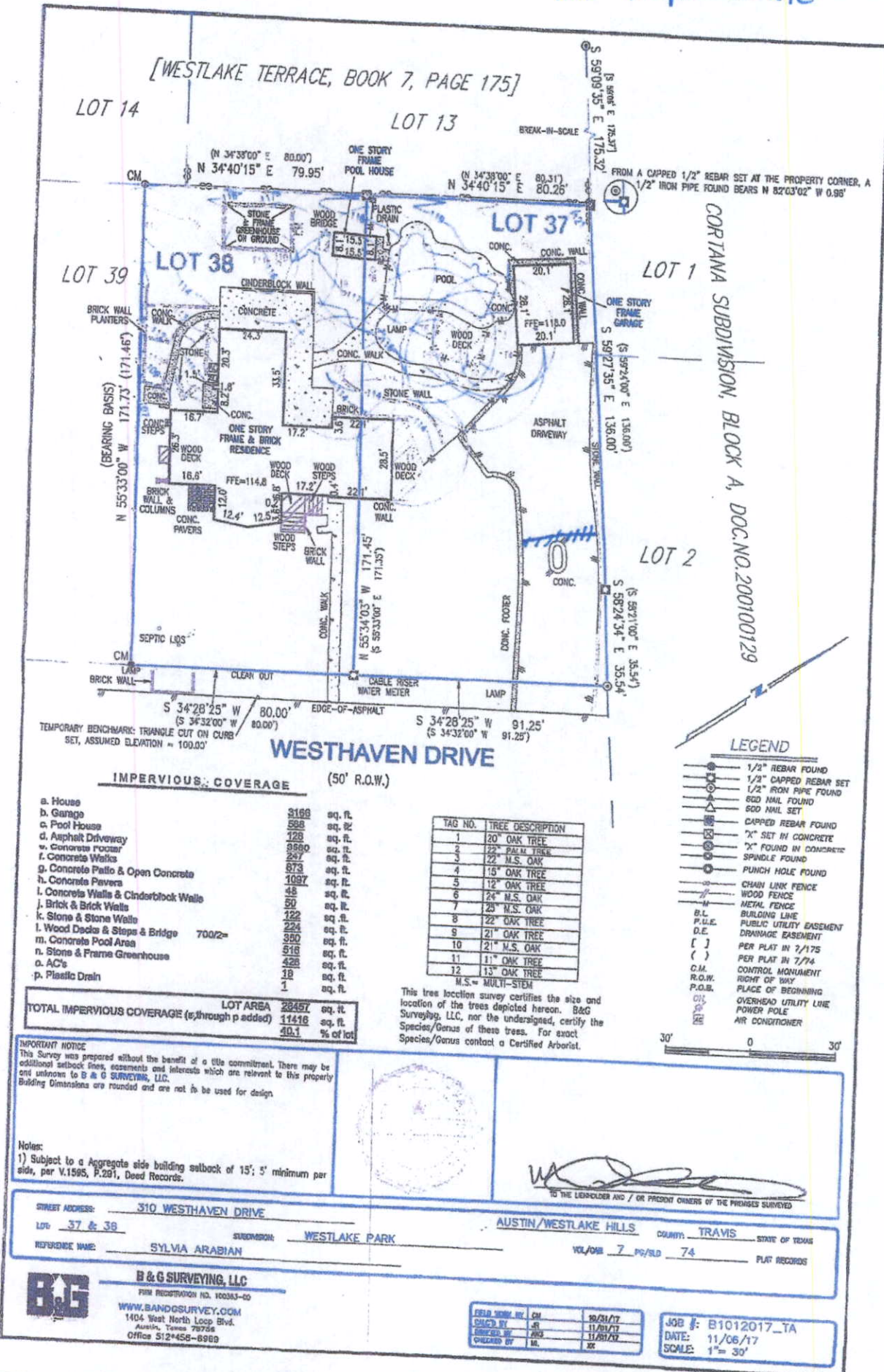
Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Dr.
West Lake Hills, TX 78746

Dear Mr. Chairman,

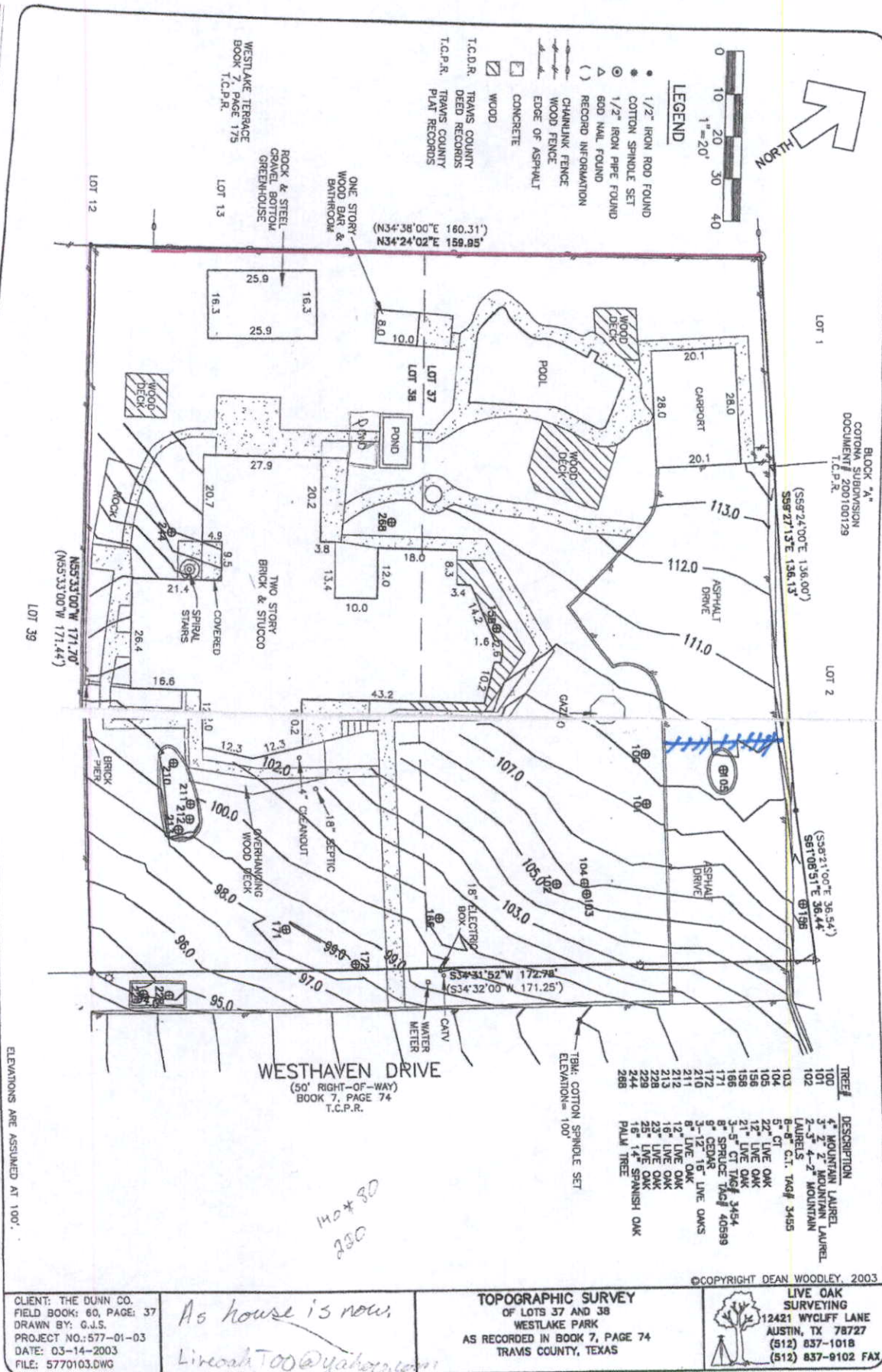
The home of Andrew Schwartz and Sylvia Arabian at 310 Westhaven Dr. 78746 has a driveway that is the turn around for the neighborhood (Westhaven Dr. is a dead end street, we are the last house on the left). It is approximately 130 feet long from the street to the garage (length of most of the north side of the property). Although we are happy to provide the turn around service to our neighbors, Eanes ISD bus, employees, small business owners (particularly construction and lawn services), USP, Fedex, Amazon, and USPS, we do not appreciate the trucks pulling up all 130 feet to the garage. For this reason and also to secure the back yard (we have a pool), we would like to put in a gate 60 feet up the driveway from the street. The land slopes toward the street (high point is the garage, low point is the street). For this reason, in order to have a gate that when closed is at ground level, it would need to open toward the street. By putting it 60 feet up the drive, when open, the gate would be at its closest, 50 feet from the street.

Sincerely,
Andrew Schwartz and Sylvia Arabian

Proposed Gate



Proposed gate

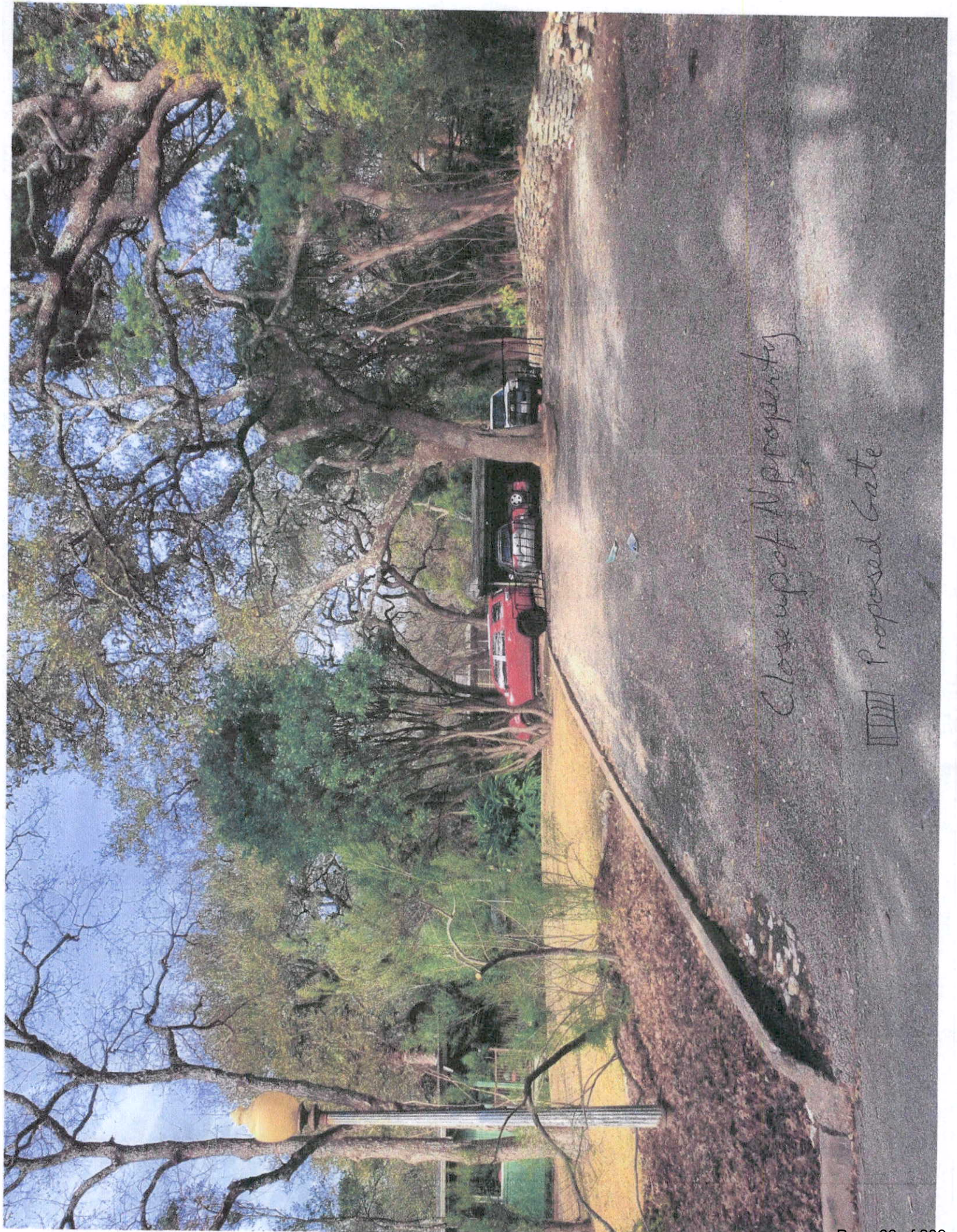


Proposed fence style.
6' with 4" centers





Front of 310 West Haven
Gate Walkway on N side of
Property (Right).





VARIANCES STAFF REPORT

MARCH 24, 2021

Project Address: 0 Wild Cat Hollow

Project Number: 16408

Agenda Item: Land Use: 0 Wild Cat Hollow (Wild Cat Estates): Discussion/recommendation on a variance request to allow continuation of a private street in lieu of constructing a public street for a new proposed subdivision (West Lake Hills Code Sec. 36.01.009 (a)(3)). Owner David Altounian/Applicant Foursquare builders, LLC.

Applicant Information: David Altounian/Applicant Foursquare Builders, LLC

Hearing Dates:

February 17, 2021 ZAPCO – *meeting cancelled*

March 17, 2021 ZAPCO

March 24, 2021 City Council

Location: The subject property is located east of Caravan Circle, west of Westlake Drive, north of Redbud Trail, and south of Terrace Mountain Drive.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R – 1 – One-Family Residential. The subject tract is vacant and is approximately 12.225 acres.

Background & Analysis:

The applicant is requesting a variance in order to subdivide the property into a proposed seven-lot subdivision (including two lots that will remain conservation easements). The applicant is seeking a variance to the Code requirement to construct an internal public street for the subdivision. The property is accessed by private access extending from Wild Cat Hollow, and the applicant wishes to extend the private access into the subdivision. The private access drive will meet emergency access requirements.

The applicant applied for a variance requiring a tree survey for the entire property (requesting to limit survey to developable areas only); however, this type of request is processed administratively per the Code and does not require consideration by ZAPCO or City Council.

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 – “In zoning discussion it has become clear that the practical approach for this property would be an internal private drive as we are accessing the property off an existing Private Drive Access Easement. A public street, as required by code, would have impact to site and aesthetic impact as well as tree removal.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “The variance request will result in less impact to the natural terrain and existing flora as we will be able to construct a smaller drive than the public drive regulations would allow.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “We have considered a public drive on this property, but the extents of construction would negatively impact the site as it would require increased tree removal as well and more cut/fill to the existing terrain. It would also result in a drive that does not match the existing conditions of the surrounding area (relationship to Wild Cat Hollow).
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “We believe the proposed private drive is the minimum required as it is a continuation of the currently existing Private Drive Access Easement, Wild Cat Hollow.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “The intent of the zoning code for the public street requirement is for properties > 10 acres. This property only has approximately 6 acres of developable area, so we feel that we are not violating the intent as we will only be performing work on an area less than the code threshold.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “Providing a private drive would lower the impact on the environment (tree removal reduction, minimizing cut/fill required), smaller construction scope requiring less construction traffic on Wild Cat Hollow, and minimized visual impact as it would be a continuation of the existing Wild Cat Hollow aesthetic.”

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

It is required to file any necessary variance requests prior to filing a subdivision application. After the variance is considered, the applicant intends to submit a subdivision application.

Comprehensive Planning Analysis

The proposed current and future land use complies with the City's Comprehensive Plan.

Zoning & Planning Commission Recommendation

During the March 17, 2021 ZAPCO meeting, the Commissioners recommended denial of the variance request by a vote of 3 – 1 (Commissioner Vaughan abstained).

Staff Recommendation

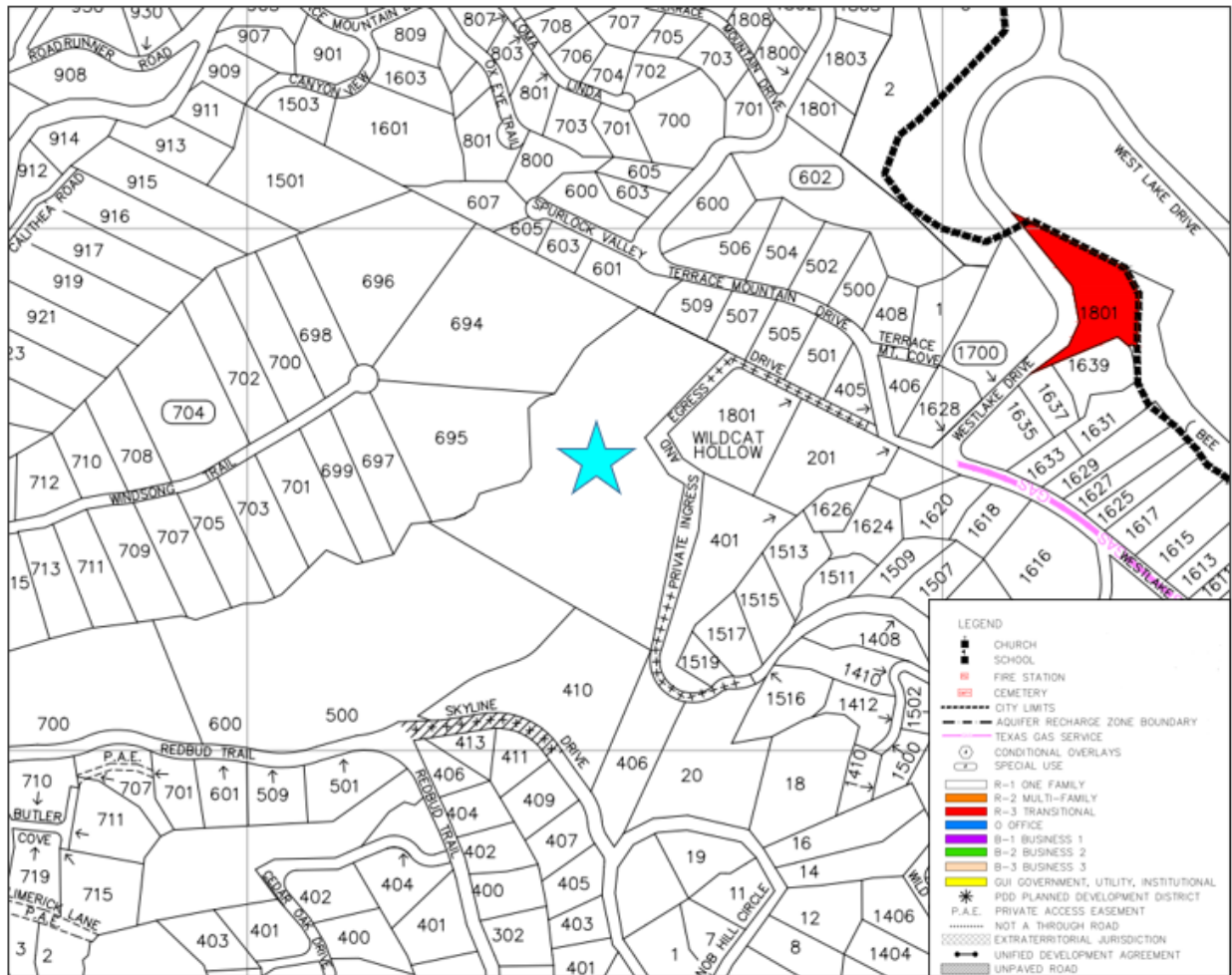
The staff recommendation is approval.

Links to Relevant Code:

- [Sec. 22.03.281 Schedule of Regulations](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)
- [Sec. 36.01.009 General rules and regulations](#)
-

(Maps to follow)

Zoning:



Aerial:





January 8, 2021

Robert Meisel
ZAPCO Chairperson
911 Westlake Drive
Westlake Hills, TX 78746
p. 512.327.3628
f. 512/327/1863

Project: Wild Cat Estates – ABS 75 SUR 503 BONHAM A L D

Mr. Meisel,

We are reaching out to begin the process for a variance request for the property on Wild Cat Hollow under the ownership of David Altounian. We are applying for 2 variances to current Westlake Hills zoning code:

- (1) **36.01.009(A)(3) – Lots greater than 10 acres are required to provide an internal public street:** Our property is accessed off a Private Drive Access Easement, therefore we would like to have the variance to continue the private drive onto our property in lieu of a public street. In addition to current access, our property also only has approximately 6 acres of developable area with the remainder being greater than 30% slope, leaving the developable area well under the 10 acre zoning code requirement. By continuing the private drive on this property to the home sites we will be minimizing site disturbance and save many trees. The private road will be also more aesthetically pleasing to the two neighboring property owners and look desired in West Lake Hills
- (2) **22.03.304(B)(1) – All new construction on an undeveloped lot without existing structures, the property owner must provide the city inspector with a tree survey of the entire property:** We are requesting that we be able to limit the required survey to the developable areas. The environmental buffer, as well as 2 undevelopable lots, have slopes greater than 30% and are minimally accessible. They will remain undisturbed and undeveloped. To limit the difficult access and impact to these areas we would like to exclude them from the required survey.

Thank you in advance for your assistance in this process. If there is any additional information we can provide please let us know.

Sincerely,

Foursquare Builders LLC

VARIANCE 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 & PROPERTY 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.

Property Owner: David Altounian Phone: 512.627.3399

Email: [REDACTED]

Address: 401 Terrace Mountain Drive City: West Lake Hills State: TX Zip: 78746

Agent*: Foursquare Builders LLC Phone: 512.944.4520

Email: [REDACTED]

Address: 507 Walsh St City: Austin State: TX Zip: 78703

Property Address: 0 Wild Cat Hollow City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Wild Cat Estates

Block: ABS 75 SUR 503 BONHAM A L D Lot: _____ TCAD Tax Parcel ID: 117378

Current Zoning Classification: _____ Total Lot Size (Acres): 12.345 Acres

***Please submit Power of Attorney form designating authorized agent.**

PROJECT INFORMATION

Please list all variances being applied for: *(Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)*

- 1) We are requesting a variance from the 36.01.009 (A)(3) zoning code requirement that lots >10acres provide an interior public street to be able to provide a private interior drive as we are accessing our property off of an existing Private Drive Access Easement, Wild Cat Hollow.
- 2) We are requesting a variance from the 22.03.301 (B)(1) zoning code requirement of a full property tree survey for tree removal to be able to limit the survey to the developable lot areas. There will be 2 lots



VARIANCE APPLICATION

that will be HOA owned, which are undevelopable per zoning code item 36.01.009(A)(2)(E) of lot requirements of 50% of lot being 30% slope or less, and will remain greenspace.

- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Brief Description of project/why variances are needed:

1) What is different about this property is it is accessed off a private 15 ft drive that provides entry to two other existing home sites. By continuing the private drive on this property to the home sites (vs a public street) we will be minimizing site disturbance and save many trees. The private road will be also more aesthetically pleasing to the two neighboring property owners and look desired in West Lake Hills

2) We are requesting the tree survey requirement variance as these areas are very steep terrain, all greater than 30% slope, and minimally accessible. These lots will also remain undisturbed and undeveloped, making the need to access solely for the survey.

Variance Questionnaire (*Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.*)

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.

(1) In zoning discussion it has become clear that the practical approach for this property would be an internal private drive as we are accessing the property off of an existing Private Drive Access Easement. A public street, as required by code, would have impact to site & aesthetic impact as well as tree removal.

(2) There are significant portions of the property that will not have any development, tree removal or landscaping and are minimally accessible. With access being extremely difficult due to the high slopes, surveying these would be an unnecessary endeavor as no work will be performed in this area.

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?

(1) The variance request will result in less impact to the natural terrain and existing flora as we will be able to construct a smaller drive than the public drive regulations would allow.

(2) The variance we are requesting will assist in less impact in these areas as no surveyors will require access.

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

(1) We have considered a public drive on this property, but the extents of construction would negatively impact the site as it would require increased tree removal as well and more cut/fill to the existing terrain. It would also result in a drive that does not match the existing conditions of the surrounding area (relationship to Wild Cat Hollow).



VARIANCE APPLICATION

(2) We have explored the impacts of a full property survey, but the difficulty to perform the survey due to the extreme slopes and density of the vegetation would be more than we feel is reasonable as the areas will remain undeveloped and undisturbed.

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

(1) We believe the proposed private drive is the minimum required as it is a continuation of the currently existing Private Drive Access Easement, Wild Cat Hollow.

(2) We believe this is the minimum requirement as it allows, for both us and the neighboring properties, these areas to remain completely undisturbed.

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?

(1) The intent of the zoning code for the public street requirement is for properties >10 acres. This property only has approximately 6 acres of developable area, so we feel that we are not violating the intent as we will only be performing work on an area less than the code threshold. We also feel that the public road requirement is for application on properties off of public streets, of which this property is not. We would be matching the internal drive to the drive that currently provides access to the property.

(2) The intent of the code looks to be striving to reduce the impact and removal of trees due to development. We are looking to leave area undisturbed which we feel is achieving beyond the intent. As such we are looking to not survey these undevelopable areas.

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

(1) Providing a private drive would lower the impact on the environment (tree removal reduction, minimizing cut/fill required), smaller construction scope requiring less construction traffic on Wild Cat Hollow, and minimized visual impact as it would be a continuation of the existing Wild Cat Hollow aesthetic.

(2) We are looking to leave the environmental buffer and approximately 6 acres of the property undisturbed. In keeping in line with the rural and ecological balance of the master plan of the city the best thing you can do for the ecological health of an area is to limit human effect, limiting the survey and designating the areas as undisturbed would help achieve that.

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

01.08.2021

Date

Wes Wigginton

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☐ ~~Building elevations, if applicable~~
- ☐ ~~Tree and topo survey, if applicable~~
- ☐ ~~Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)~~
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.



VARIANCE APPLICATION

- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

Travis CAD

Property Search Results > 117378 ALTOUNIAN DAVID ALLEN & for Year 2021

Tax Year: 2021 - Values not available

Property

Account			
Property ID:	117378	Legal Description:	ABS 75 SUR 503 BONHAM A L D ACR 12.345
Geographic ID:	0117130222	Zoning:	
Type:	Real	Agent Code:	1528196
Property Use Code:			
Property Use Description:			
Protest			
Protest Status:			
Informal Date:			
Formal Date:			
Location			
Address:	WILD CAT HOLLOW DR TX 78746	Mapsc0:	
Neighborhood:	CORE	Map ID:	011818
Neighborhood CD:	M5700		
Owner			
Name:	ALTOUNIAN DAVID ALLEN &	Owner ID:	1416343
Mailing Address:	VICKI RAE REPPERT ALTOUNIAN 401 TERRACE MOUNTAIN DR WEST LAKE HILLS , TX 78746-3637	% Ownership:	100.00000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: ALTOUNIAN DAVID ALLEN &
% Ownership: 100.00000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax		
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A		
08	EANES ISD	N/A	N/A	N/A	N/A		
09	CITY OF WEST LAKE HILLS	N/A	N/A	N/A	N/A		
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A		
10	TRAVIS CO WCID NO 10	N/A	N/A	N/A	N/A		
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A		
39	TRAVIS CO ESD NO 9	N/A	N/A	N/A	N/A		
Total Tax Rate:		N/A					
Taxes w/Current Exemptions:					N/A		
Taxes w/o Exemptions:					N/A		

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	12.3450	537748.20	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$1,957,500	0	1,957,500	\$359,310	\$1,598,190
2019	\$0	\$1,957,500	0	1,957,500	\$504,600	\$1,452,900
2018	\$0	\$1,800,000	0	1,800,000	\$479,182	\$1,320,818
2017	\$0	\$1,742,500	0	1,742,500	\$541,756	\$1,200,744
2016	\$0	\$1,742,500	0	1,742,500	\$650,915	\$1,091,585

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	1/1/2020							
2	3/13/2015	L	LISTING INFORMATION					
3	12/1/2007	SW	SPECIAL WARRANTY DEED	ADP VENTURES LTD	ALTOUNIAN DAVID ALLEN &			2008079319TR

Questions Please Call (512) 834-9317

This site requires cookies to be enabled in your browser settings.

This year is not certified and ALL values will be represented with "N/A".

OWNER'S REPRESENTATIVE AGREEMENT

THIS AGREEMENT FOR SERVICE (this "Agreement") dated December 8, 2020.

BETWEEN

DAVID ALLEN ALTOUNIAN of 401 TERRACE MOUNTAIN DR. Austin, TX 78746 (hereinafter referred as the "Client" - **AND - Foursquare Builders, LLC** of 507 Walsh St. Austin, TX 78703 (hereinafter referred as the "Service Provider")

CONCERNING:

A certain 12.345 acre tract, Property ID: 117378, Legal Description: ABS 75 SUR 503 BONHAM A L D

And

A certain 1.83 Acres tract, Property ID: 119915, Legal Description: 1/3 UND INT ABS 75 SUR 503 BONHAM A L D (PT OF WILDCAT HOLLOW, DRIVE),

IN CONSIDERATION OF the matters described below and of the mutual benefits and obligations set forth in this Agreement, the parties to this Agreement agree as follows:

Owner's Representative Role

Pursuit and design of the subdivision for benefit of Service Provider. Authority to meet with City Staff, Engineers, and Consultants to help them develop the set of drawings, to include topography, site plan, platting of lots, and detail sections.

Term of Agreement

The term of this Agreement will begin on the date of this Agreement and will remain in full force and effect until the completion of the Services, subject to earlier termination as provided in this Agreement, with the said term being extended by mutual written agreement of the parties. It is anticipated that the Design/Specification Scope of work will take 90-180 days.

Performance

The parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

Confidentiality

The Parties agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information with respect to the data collected, which the Service Provider has obtained, except as necessary or desirable to further the business of the Service Provider. This obligation will survive indefinitely upon termination of this Agreement.



Ownership of Materials

All materials developed, produced, or in the process of being so under this Agreement, will be the property of the Service Provider.

The Service Provider may retain use of the said materials and will not be responsible for damages resulting from their use for work other than services contracted for in this Agreement.

Assignment

The Service Provider may voluntarily or by operation of law assign or otherwise transfer its rights under this Agreement without the prior written consent of the Client.

Capacity/Independent Contractor

It is expressly agreed that the Service Provider is acting as an independent contractor and not as an employee in providing the Services under this Agreement. The Service Provider and the Client acknowledge that this Agreement does not create a partnership or joint venture between them.

IN WITNESS WHEREOF the parties have duly executed this Service Agreement this date Dec. 8, 2020



David Altounian



Wes Wigginton
Managing Member
Foursquare Builders, LLC

PROPERTY DESCRIPTION:

BEING A 12.225 ACRE TRACT OF LAND SITUATED IN THE AUSTIN L. D. BENHAM SURVEY, ABSTRACT NO. 77, TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND CONVEYED TO DAVID ALLEN ALTOUNIAN AND VICKIE RAE REPERT ALTOUNIAN, AS RECORDED IN INSTRUMENT NO. 2008079319, DEED RECORDS, TRAVIS COUNTY, TEXAS (BEING DESCRIBED BY METES AND BOUNDS IN DEED RECORDED IN VOLUME 9592, PAGE 445, SAID DEED RECORDS), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE EAST CORNER OF SAID ALTOUNIAN TRACT AND THE NORTH CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO LOUISE S. O'CONNER, BEN Y. MASON, WILLIAM H. WADE, AND ZARSKY BUILDERS, INC., AS RECORDED IN VOLUME 7691, PAGE 195, SAID DEED RECORDS, SAID IRON ROD BEING ON THE SOUTHWEST LINE OF STONEHEDGE ESTATES, BLOCK M, AN ADDITION TO TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9, PAGE 119, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING ON THE NORTHWEST LINE OF WILDCAT HOLLOW DRIVE;

THENCE SOUTH 46° 42' 00" WEST, A DISTANCE OF 412.64 FEET ALONG THE COMMON LINE OF SAID ALTOUNIAN AND O'CONNER/MASON/WADE/ZARSKY BUILDERS TRACTS TO A 1/2-INCH IRON ROD FOUND;

THENCE SOUTH 29° 29' 43" EAST, A DISTANCE OF 149.71 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE SOUTH 55° 57' 11" EAST, A DISTANCE OF 66.40 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE SOUTH 14° 38' 00" WEST, A DISTANCE OF 583.96 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND AT THE COMMON CORNER OF AFORESAID ALTOUNIAN TRACT, AFORESAID O'CONNER/MASON/WADE/ZARSKY BUILDERS TRACT, AND GUNTER SUBDIVISION, AN ADDITION TO TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 90, PAGE 357, AFORESAID PLAT RECORDS;

THENCE NORTH 56° 35' 59" WEST, A DISTANCE OF 882.39 FEET ALONG THE SOUTHWEST LINE OF SAID ALTOUNIAN TRACT TO A 3/8-INCH IRON ROD FOUND AT THE WEST CORNER OF SAID ALTOUNIAN TRACT AND THE NORTH CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO KC REDBUD, LLC, AS RECORDED IN INSTRUMENT NO. 2014091197, AFORESAID DEED RECORDS, SAID IRON ROD BEING ON THE SOUTHEAST LINE OF WINDSONG ESTATES SUBDIVISION, AN ADDITION TO TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84, PAGES 64D-65A, SAID PLAT RECORDS;

THENCE NORTH 87° 06' 06" EAST, A DISTANCE OF 82.09 FEET ALONG THE COMMON LINE OF SAID ALTOUNIAN TRACT AND SAID WINDSONG ESTATES SUBDIVISION TO A POINT FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 34° 38' EAST - 3.9 FEET;

THENCE NORTH 67° 36' 02" EAST, A DISTANCE OF 73.84 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE NORTH 26° 30' 31" EAST, A DISTANCE OF 55.07 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE NORTH 76° 12' 06" EAST, A DISTANCE OF 150.85 FEET ALONG SAID COMMON LINE TO A POINT FROM WHICH A FOUND 60D NAIL BEARS NORTH 58° 15' EAST - 15.2 FEET;

THENCE NORTH 38° 05' 46" EAST, A DISTANCE OF 57.48 FEET ALONG SAID COMMON LINE;

THENCE NORTH 00° 22' 32" EAST, A DISTANCE OF 205.55 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

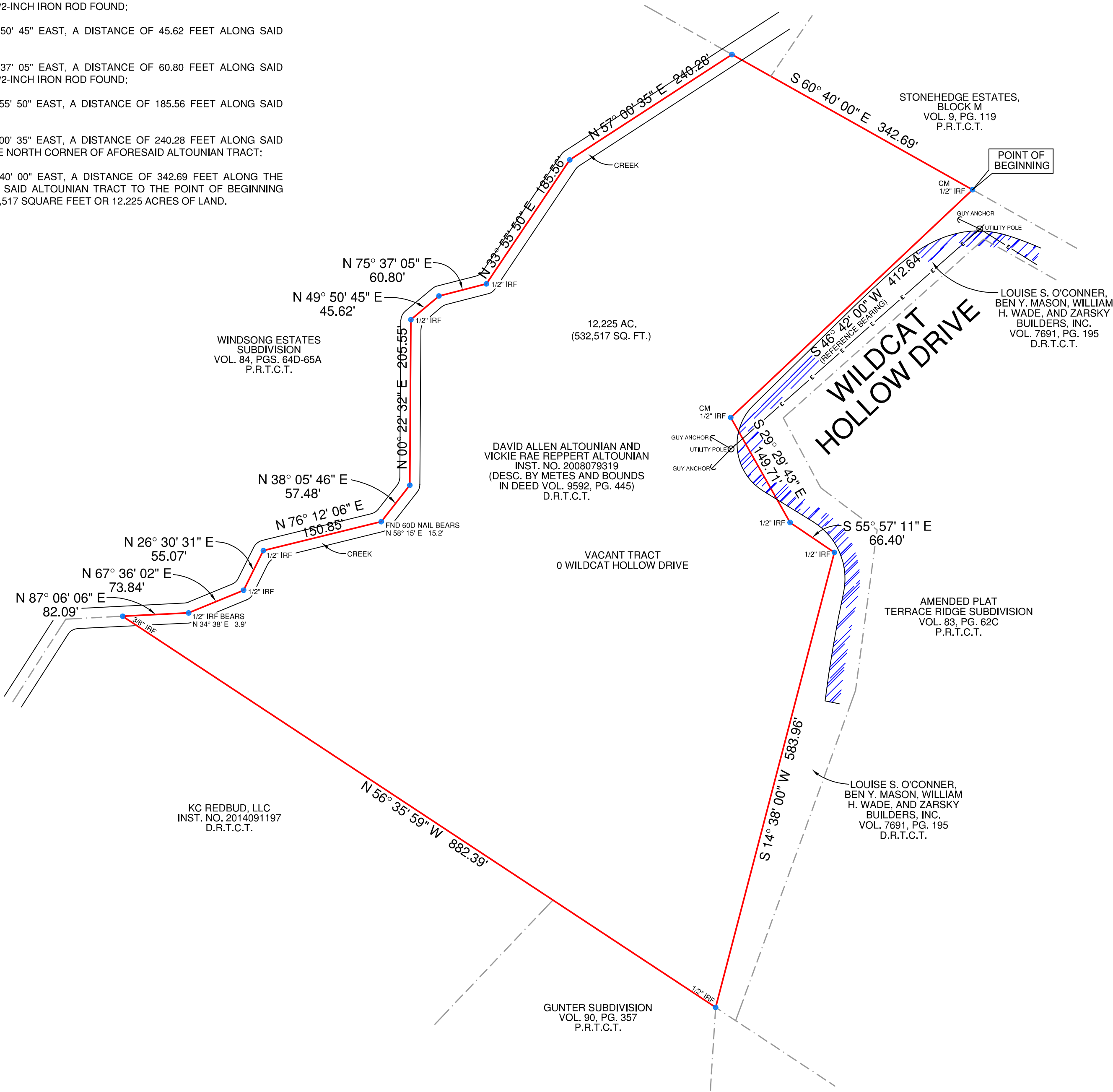
THENCE NORTH 49° 50' 45" EAST, A DISTANCE OF 45.62 FEET ALONG SAID COMMON LINE;

THENCE NORTH 75° 37' 05" EAST, A DISTANCE OF 60.80 FEET ALONG SAID COMMON LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE NORTH 33° 55' 50" EAST, A DISTANCE OF 185.56 FEET ALONG SAID COMMON LINE;

THENCE NORTH 57° 00' 35" EAST, A DISTANCE OF 240.28 FEET ALONG SAID COMMON LINE TO THE NORTH CORNER OF AFORESAID ALTOUNIAN TRACT;

THENCE SOUTH 60° 40' 00" EAST, A DISTANCE OF 342.69 FEET ALONG THE NORTHEAST LINE OF SAID ALTOUNIAN TRACT TO THE POINT OF BEGINNING AND CONTAINING 532,517 SQUARE FEET OR 12.225 ACRES OF LAND.



FEMA NOTE

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48453C0445 H, DATED SEPTEMBER 26, 2008.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION. THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES; LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH PREPARED BY A TITLE COMPANY. THERE MAY BE EASEMENTS AND OTHER MATTERS OF RECORD AFFECTING THE PROPERTY SHOWN HEREON THAT ONLY A PROPER TITLE SEARCH WOULD REVEAL.

GENERAL NOTES

- 1.) THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED ON THE DEED RECORDED IN VOL. 9592, PG. 445, D.R.T.C.T.
- 2.) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN. FENCES MAY BE MEANDERING.
- 3.) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, OR OTHER.
- 4.) AS OF THIS DATE, ALL EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OF RECORD SHOWN OR NOTED HEREOFWERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE REPORT AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE RESEARCH PHASE OF THIS SURVEY OR PROVIDED BY THE CLIENT/TITLE COMPANY LISTED HEREON. PREMIER SURVEYING MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
- 5.) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
- 6.) THIS SURVEY IS NOT INTENDED TO ADDRESS OR IDENTIFY WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE OR ANY OTHER ENVIRONMENTAL OR GEOLOGICAL ISSUE.
- 7.) THE EXISTING UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE, ABOVE GROUND EVIDENCE. UTILITIES AND OTHER MINOR IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY. PREMIER SURVEYING IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, NOR FOR ANY DAMAGES BY ANY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- 8.) SYMBOLS AS SHOWN IN THE LEGEND ARE NOT TO SCALE AND MAY HAVE BEEN MOVED FROM THE ACTUAL HORIZONTAL LOCATION FOR CLARITY.

TITLE SURVEY

O WILDCAT HOLLOW DRIVE
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS

PREMIER JOB #: 14-05593

TECH: MSP DATE: 12/16/14

FIELD: JM FIELD DATE: 12/10/14

CONCRETE	WOOD FENCE
BRICK	CHAIN LINK FENCE
ASPHALT	WROUGHT IRON FENCE
WOOD	WIRE FENCE
STONE	R.R. TIE RETAINING WALL
GRAVEL	BRICK WALL
COVERED AREA	STONE WALL
CM = CONTROLLING MONUMENT	OVERHEAD TELEPHONE LINE
	OVERHEAD ELECTRIC LINE
	IRF = IRON ROD FOUND
	IRS = IRON ROD SET
	MFCP = METAL FENCE COR POST
	WFCP = WOOD FENCE COR POST

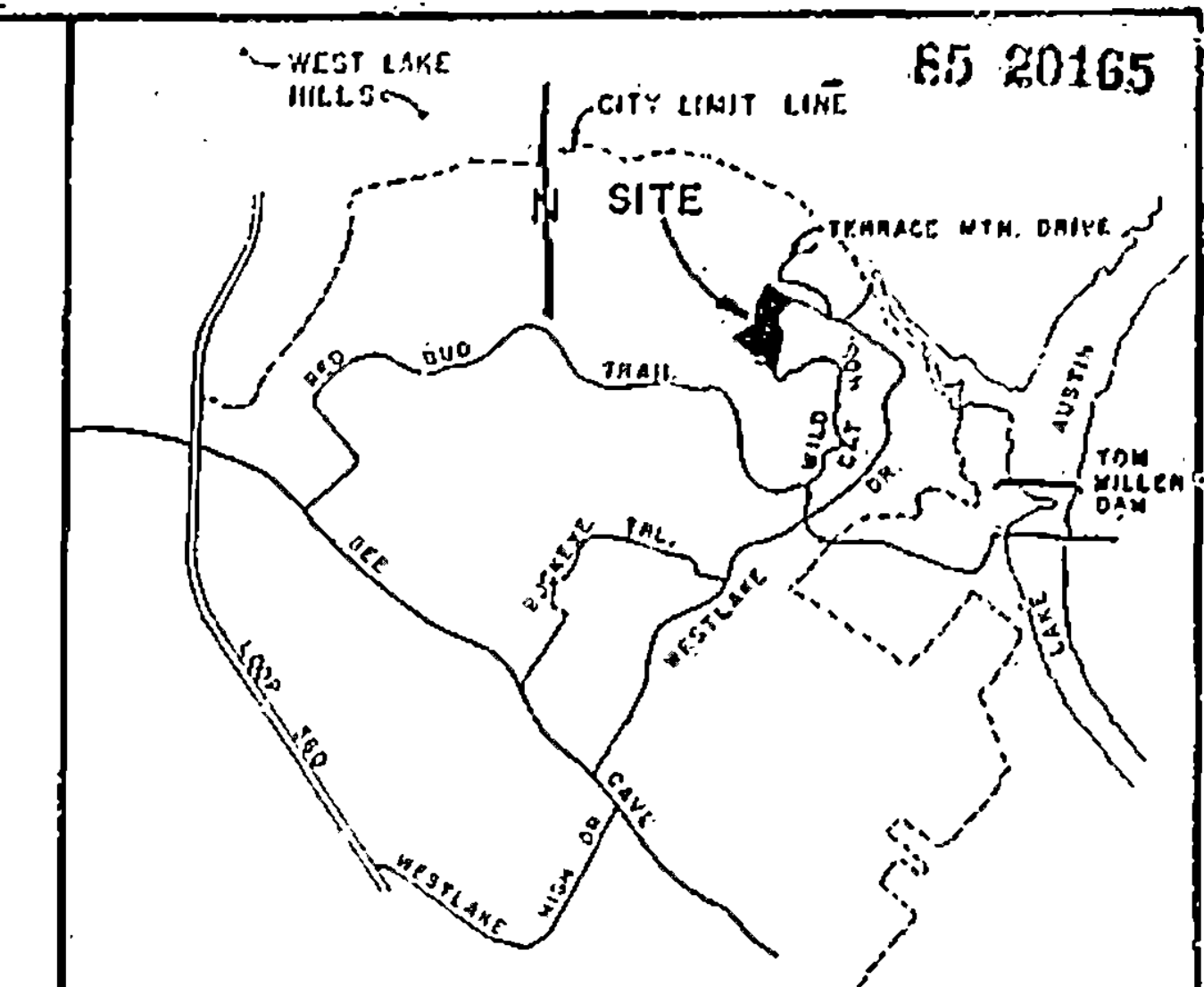
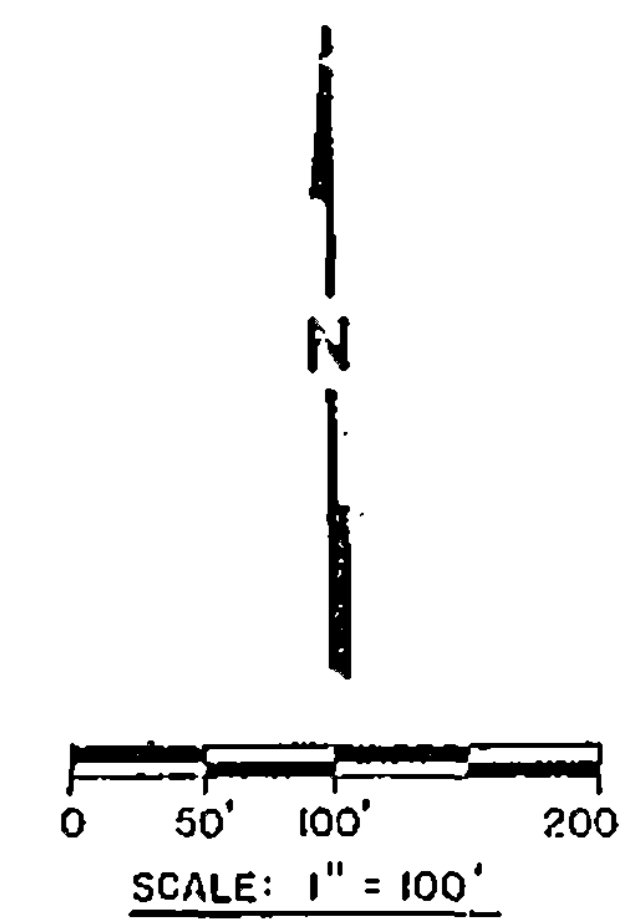
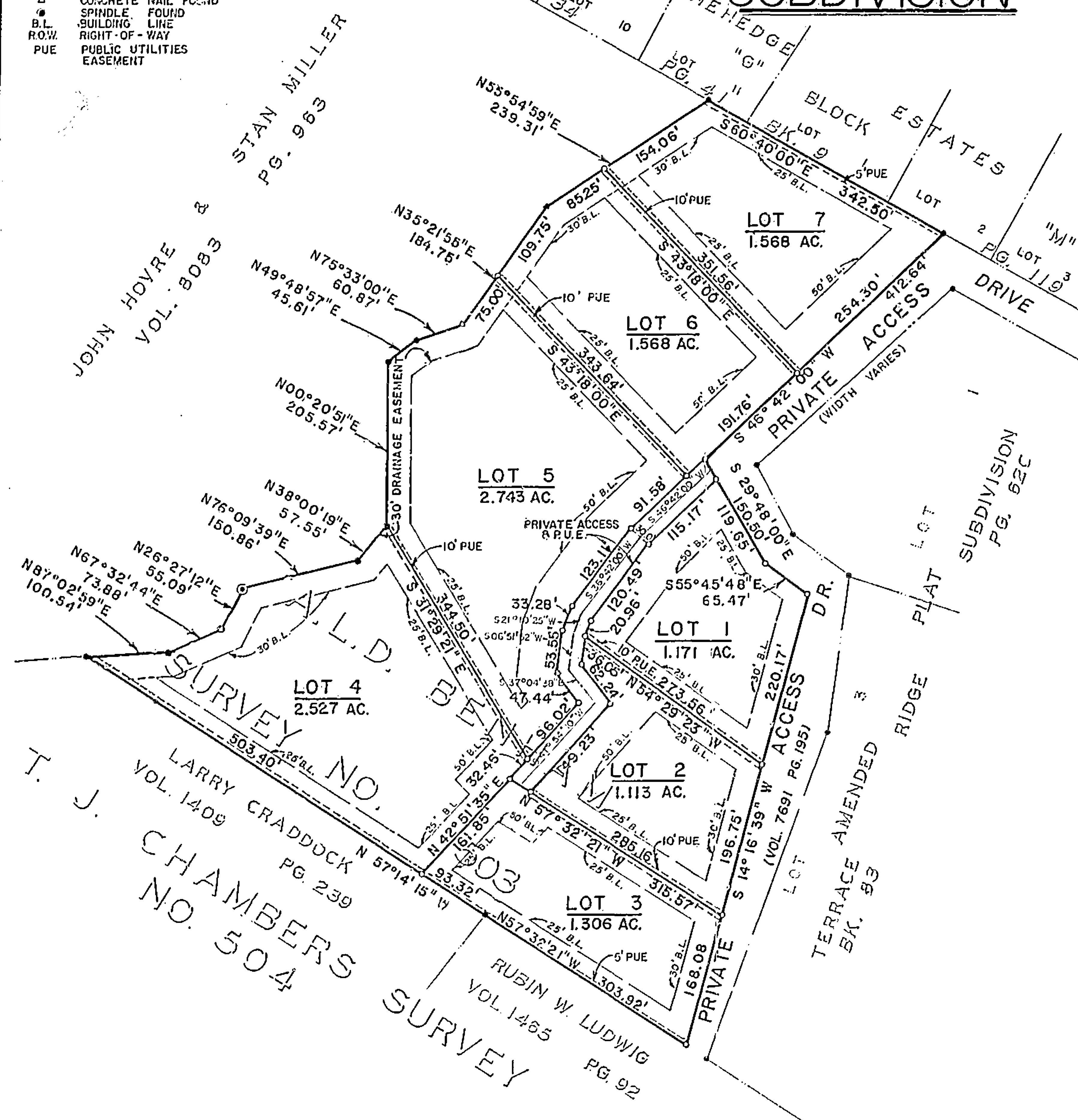
Premier
Surveying LLC
5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
972.612.3601 Office | 972.964.7021 Fax
premierorders@premiersurveying.com
www.premiersurveying.com

Premier
Surveying LLC
5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
Office: 972-612-3601
Fax: 972-964-7021



BEN MASON SUBDIVISION

- LEGEND**
- IRON ROD FOUND
 - IRON ROD SET
 - ▲ 60d NAIL FOUND
 - △ CONCRETE NAIL FOUND
 - ⊙ SPINDLE FOUND
 - BUILDING LINE
 - - - RIGHT-OF-WAY
 - PUBLIC UTILITIES EASEMENT



- NOTES:**
1. All Lots are zoned R-1 One Family Residential.
 2. Lot Acreage = 11.996 Ac.
Access Easement = 0.349 Ac.
TOTAL ACREAGE = 12.345 Ac.
 3. Lot 1 1.171 Ac. 5 2.743 Ac.
2 1.113 Ac. 6 1.568 Ac.
3 1.306 Ac. 7 1.568 Ac.
4 2.527 Ac.
 4. Five (5) foot utility easement on both sides of interior lot lines.
 5. Flood plan contained within drainage easements as shown.
 6. The existing private access drive shall be widened to 16 foot roadway plus 3 foot shoulders from Terrace Mountain Drive to the beginning of the private access easement dedicated by this plat.
 7. Lots 2, 3, 4 & 5 to be served with underground utilities.

SURVEY NO. 504
CHAMBERS
 T. J. LARRY CRADDOCK N 57°14'15\"/>

DATE: MAY, 1985
 PREPARED BY:
Perry Pittman, Inc.
 Consulting Engineers • Surveyors

Wild Cat Hollow
Project Address
Client: Client Name

Project Status	
Date	09 DECEMBER, 2020
Revisions	

Drawn by
Checked by

Any reproductions, alteration, modifications, usage or incorporation into other documents may not occur without the prior written permission of Michael + Wes & Co.

© 2020 Michael + Wes & Co.

A001
PRELIMINARY
SITE PLAN





SOUTHWEST CORNER
GRADE >30%



EXISTING PRIVATE ACCESS EASEMENT
WILD CAT HOLLOW



Wild Cat Hollow

Project Address

Client: Client Name

Project Status

Date 02/02/2021

Revisions

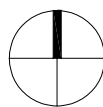
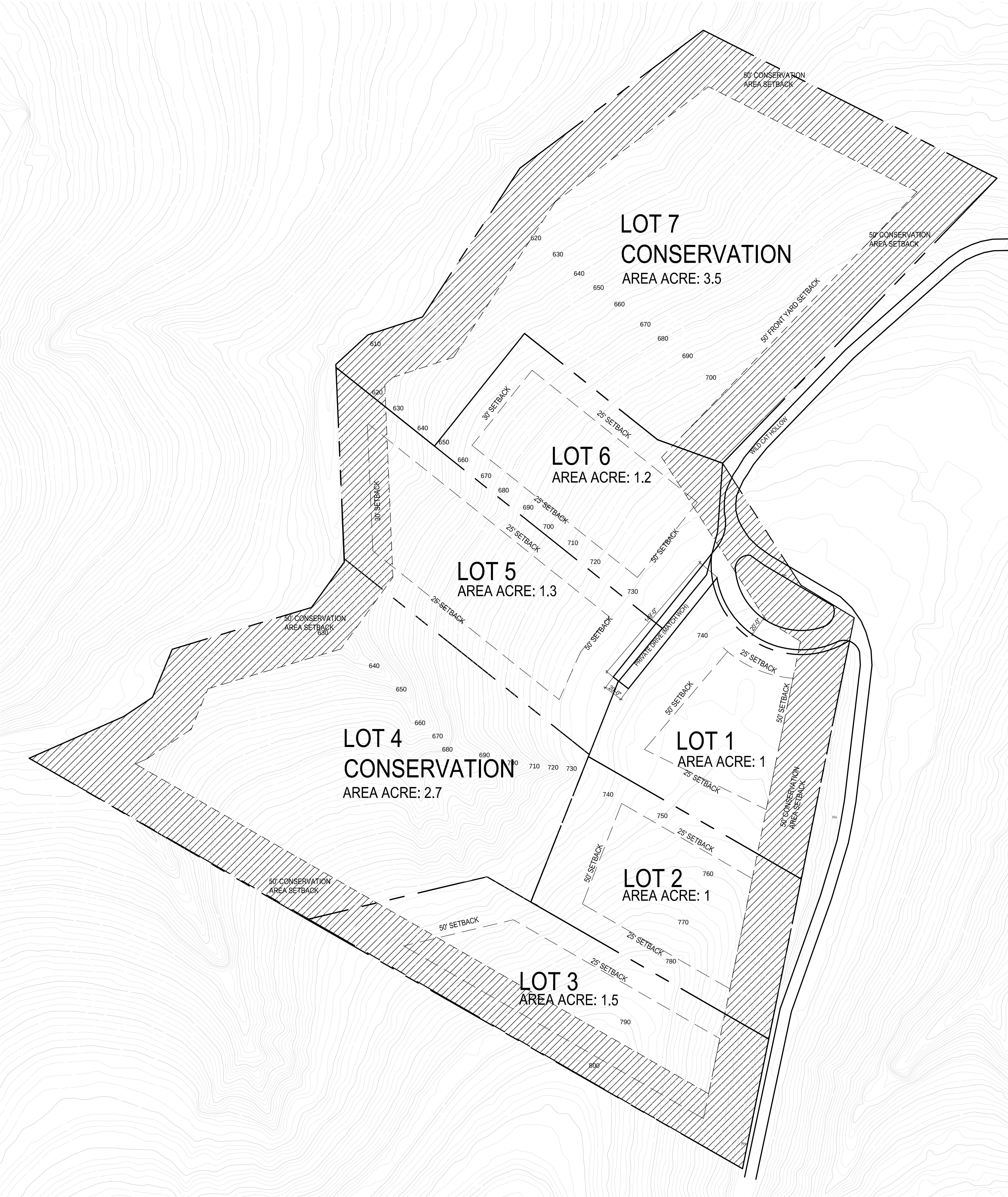
Drawn by

Checked by

Any reproductions, alteration, modifications, usage or incorporation into other documents may not occur without the prior written permission of Michael + Wes & Co.

© 2021 Michael + Wes & Co.

A001
PRELIMINARY
SITE PLAN



1

PRELIMINARY SITE PLAN — PRIVATE DRIVE
1:60 ON 22x34 SHEET SIZE (1:120 ON 1/2 SHEETS SIZE)



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, David Altounian
have made, constituted and appointed Foursquare Builders LLC
to be my duly authorized representative in connection with an application dated Jan 8, 2021,
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.

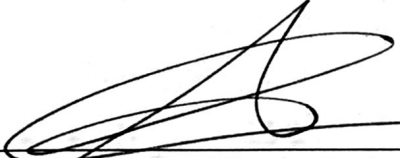
David ALTOUNIAN
Property Owner/Applicant Name

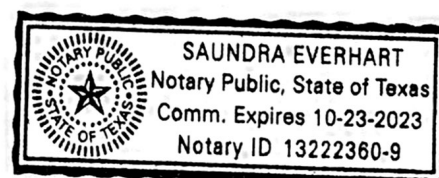

Property Owner/Applicant Signature

401 TERRACE MOUNTAIN DR. WEST LAKE HILLS, TX 78746
Street Address City State Zip Code

512-627-3399
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 8th day of Jan, 20 21.


Notary Public in and for the State of Texas



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

From: **Michael Lacey** <mlacey@westlakefd.org>

Date: Mon, Jan 11, 2021 at 9:16 AM

Subject: RE: Foursquare Builders - Wild Cat Hollow Questions

To: Jessica McCarty <[REDACTED]>

Cc: Wes Wigginton <[REDACTED]>

Ms. McCarty,

Yes, the internal access drive serving the homes needs to be 20' wide per IFC. Driveways off of the internal drive to individual homes can reduce to 12 feet.

The turning radius into the subdivision should be an inside 25 foot turning radius with an outside 50 foot turning radius.

That is correct, if the length of the interior access road serving all the homes is less than a 150 foot dead end, an emergency turn around will not be required. However, you would want to ensure the entrance meets the turning radius above so that the emergency vehicles can quickly turn around at the entrance of the subdivision instead of having to all back out down Wildcat onto Westlake Drive.

Yes, we don't ask for the existing private access drive to be widened with these types of projects. That normally is a joint effort of several residents that assist in funding endeavors like that. You would want to ensure there are no low hanging trees (less than 14 feet from ground to tree limb across the width of the drive that would obstruct the access of emergency vehicles. We of course would support existing private drive improvements if it's the desire of the residents at the time of this project.

For use to analyze the fire flow, please provide me the total gross square footage of the largest possible home in the subdivision. This would need to be all square footage under the roof and not just the HVAC areas. It will need to include the garage, covered patios and porches, and each level of the home. We then apply the fire code fire flow table to what is proposed and the code will offer a 50% reduction in fire flow for the basic homes and the City will offer a total of 65% fire flow reductions for additional fire protection measures in addition to fire sprinklers. The fire flow demand for basic fire sprinkler systems is typically 26 GPM.

Hydrants are normally provide where one is within 300 feet to the most remote home as measure along the primary access drive and the next one is within 500 feet.

Please let me know if you have any other questions or concerns.

Sincerely,

District Chief Michael Lacey

Fire Marshal

Travis County Emergency Services District No. 9

P.O. Box 162170

Austin, TX 78716

Office – 512-539-3491

From: Jessica McCarty [mailto:[REDACTED]]
Sent: Thursday, January 07, 2021 7:05 PM
To: Michael Lacey <mlacey@westlakefd.org>
Cc: Wes Wigginton <[REDACTED]>
Subject: Foursquare Builders - Wild Cat Hollow Questions

Mr. Lacey,

Thank you for talking with us today, it was extremely helpful in understanding what will be expected from us in the next steps. We did want to confirm a couple items from the call to ensure we understood correctly:

- The new internal access (private or public) needs to be 20' wide per IFC code requirements
- Corner radius at entry must meet IFC code requirement a (can you re-confirm the radius for us?)
- Under 150' length of road will not require a turnaround
- Existing private access will remain as built
- We will need to confirm hydrant pressure of current hydrants as well as load and pressure requirements for home sprinklers and additional fire hydrant that will need to added into subdivision

Thank you again for your time. We would greatly appreciate if you could send a note confirming the above for us.

Have a great evening!

Jessica McCarty

Senior Project Designer

 [301.412.1160](#)

Zoning and Planning Commission
West Lake Hills City Hall
911 Westlake Drive
West Lake Hills, Texas

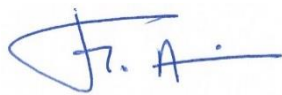
Re: Variance Request #16408

Dear City of West Lake Hills ZAPCO Commissioners,

Thank you for notifying us about Variance Request #16408, for the property currently owned by David Altounian.

In reviewing the above referenced Variance Request, I wanted to let the commission know that I support these requests as both are reasonable and reflect a solution that is in keeping with the existing conditions of the access roads within the area.

Best Regards,

A handwritten signature in blue ink, appearing to read 'F. Aigrain', with a stylized flourish at the end.

Florian Aigrain
Owner of the adjacent plot at 1801 Wildcat Hollow

Anjali Naini

From: Kevin Primat [REDACTED] >
Sent: Tuesday, February 16, 2021 3:16 PM
To: Anjali Naini
Subject: Smaller road

Dear ZAPCO and City Council Members,

I am one of the few neighbors that is adjacent to David Altounian's property which he is selling. I've talked with the homebuilder, Wes Wigginton, and reviewed the internal road design for the proposed subdivision and agree this narrower road design will look far better aesthetically than a wider public street since this is coming off a narrower private drive instead of a public street like Westlake Drive or Redbud Trail. The narrower road design reduces the number of trees removed and minimizes impact to the site, thus it more beneficial and preserves the look of the neighborhood. I'm in full support of the plan and variance requested.

Respectfully,

Kevin Primat

Anjali Naini

From: Roy Stocker [REDACTED]
Sent: Wednesday, March 10, 2021 4:52 PM
To: Anjali Naini
Subject: Variance Request - Support Letter | Wild Cat Estates (ABS 75 SUR 503 AL Bonham Subdivision)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear ZAPCO and City Council Members,

My name is Roy Stocker, and I live at 505 Terrace Mountain drive with a driveway on WildCat Hollow regarding the variance requested by David Altounian. I have had the opportunity to visit and review the plans from the homebuilder, Wes Wigginton. We have lived here for ~20yrs and viewed the internal road design for the proposed subdivision.

I support and agree with the narrower road design that will look better aesthetically and preserve the integrity of the old WestLake Hills style and community. The wider public street would be very disruptive and change the landscape incredibly and require extensive tree removals, which I would be very much against.

I support Wes Wigginton's (HomeBuilder) plan and variance request entirely.

If you have any other questions, please do not hesitate to contact me.

Best Regards,
Roy Stocker

--

Roy Stocker
Cell: 512-750-0555
Office: 512-547-3269 Ext# 3720
Email: [REDACTED]



My Perspective: "Grateful for Everything, Entitled to Nothing"

CONFIDENTIALITY NOTICE * STATEMENT OF CONFIDENTIALITY

The contents of this e-mail and its attachments are intended solely for the addressees hereof. In addition, this e-mail transmission may be confidential and it may be subject to privilege protecting communications between attorneys or solicitors and their clients. If you are not the named addressee, or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received

this transmission in error, please alert the sender by reply e-mail; we also request that you immediately delete this message and its attachments, if any.



Anjali Naini

From: smargolin [REDACTED]
Sent: Wednesday, February 17, 2021 11:09 AM
To: Anjali Naini
Subject: ZAPCO Meeting commentary Agenda Item #6

Dear Chairman Meisel and ZAPCO,

We are writing this email to oppose Variance 1 of the Wild Cat Estate proposal. We live at 406 Skyline Drive, the adjacent southeast lot that sits directly above the canyon in which the proposed subdivision would sit. We are very concerned about the potential fire risk that would occur should the current variance proposal be approved due to inadequate fire fighting coverage to lots 2 and 3.

Chief Lacey makes clear in his letter that an internal roadway is needed of adequate length and design so that the fire trucks can deliver service to the area. In reviewing the preliminary site plan, it is clear that the plan to build an internal road of only 149 feet in length, would come nowhere near the property lines on these two lots. Should a fire hydrant extend to the end of the proposed internal road, it would leave over 300 feet to reach the backside of a structure on lot 2 and closer to 450 feet to reach the backside of lot 3. We also do not believe that a firetruck could come down the east side dirt road private ingress that is shown, nor get water or firefighters up the 6 foot cliff that sits above this ingress. We think it is critical that Chief Lacey has an opportunity to review and sign off on the fire plan for the subdivision prior to the granting of this variance.

Respectfully,

Steve and Janice Margolin

406 Skyline Dr.

Anjali Naini

From: Mark pzsec
Sent: Wednesday, March 17, 2021 9:25 AM
To: Anjali Naini
Subject: FW: Wildcat Hollow Project Number 16408
Attachments: GoogleEarth_Image.jpg; GoogleEarth_Image.jpg; GoogleEarth_Image.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

From: Kent Lance [REDACTED]
Sent: Wednesday, March 17, 2021 9:08 AM
To: Mark pzsec <pzsec@westlakehills.gov>
Cc: mlacey@westlakefd.org
Subject: Wildcat Hollow Project Number 16408

Project Address: 0 Wild Cat Hollow Project Number: 16408 Agenda Item: Land Use: 0 Wild Cat Hollow (Wild Cat Estates): Discussion/recommendation on a variance request to allow continuation of a private street in lieu of constructing a public street for a new proposed subdivision (West Lake Hills Code Sec. 36.01.009 (a)(3)). Owner David Altounian/Applicant Foursquare builders, LLC.

Dear ZAPCO: The attachments will show what I think are access points to Strother Mountain in the case of a fire fight.

Attachment #1 This is Westlake and Redbud.... Fire Station on Westlake, just on the eastern edge of Strother Mountain

#2 This is an Aerial of the last development that was denied the Emergency Vehicle variance and Private Drive. They built concrete road and T turnarounds for Vehicles.

#3 Access from Westlake to Wildcat Hollow from the South... to Dead End .. and access from Westlake to Wildcat Hollow from the North ... to Dead End.... it should be connected **to a** proper road to fight any emergency (Fire) From the last, of only 3, potentially protected Access points

There is no protection **from** the North to Northeast. This is the last available development to provide What was originally planned and intended to close the loop. Why would we grant the exact same variance that was denied to another developer within the last 3 years? (Redbud/West Strother Mountain)

There is also a concern for the “footing” on what would be, the long private drive. If the Fire Dept are taking in Pump trucks loaded with water, the weight of the truck mixed with the potential long run and water on the streets, drives and sandy loam below surface could be a challenge to the Fire equipment’s stability towards the large ravine. (a view from a former Austin Fireman who reviewed the site)

I would ask that you deny this variance because I don’t see the “hardship”. The removal of additional trees (most of them cedar) and cut and fill, are not hardships that were approved for the last sight on Red Bud. That developer put in the concrete streets with the turnaround Ts and had to cut and fill to achieve this. They have a successful development and I encourage any of you to take a look at that project and try and be consistent with your ruling on the variance requests for this Wildcat Hollow project. The safety of the area to fight any Fire is of utmost concern. Thank you for your consideration.

Best Regards,

D. Kent Lance, Jr. #7 Nob Hill Circle residence since 1996
#21 Nob Hill Circle
200 Skyline Drive

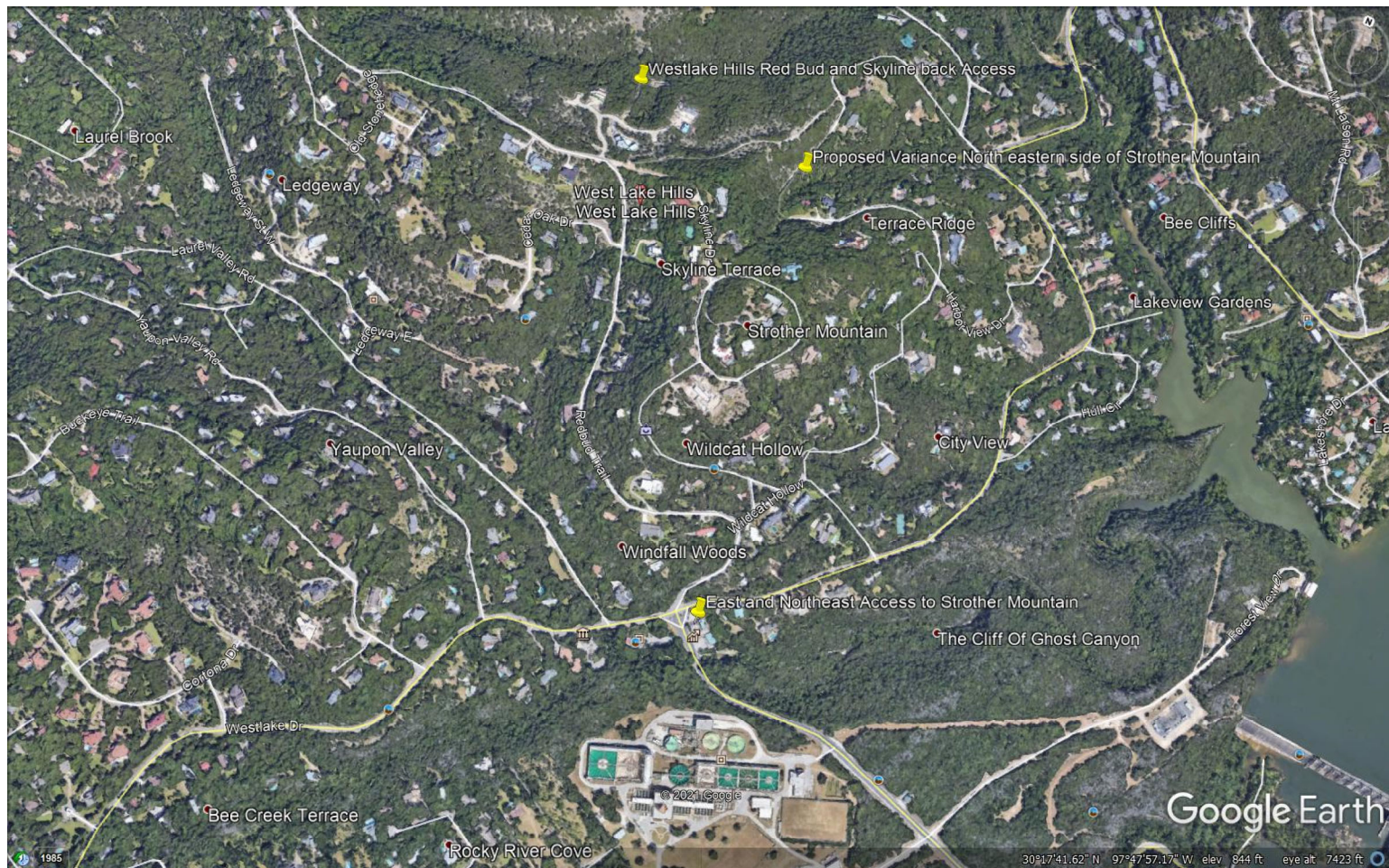
D. Kent Lance, Jr.
Partner

Direct: 512-538-0055 | Main: 512-835-4455
Address: 3700 North Capital of Texas Highway
Suite 420 | Austin, Texas 78746



[Visit the New HPITX.com →](#)

This e-mail may contain privileged information. If you are not the intended recipient please notify the sender and immediately delete this message.







Anjali Naini

From: [REDACTED]
Sent: Monday, March 15, 2021 12:02 PM
To: Anjali Naini
Subject: ZAPCO Meeting 3-17-2021

Follow Up Flag: Follow up
Flag Status: Flagged

I intend to speak at the ZAPCO meeting 3-17-21 on item #8, Wild Cat Hollow (Wild Cat Estates) and would appreciate you including the attached photos in the agenda packet. Please let me know if you're unable to access the photos. Thanks.

<https://www.dropbox.com/t/s1TCaTKhjGnR2CVg>

Chris Gunter

GUNTER, BENNETT & ANTHES, P.C.
600 West 9th Street
Austin, Texas 78701
(512) 217-2475 (c)
(512) 476-2494 (w)
(512) 476-2497 (f)
GBAFirm.com











SUBDIVISION STAFF REPORT

MARCH 24, 2021

Project Address: 803 Westlake Drive

Project Number: 16329

Agenda Item: Land Use: 803 Westlake Drive: Discussion/recommendation on an application to subdivide a tract of land into an eight-lot single family subdivision for a property zoned R-1. (West Lake Hills Code Chapter 36). Owners Doyle & Colleen Moore/Power of Attorney Terry Irion.

Applicant Information: Owners Doyle & Colleen Moore/Power of Attorney Terry Irion

Hearing Dates:

February 17, 2021 ZAPCO – *meeting cancelled*

March 17, 2021 ZAPCO

March 24, 2021 City Council

Location: The subject property is located on Westlake Drive, between Buckeye Trail and Carrara Drive.

Zoning & Site Characteristics:

The subject tract and adjacent properties are zoned R – 1 – One-Family Residential.

The subject is approximately 8.423 acres.

Background & Analysis:

The applicant submitted an application to subdivide a tract of land into an eight-lot residential subdivision. The tract is unique in that an agreement was executed in 1972 (and a variance was approved) allowing the property to be subdivided into eight lots at any point in the future after right-of-way was conveyed to the City. An amendment to the Subdivision regulations was subsequently approved, allowing for the lots to be one acre minus any area conveyed to the City for right-of-way. Several outstanding comments remain for this subdivision, which are included in the packet.

Subdivision Regulations:

This plat has eight lots as agreed by the City in 1972. The Agreement and 1972 subdivision regulations are included in the packet. Otherwise, the plat follows the current subdivision regulations in Chapter 36 of the Code for informational and procedural requirements.

Lighting

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

The application is proposing an eight-lot residential subdivision.

Comprehensive Planning Analysis

The proposed current and future land use complies with the City's Comprehensive Plan.

Zoning & Planning Commission Recommendation

During the March 17, 2021 ZAPCO meeting, the Commissioners unanimously recommended denial by a vote of 4 – 0 due to non-compliance with City Code.

Staff Recommendation

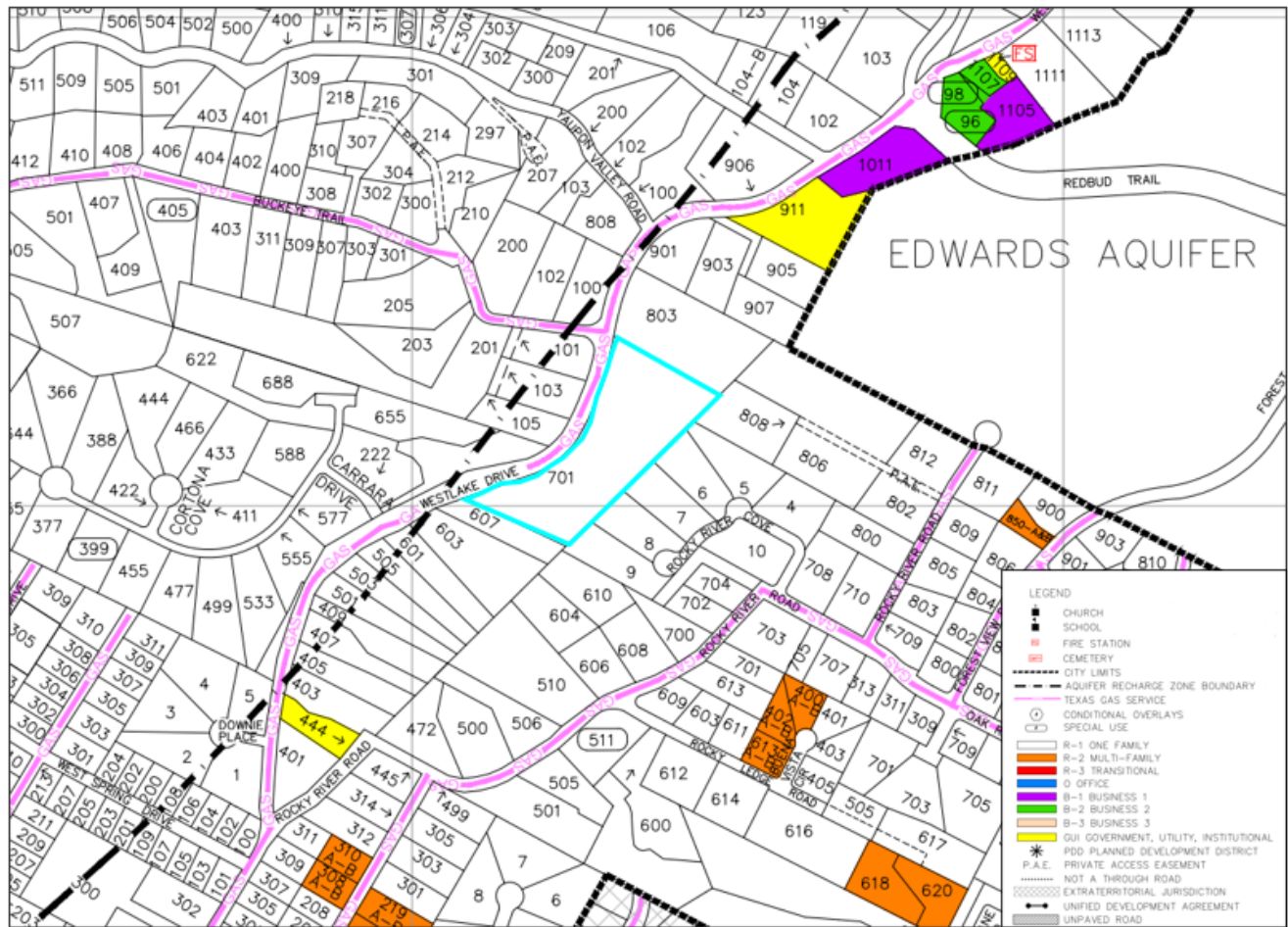
No recommendation.

Links to Relevant Code:

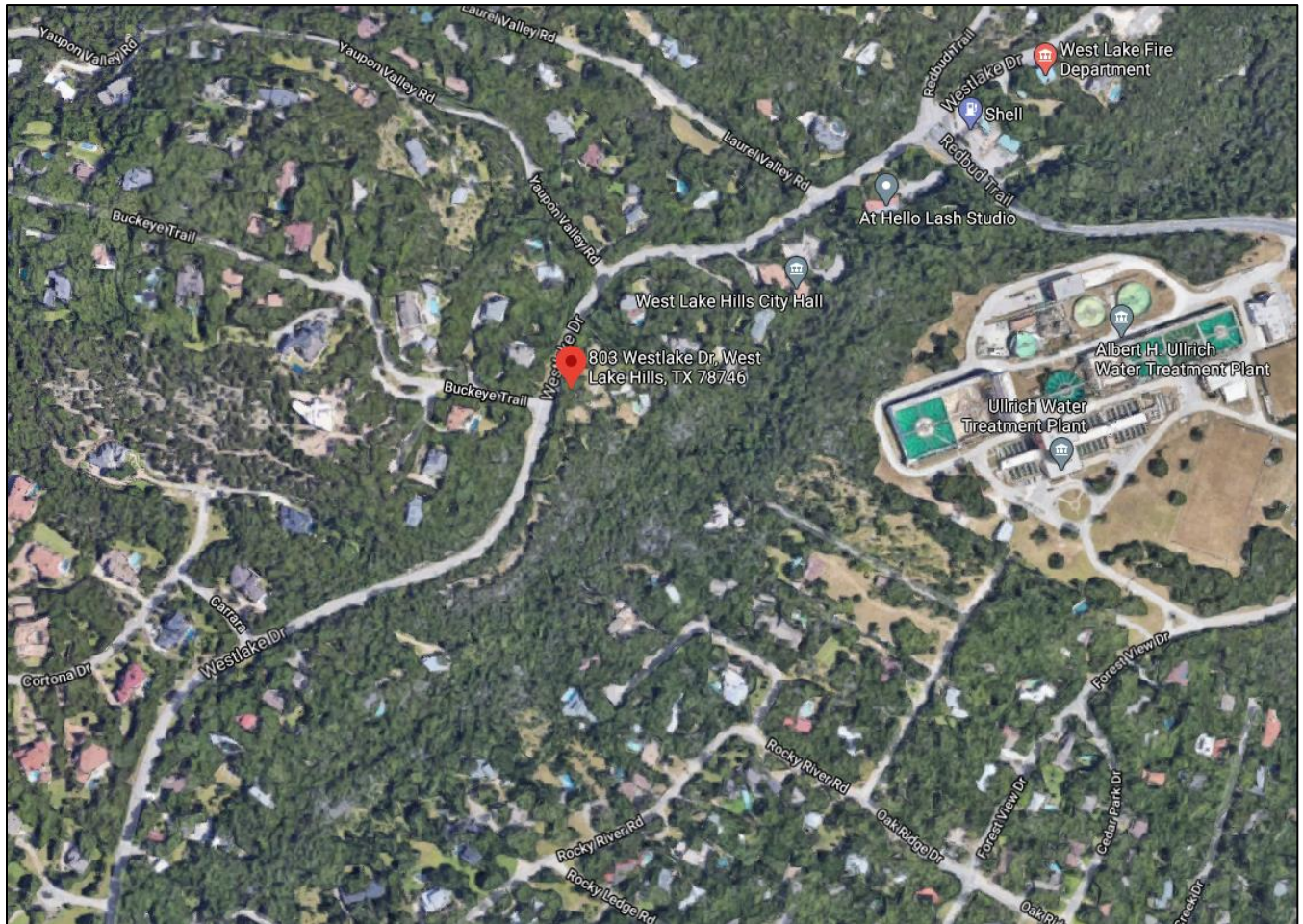
- [Sec. 22.03.281 Schedule of Regulations](#)
- [Chapter 36 Subdivisions](#)
- [Texas Local Government Code Chapter 212 Municipal Regulation of Subdivisions](#)

(Maps to follow)

Zoning:



Aerial:



SUBDIVISION APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit
..

*****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.

Property Owner: Doyle & Colleen Moore Phone: (512)328-0002

Email: [REDACTED]

Address: 8105 Danforth Cv City: Austin State: TX Zip: 78746

Agent*: Terry Irion Phone: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: _____

**Please submit Power of Attorney form designating authorized agent.*

SUBDIVISION INFORMATION

Property Address: 803 Westlake Drive

Subdivision Name: Westlake Drive Subdivision

Tax Parcel ID: 114925 Total Acreage: 7.8290

Type of Plat: Replat ☐ Amending Plat ☐ ☒ Minor Plat ☐ Preliminary Plat ☐ Major Plat ☐

Final Plat ☐ Plat Vacation ☐

Proposed number of lots: 8 Will project be connecting to central sewer? ☒ Y ☐ N

Current Zoning Classification: R1 Proposed Land Use: Single Family

Does subdivision require variances? Y ☐ ☒ N

If the subject area is already subdivided, please complete below:

SUBDIVISION APPLICATION

Recorded in: Volume #: _____ Page #: _____ Instrument #: _____

Briefly describe purpose of project:

To divide the property into 8 lots per the agreement with council

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described herein is owned by me and all others as assigned below. If the below signed applicant is not the owner of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form). If said property is owned by a corporation, please list title and name of corporation.

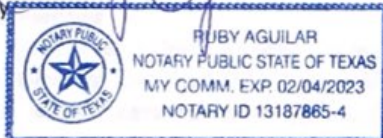
Signature

11-23-2020
Date

Robyn M. Moore
Printed Name

Printed Name _____
 Notary _____

11/23/20
Date





SUBDIVISION APPLICATION

APPLICATION CHECKLIST

Application Requirements (refer to City Code Chapter 36)

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Tax certification
- ☐ Plat Document (must include required approval/signature blocks and other contents as required, depending on type of plat. Refer to Code Chapter 36 for all requirements)
- ☐ Proof of ownership of subject property
- ☐ Letter addressed to the chair of the Zoning & Planning Commission (if plat requires ZAPCO/City Council approval)
- ☐ Plat document prepared by surveyor/engineer, including all required signature blocks and plat notes
- ☐ Variance approval letter, if applicable
- ☐ Approvals from all other applicable entities (Water District 10, ESD 9, TxDOT, TCEQ, Austin Energy, OSSF/Sewer verification, etc.)
- ☐ Existing or proposed covenants and restrictions
- ☐ Construction Plans, if applicable
- ☐ Payment of application fees (including public notification fees) by check or credit card (refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees). Call 512-327-3628 to pay by credit card or mail or drop off a check
- ☐ Traffic Impact Analysis, if applicable
- ☐ Other applicable information as required by staff and City Code

APPROVAL PROCESS & PROCEDURES

Public Hearings

Some types of subdivision applications require action by the Zoning and Planning Commission (ZAPCO), which meets on the third (3rd) Wednesday of the month (does not meet in December) and the City Council, which meets the second (2nd) and fourth (4th) Wednesdays of the month. All meetings are held in the Council Chambers at City Hall, 911 Westlake Drive at 6:30pm (ZAPCO) and 7:00pm (City Council). The agendas and meeting packets are posted on the City website the Friday before the meeting.

Pre-Application Meeting

Subdivision pre-application meetings are required before filing an application. Please schedule a meeting by contacting planner@westlakehills.org. A concept plan needs to be prepared prior to scheduling a pre-application meeting.

Complete Application

An application must be considered complete by staff (official filing date) in order to be routed for technical review or be placed on an agenda for consideration. The filing date is the tenth (10th) business day after a submission has been submitted to the City if the City Administrator or designee has not yet acted on the submission.



SUBDIVISION APPLICATION

STAFF NOTES

For Completion by Staff Only

Official Filing Date (Administratively Complete): _____

Date of ZAPCO Hearing: _____

ZAPCO Recommendation: _____

Date of City Council Hearing: _____

City Council Action: _____

Notes:

SUBDIVISION APPLICATION LETTER

11/09/2020

Date

Chairperson
Zoning and Planning Commission
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Dear Chairperson,

We hereby submit a Proposed Plat to be known as Fianl Plat Moore Estates Subdivision

Name

for your review on _____ and recommendation to the City Council for
Date

approval. The following is requested: _____

Favorable consideration of our Subdivision is requested.

Sincerely,

Robin Moore, Doyle More, and Sherry Waldrop, Applicant

Name

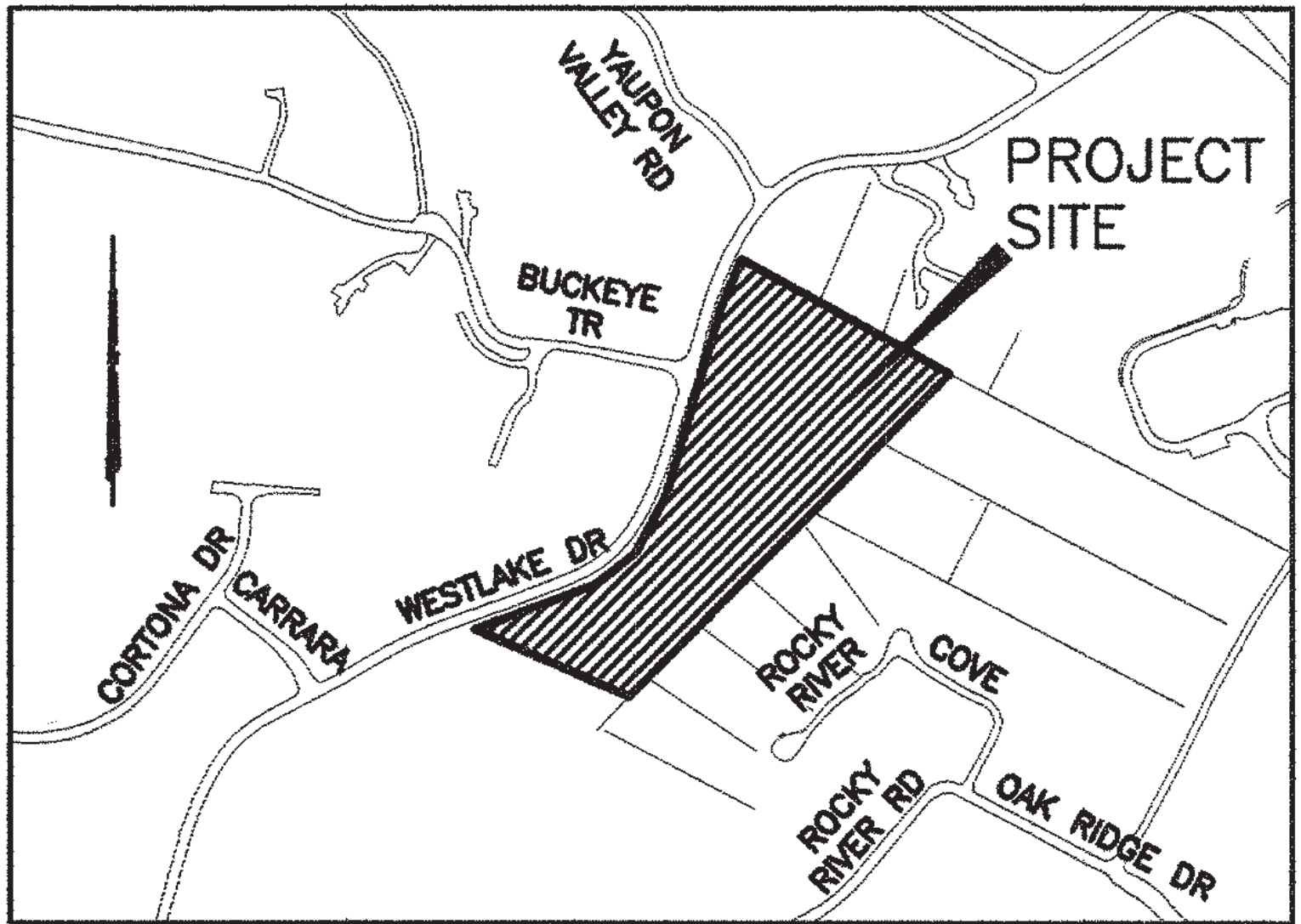
Address

City

State

Zip

Phone Number



VICINITY MAP

N.T.S.



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION
[REDACTED]
(512) 615-6653

November 17, 2020

Travis Askey, City Administrator
Anjalie Naini, City Planning Director
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

*Via email: taskey@westlakehills.org
Via email: anaini@westlakehills.org*

Re: 801 West Lake Drive; Moore Estates Subdivision

Dear Travis and Anjalie,

Enclosed please find the Moore Family Trust Subdivision application package which is being submitted by the project engineer through the formal subdivision submittal process.

What makes this application unique is that the City Council, by ordinance, established separate subdivision standards for this particular subdivision in 1972. Those standards are still in effect. The standards are not consistent with current code and, as a result, supersede the current subdivision and zoning code standards where the latter are in conflict. This was discussed with both of you in the Chapter 245 Local Government Code Determination process.

The Moore Family is respectful of the fact that the community development values have evolved in the fifty years since the City Council approved the specific development standards for this property pursuant to a contract for which valuable consideration was paid. As a result, the family is offering development restrictions that go beyond the requirements established in Ordinance 55B in the form of Plat Note Restrictions that accommodate the current community values. For example; the family is willing to offer the following restrictions on its development:

1. There will be a conservation/no disturbance easement of varying width as shown on the Plat at the back of each lot which will leave the canyon as the dense woods that it is today.
2. There will be limit of construction footprint established at the time the Plat construction site plan is approved that will limit site disturbance to the approved limits of construction.
3. A joint-use driveway will be built to reduce the number of access points to Westlake Drive from eight individual private driveways to two.

4. The applicant will mitigate for trees removed during construction of the Joint Use Access Easement and eight building pad sites by planting of trees and shrubs between the JUA E and the Westlake Drive right-of-way, spaced to provide the maximum density for healthy screening at maturity. Invasive species will be removed to make way for such new plantings. Any additional mitigation not satisfied by plantings between the Westlake Drive right-of-way and JUA E may be satisfied by payment of a fee in lieu payable at the time of the engineer's concurrence letter on subdivision infrastructure construction. This fee in lieu will supplement the required mitigation not satisfied by the planting of trees and shrubs along the Westlake Drive street frontage and will be capped at \$40,000.00. No variance will be required to remove a tree within the JUA E or building site limits of construction, but mitigation at the City Ordinance rate will be provided.

Applicant looks forward to a prompt review and processing of this subdivision application which has been in informal review since the spring. Thank you for your attention to this matter.

Very truly yours,



Terrence L. Irion

TLI:kc

Encl.

cc: Ric Thompson
Steve Gardner
Frosty Moore
Robin Moore
Sherry Waldrop

AN ORDINANCE

AN ORDINANCE ESTABLISHING SUBDIVIDING REQUIREMENTS FOR BUILDING SITES AND STREETS IN WEST LAKE HILLS, PROVIDING FOR REVIEW BY THE ZONING AND PLANNING COMMISSION, A FILING FEE, FILING PERIOD, RECORDING OF PLAT, MINIMUM LOT DIMENSIONS, STREET SPECIFICATIONS, WATER AND SEWAGE APPROVALS, DRAINAGE, EXCEPTIONS AND APPEALS, REPEAL OF EARLIER ORDINANCE, AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$100.00 FOR EACH DAY OF VIOLATION AND PROVIDING FOR SEVERABILITY.

WHEREAS the City Council of the City of West Lake Hills has found that it is necessary to revise the present Ordinance concerning subdivision of property within the boundaries of the City of West Lake Hills and within one half mile of its boundaries in order to continue the development of the City area in keeping with its present standards, to protect property from flooding, maintain control of traffic, and to provide for the adequate assimilation of sewage by the soil:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS:

SECTION 1. The City Council requires that subdivision of any lot, tract or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future, and the resubdivision of land or lots, shall be subject to the prior approval of the City Council in accordance with the terms of this Ordinance and applicable State Law.

SECTION 2. A preliminary plan of any proposed subdivision shall be submitted to the West Lake Hills Zoning and Planning Commission for approval and subsequent recommendation to the City Council. The preliminary plan shall consist of a drawing on tracing paper drawn to a scale of one inch equals 100 feet or less and shall show the following information:

- (a) The date, scale, north direction, a key plan showing location of the tract, the title under which the plat is to be recorded, and the name of the owner, engineer, or surveyor.
- (b) The existing boundary lines and acreage of the land to be subdivided, and the property lines and names of owners of adjacent properties.
- (c) The location of the center line of existing watercourses and other similar drainage and transportation features, and the location and sizes of existing streets, alleys, easements, lots and public areas on or adjoining any part of the land.
- (d) The location, size, and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts.
- (e) The names, locations, widths and dimensions of proposed streets, alleys, easements, parks and other public spaces, sites for all private uses, lot lines and building lines.
- (f) A copy of all deed restrictions applicable to the land shall accompany each such plat for information of the Commission and City Council.

Subdivision
Ord.
No. 55

SECTION 3. When the subdivision is a portion of a tract later to be subdivided in its entirety, a general development plan of the entire subdivision, showing a schematic layout of the entire tract, shall be submitted with the preliminary plan of the portion first to be subdivided.

SECTION 4. The preliminary plan shall be accompanied by a minimum filing fee of \$10.00 or \$1.00 per lot, whichever is greater.

SECTION 5. Plats shall be delivered to the Chairman of the Zoning and Planning Commission for checking, verifying, and preparing the recommendations of the Commission to the City Council. The Commission shall act on any application that is submitted in proper form on or before the 20th day of any given month so that recommendations can be given to the City Council at its regular meeting on the first Tuesday of the following month. Approval of a preliminary plan shall not constitute final approval of the subdivision. When a preliminary plan has been approved by the Commission, the plat shall be submitted within six months thereafter; otherwise, approval of the preliminary plan shall terminate unless the time for filing of the plat is extended by the City at the request of the subdivider.

If the preliminary plan meets the requirements set forth for a plat, the Commission may, on request of the subdivider, consider such preliminary plan as a plat and approve or disapprove the same as such; provided, that such action is taken within thirty days from the date of its filing. The plat shall be drawn in black ink upon permanent tracing material to a scale of one inch equals 100 feet or less and shall show the following information:

- (a) Date, subdivision title, scale and north direction indicator.
- (b) The names of the adjoining subdivisions or the names of the adjoining property owners, together with the respective plat or deed references.
- (c) The lines and dimensions of all lots, the lines and names of all proposed streets or other ways or easements, including a statement of the purpose for which such easements are dedicated, and also the lines and names of other open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision.
- (d) Restrictive covenants imposed on the land.
- (e) A statement signed and acknowledged by the owner dedicating all streets, alleys, easements, parks, and other open spaces to public use.
- (f) The signature of the Zoning and Planning Commission Chairman attesting approval of the plat.
- (g) A statement concerning septic system tank and drainage field as approved by the City-County Health Officer.
- (h) A certificate bearing the signature and seal of the engineer or surveyor who made the survey that the requirements of this Ordinance have been complied with.

SECTION 6. After a plat has been approved by the City Council, the owner or subdivider shall cause such plat to be recorded in the plat records of Travis County within sixty days or the City's approval shall be null and void. The owner or subdivider shall furnish an 18" x 24" cloth copy of the plat to the City Building Inspector.

SECTION 7. The minimum dimensions for interior residential lots shall be not less than 100 feet at the building line and not less than 140 feet deep and shall contain a minimum of 18,000 (eighteen thousand) square feet. The minimum width of residential corner lots shall be not less than 120 feet. Sideyard setbacks shall be a total of thirty feet, with a minimum of ten feet from either side line and a minimum setback of 30 feet from the front and from the back of the lot to the structure built thereon or any portion thereof. Each lot shall have access to a dedicated public street. Sideyard setbacks on corner lots facing on public streets shall be a minimum of thirty feet.

The 18,000 square feet minimum lot size shall apply to A-Residential Districts and B-Public Buildings and Small Businesses in the Home Districts. Minimum lot sizes of multiples of 15,000 (fifteen thousand) square feet for each family unit in C-Duplex Only and C-Apartment and Apartment Hotel Only Districts must be provided before a building permit will be issued.

This Ordinance shall not be construed to govern the rights to building permits on subdivisions heretofore approved as to lot sizes, provided that all other provisions of this and related Ordinances are complied with.

SECTION 8. All dedicated streets within a new subdivision shall consist of a base with an asphaltic surface or of an unreinforced concrete pavement. Streets consisting of a base and an asphaltic surface shall have a base of one of the following types or an approved equal:

(a) Flexible Base. The Flexible Base shall be a compacted flexible base with a plasticity index of not more than ten, a linear shrinkage of not more than seven and a Proctor density of not less than ninety-five, with a minimum depth of eight inches. Exceptions may be made to this requirement where the subgrade soil constants are such that the required stability may be met with a lesser depth.

(b) Stabilized Base. The stabilized base shall be a compacted stabilized soil-cement base with a Proctor density of not less than ninety-five and a minimum depth of six inches.

(c) Asphaltic Surface Types. Either of the above-mentioned completed bases shall be surfaced with one of the following types of pavement, or an approved equal, which shall be constructed of:

- (1) One and one-half inch depth of hot-mixed asphaltic concrete surface.
- (2) One and one-half inch depth of hot-mix cold-laid asphaltic concrete surface, such as "Serv-Text."
- (3) One and one-half inch depth of rock asphalt surface.
- (4) Quadruple asphalt surface treatment.

(d) Unreinforced Portland Cement concrete pavement of six inches depth, containing a minimum of five sacks of cement per cubic yard and shall attain a minimum compressive strength of 3500 pounds per square inch in 28 days.

Street paving widths shall be as follows: a street with a 60 foot right-of-way shall have paving of approximately 40 feet including curb and gutter; a street with a 50 foot right-of-way shall have paving of approximately 30 feet including curb and gutter; a street with a 40 foot right-of-way shall have paving of approximately 20 feet including curb and gutter.

All dedicated streets shall be at least 50 feet wide, including utility easements, and shall be graded in such manner so as to drain properly and for the orderly flow of traffic. Streets of new subdivisions shall be in line with existing streets in adjoining property except where in the opinion of the Commission, the topography, requirements of traffic circulation, or other consideration make it desirable to depart from such alignment. Where topographical conditions, drainage channels, limited proposed development, or other conditions warrant a street of less than fifty feet in width, a lesser width may be approved.

Where the land proposed to be subdivided is partially or totally bounded on one or more sides by an existing street having a width less than the specified minimum, the Commission may require dedication of sufficient land to provide adequate street width.

New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City and shall not be named after individuals.

Acute angles between streets at their intersection shall be avoided. Where such angles are necessary, property lines shall be rounded at the intersection in the small angle.

Street signs shall be erected in accordance with applicable City Ordinances.

Curbs and gutters shall be installed on all streets within the subdivision along lines and grades approved by the Commission. Curbs and gutters shall be required on boundary streets only on the side of such boundary street adjacent to the subdivision.

Where dead-end streets are included in a subdivision, the street shall terminate in a cul-de-sac with a minimum right-of-way radius of fifty feet.

On any existing street traversing, bordering or abutting a proposed subdivision, the City may require paving by assessment or by other appropriate procedure. No street shall be surfaced until the underground utilities which are to be installed in the portion of the street intended for vehicular traffic have been so installed. Each property owner shall install enclosed culverts of a permanent design approved by the Building Inspector at the intersection of a driveway with a public street, unless the street is constructed with curb and gutter.

Design for bridges shall bear the seal of a registered structural engineer.

SECTION 9. Plans shall be submitted for water lines to be installed to serve each lot in all subdivisions, or if the lots are not served by a central water district, the subdivider shall be required to furnish satisfactory evidence that water satisfactory for human consumption may be obtained from subsurface sources on the land or lake water.

SECTION 10. Lots in any proposed subdivision subject to flooding by rainfall will not be approved until drainage facilities adequate to carry off such rainfall have been installed or necessary arrangements made for such installation as required and approved by the Building Inspector.

SECTION 11. Waivers may be considered by the Council on the provisions of this Ordinance, with the exception of the minimum square footage lot size specifications. The latter requirements shall be changed only after other owners of all adjacent and contiguous property have been notified of any application for an exception to the minimum lot sizes, and after a public hearing has been held by the Zoning and Planning Commission to consider any objections from such owners. All burdens of notification shall be borne by the Applicant for the waiver. Any appeal from decisions of the Zoning and Planning Commission shall be filed with the City Council within thirty days of such finding or action, and not thereafter.

SECTION 12. Ordinance No. 14, Subdivision Ordinance, covering subdividing requirements for streets and building sites, approved by the City Council on August 7, 1957, is hereby repealed.

SECTION 13. If any Section, Subsection, sentence, clause, phrase, words or word of this Ordinance, or the application thereof, shall for any reason be held to be invalid, such invalidity shall not affect the remainder of the Ordinance, and to this end the City Council declares that the provisions hereto are severable.

SECTION 14. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed \$100.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED THIS THE 4th DAY OF APRIL, 1967.

APPROVED: Henrietta Jacobsen
MAYOR

ATTEST: Elizabeth McBrayer
CITY SECRETARY

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF
ORDINANCE NO. 55, FOR SETBACKS FROM
FRONT AND SIDELINES; FOR MINIMUM LOT DIMENSIONS
AND FOR MINIMUM LOT SIZES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST
LAKE HILLS, TEXAS, THAT ORDINANCE NO. 55 IS TO BE AMENDED AND
IS TO READ AS FOLLOWS:

Section 7. The minimum dimensions for interior residential lots shall be not less than 100 feet at the building line and not less than 140 feet deep and shall contain a minimum of one acre. The minimum width of residential corner lots shall be not less than 120 feet. Sideyard setbacks shall be a total of 30 feet, with a minimum of 10 feet from sideline and a minimum setback of 30 feet from the front and from the back of the lot to the structure built thereon or any portion thereon. Each lot shall have access to a dedicated public street. Sideyard setbacks on corner lots facing on public streets shall be a minimum of 30 feet.

The one acre minimum lot size shall apply to A-residential districts and B-public buildings and small businesses in the home district. Minimum lot size of multiples of 15,000 square feet for each family unit in C-duplexes only and C-apartment and apartment hotels only. Districts must be provided before a building permit will be issued.

This Ordinance shall not be construed to govern the rights to building permits on subdivision heretofore approved as to lot size, provided that all other provisions and related ordinances are complied with.

PASSED AND APPROVED this the 5th day of May A.D. 1970.

APPROVED:

George Putnam
Mayor

ATTEST:

Alice A. Myers
City Secretary

AN ORDINANCE AMENDING ORDINANCE NO. 55, SECTION ONE, TO DEFINE THE TERMS SUBDIVISION AND RESUBDIVISION, AND AMENDING ORDINANCE NO. 55, SECTION SEVEN, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 55A, DEFINING THE STATUS OF LOTS, TRACTS, OR PARCELS OF LAND REDUCED TO LESS THAN THE ONE ACRE MINIMUM LOT SIZE BY CERTAIN DEDICATIONS OR CONDEMNATIONS OF A PORTION OF SUCH LOTS, TRACTS, OR PARCELS FOR WIDENING EXISTING PUBLIC STREETS OR HIGHWAYS; AND PROVIDING FOR PUBLICATION OF A DESCRIPTIVE CAPTION OF THIS ORDINANCE.

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

Section 1. Section 1 of Ordinance 55 of the City of West Lake Hills is hereby amended and shall read as follows:

"The City Council requires that subdivisions of any lot, tract or parcel of land into two or more lots or sites, for the purpose of sale or of building development, whether immediate or future, and the resubdivision of land or lots, shall be subject to the prior approval of the City Council in accordance with the terms of this Ordinance and applicable State Law. The terms "subdivision" and "resubdivision" shall not include the condemnation by, or the conveyance or dedication to, any governmental entity subsequent to April 4, 1967, of a portion of any lot, tract or parcel of land for additional right of way for any existing public street or highway, provided such condemnation conveyance or dedication does (or did) not divide so much of the lot as was (or is) not so condemned, conveyed or dedicated into two or more lots, tracts, or parcels, and provided in case of conveyance or dedication that same be (or have been) accepted by the grantee governmental entity and be (or have been) by metes and bounds description and not by plat and not be (or have been) pursuant to or in connection with any division or redivision of the whole or any part of so much of said lot as is not so conveyed, dedicated or condemned."

Section 2. Section 7 of Ordinance 55 of the City of West Lake Hills, as previously amended by Ordinance 55A of the City of West Lake Hills, is hereby amended and shall read as follows:

"Section 7. The minimum dimensions for interior residential lots shall be not less than 100 feet at the building line and not less than 140 feet deep. The minimum width of residential corner lots shall be not less than 120 feet. Interior residential lots and corner residential lots shall contain a minimum of one (1) acre; provided, however, that a lot containing at least 35,000 square feet and which would otherwise meet the one acre minimum specified by this Ordinance shall not be deemed in violation of such one acre minimum requirement if said lot would in all things meet said one acre minimum requirement but for a condemnation by, or a conveyance or dedication to, any governmental entity of a part of said lot for additional right of way for any existing public street or highway, provided such condemnation, conveyance or dedication occurred or occurs subsequent to April 4, 1967, and did (or does) not divide so much of the lot as was not so condemned, conveyed or dedicated into two or more lots, tracts, or parcels, and provided in case of conveyance or dedication that the same be (or have been) accepted by the grantee

governmental entity and be (or have been) by metes and bounds description and not by plat and not be (or have been) pursuant to or in connection with any subdivision or resubdivision of said lot or any part thereof. Sideyard setbacks shall be a total of 30 feet, with a minimum of 10 feet from sideline and a minimum setback of 30 feet from the front and from the back of the lot to the structure built thereon or any portion thereof. Each lot shall have access to a dedicated public street. Sideyard setbacks on corner lots facing on public streets shall be a minimum of 30 feet.

The one acre minimum lot size shall apply to A-Residential districts and B-public buildings and small businesses in the home districts. Minimum lot size of multiples of 15,000 square feet for each family unit in C-duplexes only and C-apartment and apartment hotels only districts must be provided before a building permit will be issued.

This Ordinance shall not be construed to govern the rights to building permits on subdivisions heretofore approved as to lot size, provided that all other provisions and related ordinances are complied with."

Section 3. Publication of caption. A descriptive caption of this ordinance stating in summary the purposes of the ordinance shall as soon as reasonably practicable be published, as provided by law, in the newspaper known as THE AUSTIN AMERICAN (said newspaper's holiday, Saturday, and Sunday editions being known as THE AUSTIN AMERICAN-STATESMAN, but this shall not be construed to require, limit or forbid such publication to such editions, except as otherwise may be required by law), said newspaper being the official paper of the City; said publication and said descriptive caption to read as, or substantially as, follows, viz:

Notice

The City of West Lake Hills hereby gives notice that there was passed by the City Council of the City of West Lake Hills, Texas, at its regular session, Nov. 7th 1972, and thereafter on such date approved by the Mayor of said City, an ordinance, descriptive caption of which ordinance, stating in summary the purposes of the ordinance, is as follows:

An Ordinance amending Ordinance No. 55 Section One, to define the terms subdivision and resubdivision, and amending ordinance No. 55, Section Seven, as previously amended by Ordinance No. 55A, defining the status of lots, tracts, or parcels of land reduced to less than the one acre minimum lot size by certain dedications or condemnations of a portion of such lots, tracts, or parcels for widening existing public streets or highways; and providing for publication of a descriptive caption of this Ordinance.

Section 4. Authorization of publication. The Mayor and City Secretary are hereby authorized and directed to cause, or see to the causing of, the publication directed by Section 3 of this ordinance.

PASSED and APPROVED, this 7th day of November, 1972.

ATTEST:

George D. Pittman
MAYOR, City of West Lake Hills

Alice A. Myers
CITY SECRETARY, City of West Lake Hills

THE STATE OF TEXAS X
X
COUNTY OF TRAVIS X

CONTRACT TO CONVEY RIGHT-OF-WAY DEEDS

This Agreement is entered into by and between Doyle H. Moore, hereinafter called Party of the First Part, and the City of Westlake Hills, Texas, hereinafter called Party of the Second Part, and the Parties hereto have hereby entered into this CONTRACT TO CONVEY RIGHT-OF-WAY DEEDS from the Party of the First Part to the Party of the Second Part, subject to the following terms and conditions:

RECITALS

WHEREAS, the Party of the First Part is the owner in fee of Two (2) contiguous tracts consisting of Eight (8) acres of land located in the City of Westlake Hills, Travis County, Texas and more particularly described in Volume 1280, Page 451 of the Travis County Deed Records which said description consists of 5.11 acres, and in Volume 1342, Page 161 of the Travis County Deed Records which said description consists of 2.89 acres thereby making the total of Eight (8) acres; and

WHEREAS, the Party of the First Part has heretofore staked off the aforesaid Eight (8) acre tract in Eight (8) separate One (1) acre tracts of land for the purpose of eventually selling each of the Eight (8) One (1) acre tracts, as homesites; and

WHEREAS, the Party of the Second Part has heretofore requested that the Party of the First Part give them additional land out of the aforesaid Eight (8) acre tract in order that the Party of the Second Part can widen the street on which the aforesaid Eight (8) acre tract fronts. The exact amount of land which the Party of the Second Part wishes to receive from the Party of the First Part is more particularly described in those certain Right-of-Way Deeds which are attached hereto and expressly made a part hereof and marked as Exhibit "A" and Exhibit "B"; and

WHEREAS, the Party of the Second Part has an existing Ordinance requiring a minimum of a One (1) acre tract of land for each homesite built within the City Limits of Westlake Hills, Texas; and

WHEREAS, both Parties to this agreement hereby recognize that in the event the Party of the First Part gives the additional land to the Party of the Second Part for the widening of the road on which the aforesaid Eight (8) acre tract fronts and which said property is more particularly described in Exhibits "A" and "B" attached hereto and expressly made a part hereof, that the Party of the First Part will need a Variance from the City of Westlake Hills, Texas, the Party of the Second Part, in order that the Party of the First Part will still have Eight (8) separate tracts of land with which to be able to sell prospective home builders; and

WHEREAS, the Parties hereto have heretofore orally agreed that upon execution of the Right-of-Way Deeds attached hereto and expressly made a part hereof and marked as Exhibits "A" and "B" by the Party of the First Part, that the Party of the Second Part will grant a Variance to the Party of the First Part in order that the Party of the First Party will be able to still offer for sale, at any time in the future, the above described Eight (8) acre tract of land in Eight (8) separate tracts; and

WHEREAS, the Parties hereto desire to reduce the said oral agreement to writing, the Parties do hereby bind themselves, their heirs and assigns to this agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and conditions as hereinabove and hereinafter expressed, the Parties hereto do hereby agree as follows:

I.

The Party of the First Part will deliver to the Party of the Second Part the aforesaid Right-Of-Way Deeds which are attached hereto and

expressly made a part hereof and marked as Exhibits "A" and "B" if, as and when, the Party of the Second Part delivers to the Party of the First Part a written Variance from the restriction of building a house on less than One (1) acre with the Variance to include authorization to the Party of the First Part to build homes on each of the aforesaid Eight (8) One (1) acre tracts less the amount of land which is being given to the Party of the Second Part by the delivery of the aforesaid Right-of-Way Deeds attached hereto.

~~The Party of the Second Part hereby further agrees that it will not seek to obtain any additional property out of the aforesaid Eight (8) acre tract from the Party of the First Part for a period of time not less than thirty (30) years from the date of execution of this contract.~~

Upon the delivery to the Party of the First Part, of the aforesaid written variance as provided for above, the Right-of-Way Deeds which are attached hereto and expressly made a part hereof and marked as Exhibits "A" and "B" shall be considered delivered to the Party of the Second Part from the Party of the First Part and shall, at that time, convey ownership of the property which is described in said Exhibits "A" and "B" to the Party of the Second Part. In the event that such written Variance from the Party of the Second Part to the Party of the First Part, as above defined, is not delivered in writing to the Party of the First Part, then and in that event, this contract is hereby declared null and void and the Right-of-Way Deeds attached hereto and marked as Exhibits "A" and "B" are declared null and void and of no force nor effect whatever.

WITNESS OUR HANDS THIS 24th DAY OF October, 1972.

Doyle H. Moore
Doyle H. Moore, Party of the First Part

George W. Putnam (Mayor)
The City of Westlake Hills, Travis County, Texas
Party of the Second Part

THE STATE OF TEXAS X
X
COUNTY OF TRAVIS X

BEFORE ME, the undersigned authority, on this day personally appeared Doyle H. Moore, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th
day of October, 1972.

Dorothy O'Brien
Notary Public in and for Travis County, Texas

(SEAL)

My commission expires: June 1973

THE STATE OF TEXAS X
X
COUNTY OF TRAVIS X

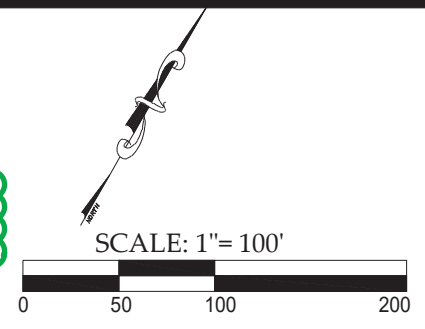
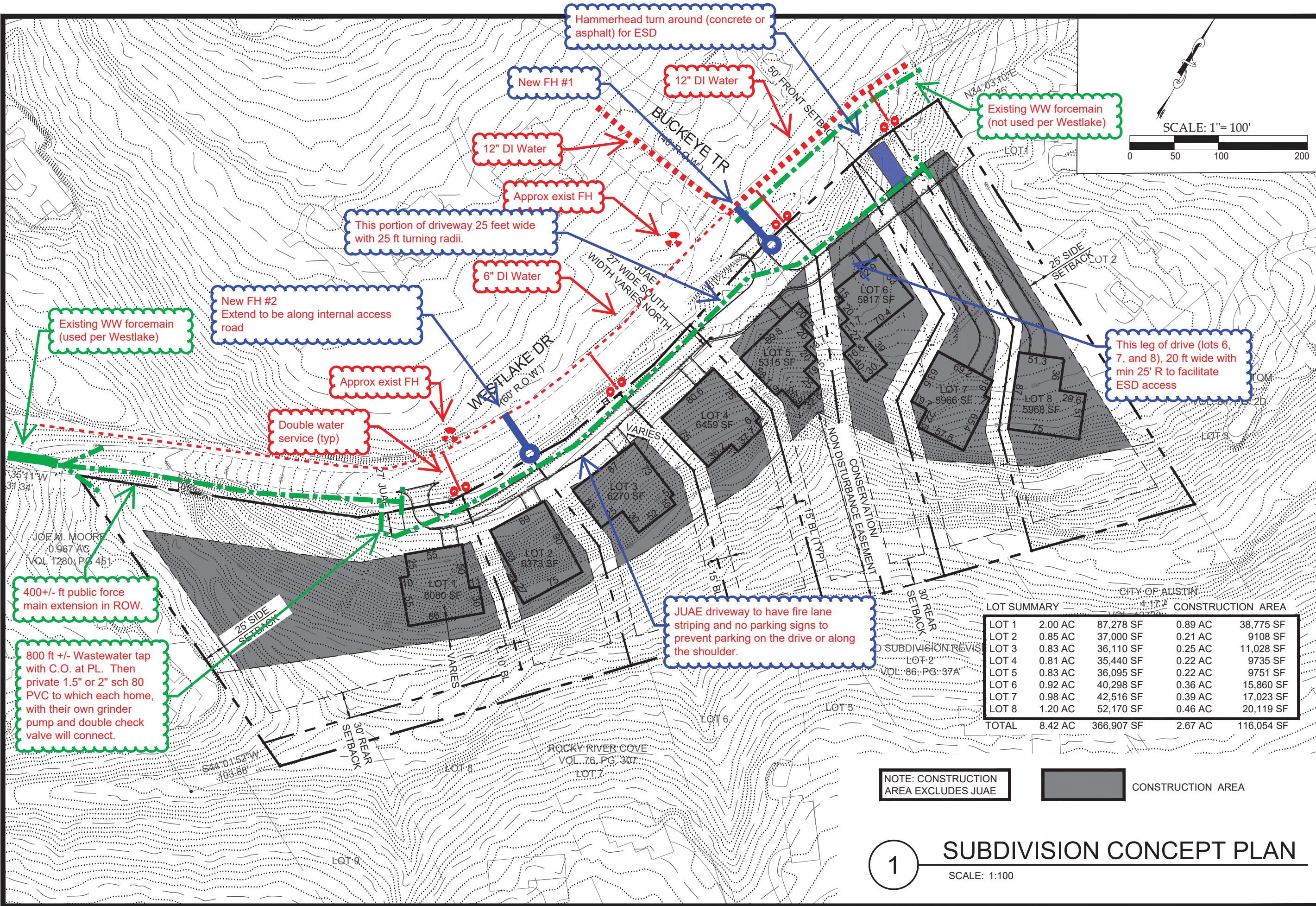
BEFORE ME, the undersigned authority, on this day personally appeared, George D. Putnam, Mayor, of the City of Westlake Hills, Travis County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated as the act and deed of the City of Westlake Hills, Travis County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24th
day of October, 1972.

Dorothy O'Brien
Notary Public in and for Travis County, Texas

(SEAL)

My commission expires: 12-73



LOT SUMMARY				CONSTRUCTION AREA	
LOT 1	2.00 AC	87,278 SF	0.89 AC	38,775 SF	
LOT 2	0.85 AC	37,000 SF	0.21 AC	9108 SF	
LOT 3	0.83 AC	36,110 SF	0.25 AC	11,028 SF	
LOT 4	0.81 AC	35,440 SF	0.22 AC	9735 SF	
LOT 5	0.83 AC	36,095 SF	0.22 AC	9751 SF	
LOT 6	0.92 AC	40,298 SF	0.36 AC	15,860 SF	
LOT 7	0.98 AC	42,516 SF	0.39 AC	17,023 SF	
LOT 8	1.20 AC	52,170 SF	0.46 AC	20,119 SF	
TOTAL	8.42 AC	366,907 SF	2.67 AC	116,054 SF	

NOTE: CONSTRUCTION AREA EXCLUDES JUAE

CONSTRUCTION AREA

1

SUBDIVISION CONCEPT PLAN

SCALE: 1:100

DRAWN BY
RCT/BH
DATE:
8/6/20
JOB NO.:
1642

803 WESTLAKE DRIVE
SUBDIVISION CONCEPT
WESTLAKE HILLS, TEXAS

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
904 N. Cuernavaca, Austin, Texas 78733 (512-328-0002)

TBPE Reg. No. F-10220 © Copyright 2012





EMERGENCY PREVENTION DIVISION

Travis County Emergency Services District No. 9
1301 S. Capital of Texas Highway
West Lake Hills, TX 78746

Headquarters 512-539-3400
Facsimile 512-327-2780
P. O. Box 162170 Austin, TX 78716-2170

www.WestlakeFD.org

November 6th, 2020

Robert C. (Ric) Thompson, PE
Thompson Land Engineering, LLC
904 N. Cuernavaca
Austin, TX 78733

Re: 803 Westlake Drive Subdivision Concept and Final Plat Notes

Authority: Texas Health and Safety Code § 775.036, 2015 International Fire Code, and the National Fire Protection Association Life Safety 101 Code 2015.

Dear Mr. Thompson,

I have reviewed the proposed "Subdivision Concept" plan and Final Plat Notes you submitted to us for the 803 Westlake Drive subdivision project.

As we discussed during previous correspondence, the following items are being proposed to be incorporated into the future plat notes, site development and building plans:

- FINAL PLAT NOTES that state the following:
 - o DUE TO COMPROMISES ON EMERGENCY ACCESS AGREED UPON, LOTS 1 TO 8 SHALL BE PROTECTED THROUGHOUT BY A NATIONAL FIRE PROTECTION ASSOCIATION 13D-COMPLIANT RESIDENTIAL FIRE SPRINKLER SYSTEM. THE SYSTEMS SHALL BE DESIGNED AND INSTALLED BY A LICENSED FIRE PROTECTION COMPANY OR AN ENDORSED PLUMBER. SPRINKLER PLANS SHALL BE SUBMITTED TO THE EMERGENCY SERVICES DISTRICT NO. 9 FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
 - o ALL RESIDENTIAL STRUCTURES OVER 3,600 SQUARE FEET SHALL COMPLY WITH THE REQUIREMENTS OF TABLE B105.1 FROM THE INTERNATIONAL FIRE CODE. RESIDENTIAL STRUCTURES WITH AN APPROVED NATIONAL FIRE PROTECTION ASSOCIATION 13D RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL RECEIVE A 50% REDUCTION IN REQUIRED FIRE FLOW. THE RESULTING FIRE FLOW SHALL NOT BE LESS THAN 1000 GALLONS PER MINUTE. IF ADDITIONAL FIRE FLOW REDUCTIONS ARE NEEDED, THEY MIGHT BE OBTAINED THROUGH CONSULTATION WITH THE EMERGENCY SERVICES DISTRICT NO. 9, TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10, AND THE CITY OF WEST LAKE HILLS.

- o NO PARKING ON THE JUAЕ DRIVEWAY OR SHOULDER IS ALLOWED SO THAT IT MAY REMAIN OPEN FOR EMERGENCY VEHICLES. TO FACILITATE THIS REQUIREMENT THE ENTIRE JUAЕ DRIVEWAY SHALL BE PAINTED WITH RED FIRE LANE/TOW AWAY ZONE STRIPING AND SHALL HAVE NO PARKING SIGNAGE.
- FIRE FLOW - The fire hydrant water supply shall meet the minimum standards of the jurisdiction as referenced in the 2015 International Fire Code, Appendix B.
 - o A 50% reduction in required fire flow is granted when residential (NFPA 13D) residential fire sprinklers are installed throughout the homes.
 - o Additional reductions can be obtained from the City of West Lake Hills when additional fire protection measures are proposed.
- FIRE HYDRANTS – Existing fire hydrants along Westlake Drive AND two new proposed fire hydrants within the subdivision are proposed to be provided for emergency use.
- EMERGENCY TURN AROUND – A fully compliant emergency three point turnaround (dimensions and width) is proposed that will be constructed using concrete or asphalt.

Please Note: This letter does not constitute a formal site development or building plan review and/or approval. Upon completion of such a review, plan review comments will be issued when the project is determined to be in compliance with adopted codes and standards.

Based on the aforementioned review of the subdivision concept plan and final plat notes only and an understanding that the construction plans will address the code compliance items noted above during the site development and building plan review phase, **I recommend the approval of the proposed subdivision concept and final plat notes by the City of West Lake Hills.**

We look forward to working with you and your staff on the proposed project. If you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,



District Chief Michael Lacey
Fire Marshal
Emergency Prevention Division
Travis County Emergency Services Districts No. 9

cc: File

October 30, 2020

Ric Thompson
904 N. Cuernavaca
Austin, TX 78733

Dear Mr. Thompson:

The District is in receipt of your request for water service availability verification for the following legal property description:

ABS 21 SUR 1 SPARKS W ACR 7.829
Travis County Appraisal District, Property ID #: 114925

Property address: 803 Westlake Drive

The District office at this time can confirm that the above referenced subdivision is within District boundaries and is eligible for water service.

Additional Notes:

This letter only addresses availability verification, prior to receiving water service approval from the Water District, you will be required to:

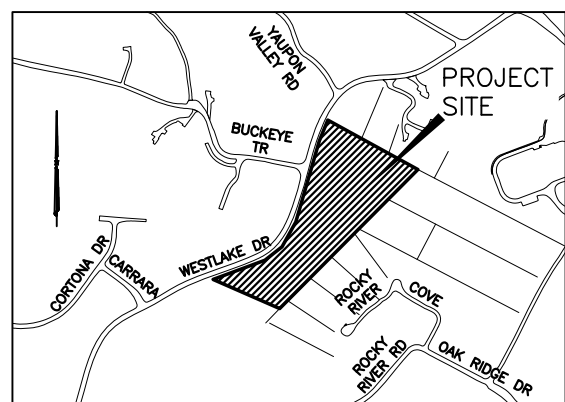
- Grant all necessary easements
- Submit construction plans for review and approval
- Please note that more comments may be generated during the review of construction plans and future updates.

In the case of inadequate water availability, the developer would be responsible for upgrading the District infrastructure based on measures identified by the District's engineer.

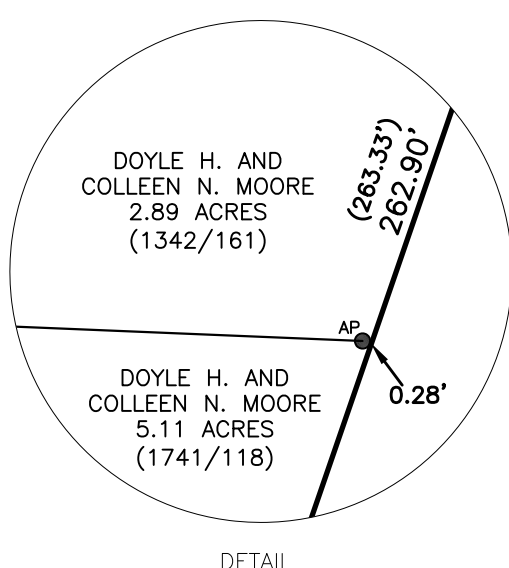
Sincerely,

Carla A. Orts
General Manager
Travis County WC&ID#10

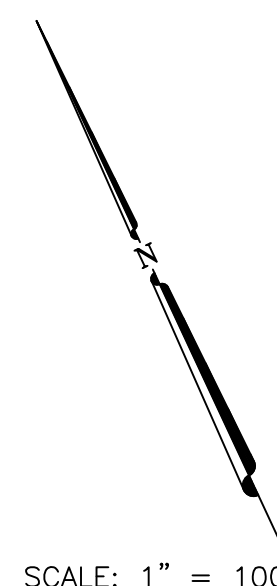
FINAL PLAT
MOORE ESTATES SUBDIVISION
TOTAL SITE ACREAGE 8.423 ACRES
TRAVIS COUNTY, TEXAS



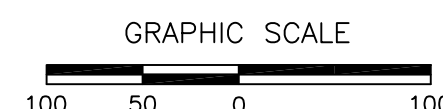
VICINITY MAP
N.T.S.



DETAIL



SCALE: 1" = 100'



LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "ALL POINTS" CAP FOUND
- 1/2" IRON PIPE FOUND
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- CONTROL POINT/BENCHMARK LOCATION
- B.L. BUILDING SETBACK LINE
- P.U.E. PRIVATE UTILITY EASEMENT
- J.U.A.E. JOINT USE ACCESS EASEMENT
- D.E. DRAINAGE EASEMENT
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION
- 100-YEAR FLOODPLAIN
- CREEK CENTERLINE

THIS IS A SURFACE DRAWING.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT #2.

60D NAIL SET

SURFACE COORDINATES:
N 10079317.86
E 3095758.07

TEXAS STATE PLANE COORDINATES:
N 10078310.03
E 3095448.53

ELEVATION = 612.32'
VERTICAL DATUM: NAVD 88 (GEOID 12B)

COMBINED SCALE FACTOR = 0.999900010
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000100
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
THETA ANGLE: 0°00'00"

BENCHMARK INFORMATION:

BM: 60D Nail set on the east side of Westlake Dr. at the end of Buckeye Trail +/- 5' from edge of asphalt. OPUS POINT CHAPARRAL CONTROL POINT #2 (SEE NOTE ABOVE)

ELEVATION = 612.32'
VERTICAL DATUM: NAVD 88 (GEOID 12B)

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
[L8]	N64°53'51"W	95.30'
[L9]	N51°51'51"E	302.41'
[L10]	N38°43'24"E	74.49'
[L11]	N28°39'13"E	52.15'
[L12]	N30°31'09"E	87.01'
[L13]	N26°51'11"E	130.90'
[L14]	N14°08'21"E	114.03'
[L15]	N83°09'45"E	136.55'
[L16]	N63°24'00"E	122.01'
[L17]	N47°58'09"E	134.14'
[L18]	S62°25'50"E	83.03'

LOT PROPERTY LINE TABLE

LINE TABLE			(RECORD LINE TABLE)	
LINE	BEARING	DISTANCE	LINE	(RECORD BEARING)
L1	N67°54'53"E	75.81'	(L1)	(N70°22'59"E 75.8')
L2	N50°02'50"E	105.11'	(L2)	(N52°38'59"E 105.0')
L3	N31°35'25"E	145.82'	(L3)	(N34°13'59"E 145.7')
L4	N19°50'11"E	129.90'	(L4)	(N22°16'59"E 129.8')
L5	N17°24'34"E	172.52'	(L5)	(N19°15'42"E 172.3')
L6	N26°02'52"E	82.79'	(L6)	(N28°31'59"E 83.2')
L7	S73°46'37"E	50.50'		
L19	N22°05'07"W	69.14'		
L20	N58°24'35"W	69.70'		
L21	N70°09'49"W	66.35'		
L22	N61°37'48"W	66.13'		
L23	S21°52'39"E	116.81'		
L24	S01°43'26"E	110.13'		
L25	S37°45'02"E	193.68'		
L26	S73°46'37"E	131.68'		

WILKENS SPARKS
SURVEY NO. 1
ABSTRACT NO. 21

DATE OF PREPARATION: February 9, 2021

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
1573-001
DRAWING NO.:
1573-001-PL
PLOT DATE:
02/09/2021
PLOT SCALE:
1"=100'
DRAWN BY:
RGH/PAQ
SHEET
01 OF 03

FINAL PLAT
MOORE ESTATES SUBDIVISION
TOTAL SITE ACREAGE 8.423 ACRES
TRAVIS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF TRAVIS §

WHEREAS, Robin Mallory Moore, Doyle Randall Moore and Sherry Moore Waldrop, beneficiaries under Doyle H. Moore Family Trust, by virtue of a Warranty Deed recorded in Document No. Volume 13112 Page 0289, Deed Records of Travis County, Texas are the owners of that certain 8.423 acre tract of land (called 7.875 acres) in the Wilkerson's Spark Survey No. 1 in Travis County, Texas; and

WHEREAS, in consideration of the conveyance of certain right-of-way deeds to the City of West Lake Hills for the widening and improvement of Westlake Drive, the City of West Lake Hills, City Council passed and adopted Ordinance No. 55B approving the division of said Property containing 8.423 acres of land more or less after the conveyance of said right-of-way deeds into eight single family residential lots with variances to build a single family home on each lot in accordance with the then applicable building and zoning regulations;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That, the undersigned Trust beneficiaries, owners of the land shown on this plat and described herein and named herein as the Moore Estates Subdivision of the City of West Lake Hills, Travis County, Texas hereby subdivide said property in accordance with the requirements of Ordinance 55B of the City of West Lake Hills, Travis County, Texas and do hereby dedicate to the use of the Public, the drainage ways, the utility easements, and access easements for utility and emergency vehicle access as shown thereon for the purposes and consideration expressed.

WITNESS BY HAND this _____ day of _____ 2021.

Robin Mallory Moore

Doyle Randall Moore

Sherry Moore Waldrop
9101 (Lot 11)
Dripping Spring, TX 78620

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robin Mallory Moore, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for Travis County, Texas

Commission Expires

WITNESS BY HAND this _____ day of _____ 2021

Robin Mallory Moore

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Doyle Randall Moore, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for Travis County, Texas

Commission Expires

WITNESS BY HAND this _____ day of _____ 2021

Doyle Randall Moore

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Sherry Moore Waldrop, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for Travis County, Texas

Commission Expires

WITNESS BY HAND this _____ day of _____ 2021

Sherry Moore Waldrop

The tract of land described on this plat is within the boundaries of Travis County Water Control and Improvement District (WCID) No. 10 and has water service available.

DATED: _____

President of the Board WCID No. 10

I, the undersigned, City Administrator of the City of West Lake Hills, Texas, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City, for which my approval is required.

DATED: _____

City Administrator, City of West Lake Hills, Texas

I, the undersigned, City Arborist of the City of West Lake Hills, Texas, hereby certify that this subdivision conforms to all the oak wilt requirements of the City of West Lake Hills Code of Ordinances, for which my approval is required.

DATED: _____

City Arborist, City of West Lake Hills, Texas

I, the undersigned, City Sanitarian of the City of West Lake Hills, Texas, hereby certify that this subdivision plat conforms to all the on-site sewage disposal requirements of the subdivision regulations of the City, for which my approval is required.

DATED: _____

City Sanitarian, City of West Lake Hills, Texas

STATE OF TEXAS
COUNTY OF TRAVIS

I, Dana Debeauvoir, Clerk of the County Court of Travis County, Texas, do hereby certify that on the _____ day of _____, 2021 A.D., the Commissioners Court of Travis County, Texas, passed an Order authorizing the filing for record of this plat, and that said Order has been entered into the Minutes of Said Court, as Document No. _____.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, this _____ day of _____, A.D. 2021.

Clerk of the County Court, Travis County, Texas

BY: _____
Deputy

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

I, Dana Debeauvoir, Clerk of the County Court of Travis County, Texas, do hereby certify that the foregoing instrument with its Certification of Authentication was filed in my office at _____ O'clock ____M on the _____ day of _____, 2021, A.D., and duly recorded at _____ O'clock ____M on the day of _____, 2021 A.D. in the Plat Records of Travis County, Texas, as Document No. _____.

WITNESS MY HAND AND SEAL OF THE COURT OF TRAVIS COUNTY, TEXAS, this the _____ day of _____, 2021, A.D.

Clerk of the County Court, Travis County, Texas

BY: _____
Deputy

STATE OF TEXAS

COUNTY OF TRAVIS

Filed for record this _____ day of _____, 2021, A.D., at _____ O'clock ____M.

Clerk of the County Court, Travis County, Texas

BY: _____
Deputy

This plat has been submitted to and considered by the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas.

DATED: _____

ZAPCO Chairperson, City of West Lake Hills, Texas

Approved and authorized for record by the City Council of the City of West Lake Hills, Texas.

DATED THIS _____ DAY OF _____ 2021.

MAYOR, CITY OF WEST LAKE HILLS, TEXAS

ATTEST:

CITY SECRETARY

STATE OF TEXAS

COUNTY OF TRAVIS

I, Robert C. Thompson, P.E., am authorized under the State of Texas to practice engineering and hereby certify that a portion of this property is within a special flood hazard area as shown on the Federal Emergency Management Agency Map Community Panel No. 48453 C0445K, dated January 22, 2020.

DATED: _____

Robert C. Thompson, P.E. 69524
Thompson Land Engineering, LLC
904 N. Cuernavaca Austin, Texas 78733

STATE OF TEXAS

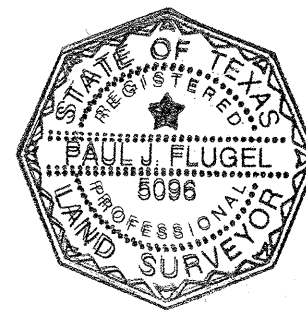
COUNTY OF TRAVIS

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from the actual survey of the property made under my supervision on the ground.

DATED: _____

Paul J. Flugel 2-10-2021

Paul J. Flugel, R.P.L.S. 5096
Chaparral Professional Land Surveying, Inc.
Firm No. 10124500
3500 McCall Lane
Austin, Texas 78744
(512) 443-1724



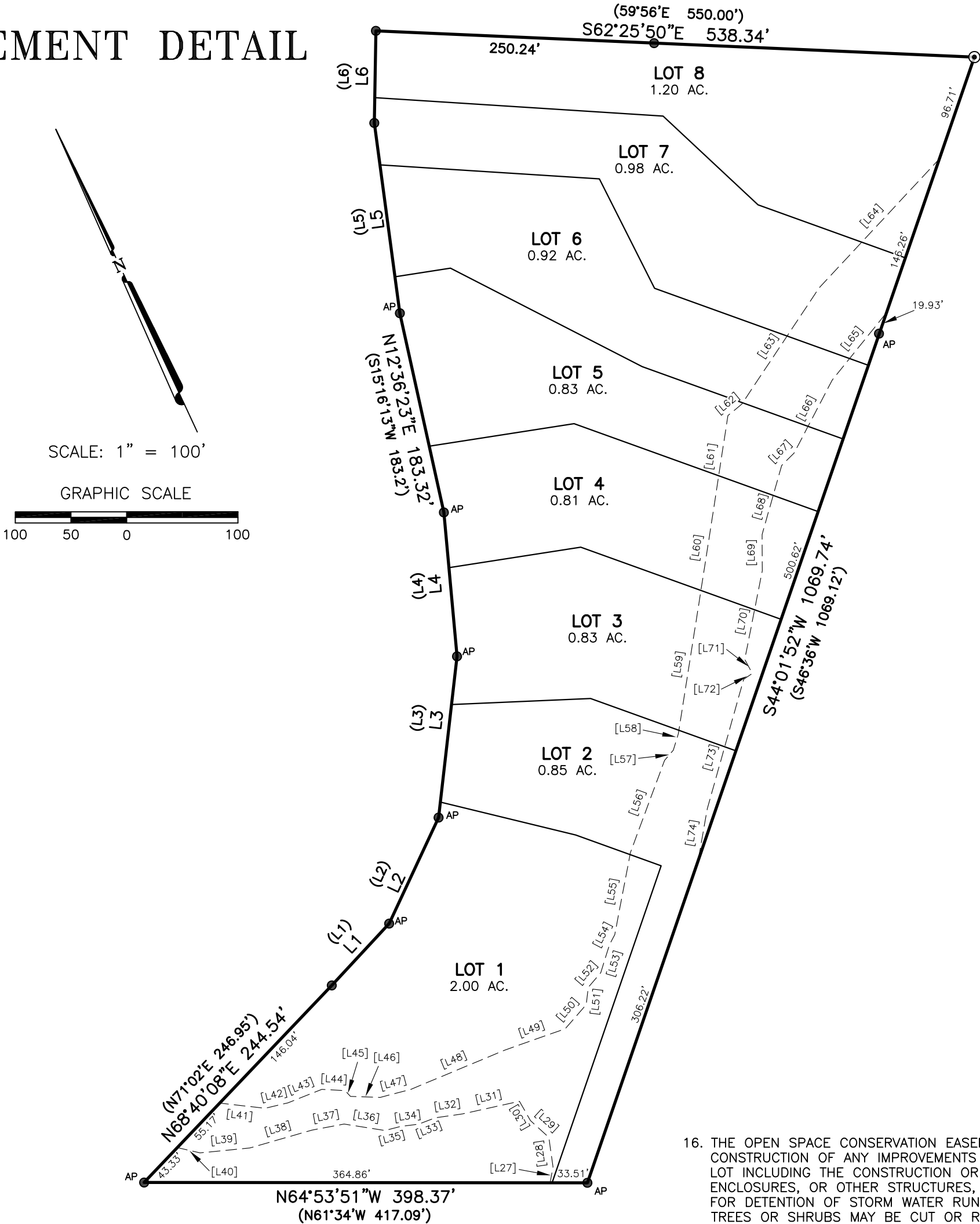
Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
1573-001
DRAWING NO.:
1573-001-PL
PLOT DATE:
02/09/2021
PLOT SCALE:
1"=100'
DRAWN BY:
RGH/PAQ
SHEET
02 OF 03

FINAL PLAT
MOORE ESTATES SUBDIVISION
TOTAL SITE ACREAGE 8.423 ACRES
TRAVIS COUNTY, TEXAS

DRAINAGE EASEMENT DETAIL

DRAINAGE EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
[L27]	N35°16'40"E	14.52'
[L28]	N17°03'02"E	26.72'
[L29]	N22°27'12"W	22.41'
[L30]	N04°34'28"W	19.91'
[L31]	N77°23'43"W	52.62'
[L32]	N73°01'08"W	24.64'
[L33]	N85°51'51"W	15.88'
[L34]	N72°22'43"W	16.51'
[L35]	N79°31'00"W	14.31'
[L36]	N55°58'30"W	37.21'
[L37]	N75°36'46"W	29.52'
[L38]	N80°59'10"W	58.06'
[L39]	N70°34'00"W	44.94'
[L40]	N51°41'54"W	20.92'
[L41]	S58°26'55"E	41.04'
[L42]	S78°19'24"E	21.06'
[L43]	S86°32'37"E	32.88'
[L44]	S61°52'14"E	20.71'
[L45]	S18°58'25"E	7.21'
[L46]	S62°59'47"E	26.67'
[L47]	S79°32'54"E	28.29'
[L48]	S87°36'07"E	91.99'
[L49]	S84°22'33"E	57.27'
[L50]	N66°10'41"E	28.76'
[L51]	N31°59'39"E	15.87'
[L52]	N65°41'42"E	17.17'
[L53]	N42°16'04"E	26.05'
[L54]	N52°35'52"E	10.45'
[L55]	N35°52'53"E	75.20'
[L56]	N45°23'37"E	88.25'
[L57]	N65°45'01"E	12.02'
[L58]	N42°07'52"E	15.43'
[L59]	N34°01'28"E	123.31'
[L60]	N33°55'23"E	88.82'
[L61]	N33°41'48"E	77.26'
[L62]	N75°29'21"E	16.24'
[L63]	N58°42'05"E	125.56'
[L64]	N68°03'05"E	158.42'
[L65]	S63°56'52"W	77.67'
[L66]	S52°38'05"W	73.91'
[L67]	S69°59'01"W	15.92'
[L68]	S40°52'41"W	64.48'
[L69]	S24°44'04"W	32.54'
[L70]	S36°14'14"W	81.18'
[L71]	S03°00'54"E	14.34'
[L72]	S80°47'46"W	9.43'
[L73]	S40°44'12"W	120.99'
[L74]	S35°01'51"W	47.07'



PLAT NOTES:

- ALL LOTS IN THIS SUBDIVISION SHALL BE CONNECTED TO THE CITY OF WESTLAKE HILLS PUBLIC SEWER SYSTEM.
- SITE CLEARANCE, SITE DISTURBANCE, OR IMPERVIOUS COVER: EVERY LOT IN THIS SUBDIVISION IS SUBJECT TO THE CITY OF WEST LAKE HILLS' SITE CLEARANCE PROCEDURES. NO SITE CLEARANCE EXCAVATION, GRADING OR LANDFILL SHALL COMMENCE UNLESS A PERMIT SHALL HAVE FIRST BEEN ISSUED FOR SUCH WORK IN ACCORDANCE WITH THE PROVISIONS OF APPLICABLE ORDINANCES.
- FLOOD HAZARD: THE FEDERAL INSURANCE ADMINISTRATION MAP PANEL 48453C0445K, FOR THE CITY OF WEST LAKE HILLS, TEXAS, INDICATE THAT A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE WITHIN THE 100 YEAR FLOOD PLAIN AS DEFINED BY SAID MAPS DATED JANUARY 22, 2020.
- ACCESS TO THESE LOTS IS ONLY TO BE FROM THE JOINT USE ACCESS EASEMENT AND LIMITED TO ONLY TWO LOCATIONS, THOSE LOCATIONS BEING APPROXIMATELY AT THE TWO LOCATIONS SHOWN ON THE FACE OF THE PLAT.

CONSTRUCTION WILL COMPLY WITH CITY'S TREE AND VEGETATION CONSTRUCTION PROTECTION REGULATIONS.

- THE PRIVATE DRIVE JOINT USE ACCESS EASEMENT (J.U.A.E.) AND WASTEWATER EASEMENT (W.W.E.) SHOWN ON THE PLAT SHALL BE A TWO WAY J.U.A.E. AND W.W.E. FOR THE BENEFIT OF EACH LOT OWNER AND SHALL BE MAINTAINED BY THE MOORE ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE DECLARATION OF CODES, COVENANTS AND RESTRICTIONS THEREOF RECORDED IN DOCUMENT NO. _____, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. BUILDING OF SUCH PRIVATE DRIVE AND ALL OTHER UTILITY INFRASTRUCTURE SERVING THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TRAVIS COUNTY, TEXAS. THE CITY OF WEST LAKE HILLS, TEXAS, ASSUMES NO RESPONSIBILITY TO BUILD ANY OF THE PRIVATE DRIVES, DRAINAGE OR OTHER UTILITY INFRASTRUCTURE SHOWN ON THIS PLAT. ALL CURB CUTS, ENTRANCES, AND EXITS ONTO PUBLIC STREETS OR HIGHWAYS SHALL FIRST BE APPROVED BY THE CITY OF WEST LAKE HILLS, TEXAS.
- LOTS IN THIS SUBDIVISION ARE LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE AND SUBJECT TO THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION EDWARDS RULES, TEXAS ADMINISTRATIVE CODE 30 TAC 213. IMPERVIOUS COVER SHALL NOT EXCEED 20% OF THE GROSS SITE AREA OF EACH LOT WITHOUT PROVIDING STRUCTURAL WATER QUALITY CONTROLS PURSUANT TO EDWARDS AQUIFER RULES IN TAC CHAPTER 313.
 - THE DECLARATION OF CODES, COVENANTS, AND RESTRICTIONS APPLICABLE TO DEVELOPMENT IN THIS SUBDIVISION IS FILED OF RECORD AS DOCUMENT NO. _____, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
 - ALL OF THE LAND DEPICTED ON THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE MUNICIPAL BOUNDARIES OF THE CITY OF WEST LAKE HILLS, TEXAS.

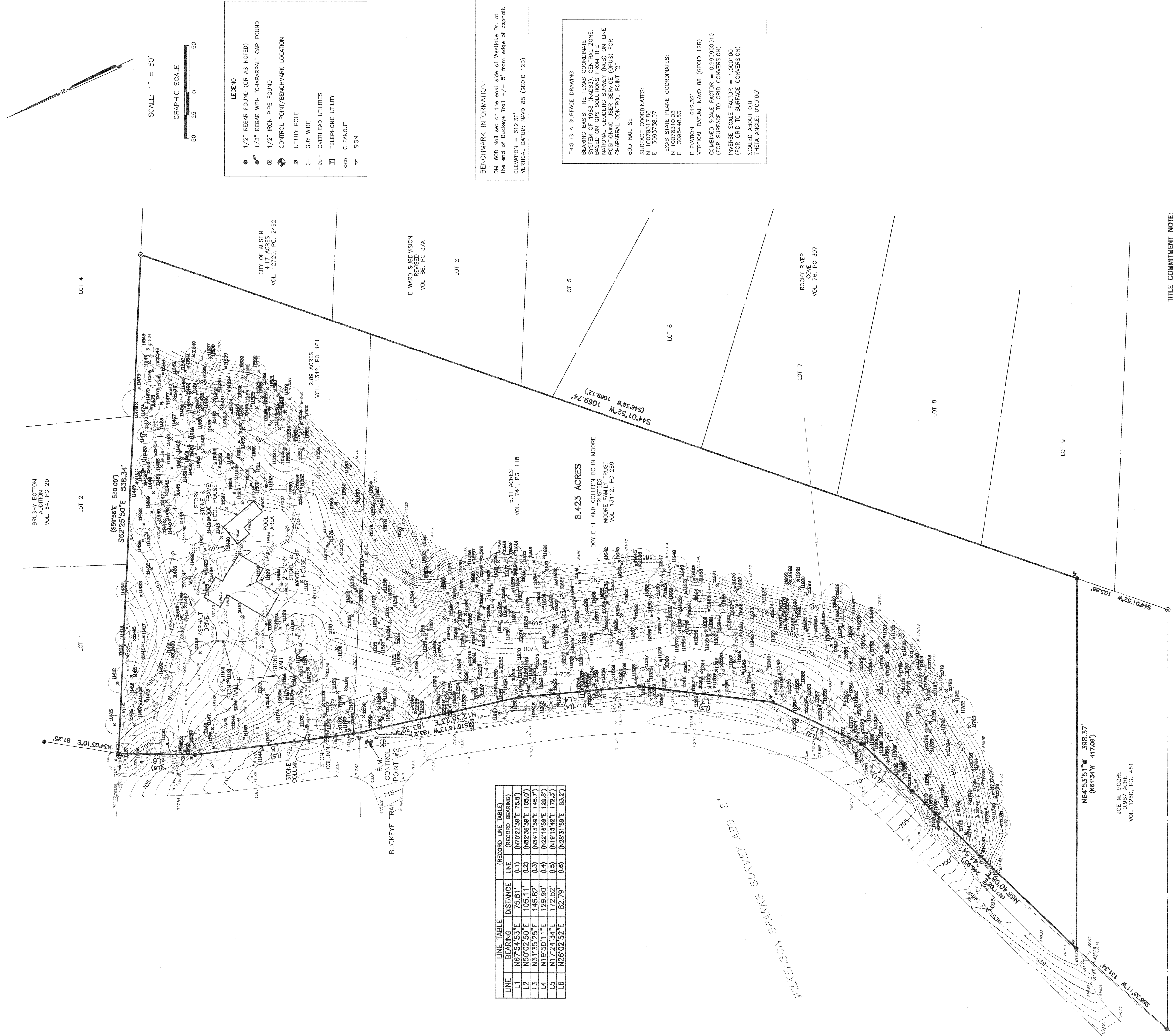
- DUE TO COMPROMISES ON EMERGENCY ACCESS AGREED UPON, LOTS 1 TO 8 SHALL BE PROTECTED THROUGHOUT BY A NATIONAL FIRE PROTECTION ASSOCIATION 13D-COMPLIANT RESIDENTIAL FIRE SPRINKLER SYSTEM. THE SYSTEMS SHALL BE DESIGNED AND INSTALLED BY A LICENSED FIRE PROTECTION COMPANY OR AN ENDORSED PLUMBER. SPRINKLER PLANS SHALL BE SUBMITTED TO THE EMERGENCY SERVICES DISTRICT NO. 9 FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
 - THE WATER SUPPLY INFRASTRUCTURE FOR THE SUBDIVISION SHALL PROVIDE ADEQUATE FIRE FLOW IN COMPLIANCE WITH THE INTERNATIONAL FIRE CODE APPENDIX B. FOR RESIDENTIAL STRUCTURES UP TO 3,600 SQUARE FEET, 1000 GALLONS PER MINUTE SHALL BE PROVIDED (SEE QUALIFICATIONS BELOW IN ITEM NO. 10).
 - ALL RESIDENTIAL STRUCTURES OVER 3,600 SQUARE FEET SHALL COMPLY WITH THE REQUIREMENTS OF TABLE B105.1 FROM THE INTERNATIONAL FIRE CODE. RESIDENTIAL STRUCTURES WITH AN APPROVED NATIONAL FIRE PROTECTION ASSOCIATION 13D RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL RECEIVE A 50% REDUCTION IN REQUIRED FIRE FLOW. THE RESULTING FIRE FLOW SHALL NOT BE LESS THAN 1000 GALLONS PER MINUTE. IF ADDITIONAL FIRE FLOW REDUCTIONS ARE NEEDED, THEY MIGHT BE OBTAINED THROUGH CONSULTATION WITH THE EMERGENCY SERVICE DISTRICT NO. 9, TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10, AND THE CITY OF WEST LAKE HILLS.
 - NO PARKING ON THE J.U.A.E. DRIVEWAY OR SHOULDER IS ALLOWED SO THAT IT MAY REMAIN OPEN FOR EMERGENCY VEHICLES. TO FACILITATE THIS REQUIREMENT THE ENTIRE J.U.A.E. DRIVEWAY SHALL BE PAINTED WITH RED FIRE LANE/TOW AWAY ZONE STRIPING AND SHALL HAVE NO PARKING SIGNAGE.
 - PRIOR TO CONSTRUCTION ON THE LOTS IN THIS SUBDIVISION, DRAINAGE PLANS ARE TO BE SUBMITTED TO THE CITY OF WEST LAKE HILLS FOR REVIEW, DEMONSTRATING THAT RAINFALL RUN-OFF AMOUNTS WILL BE HELD TO NO GREATER THAN THE AMOUNT EXISTING AT THE CURRENT CONDITIONS THROUGH THE USE OF PONDS OR OTHER APPROVED METHODS.
 - ALL LOTS IN THIS SUBDIVISION HAVE BEEN REZONED FROM "A" RESIDENTIAL TO "R-1" RESIDENTIAL. THE PROJECT INITIATION DATE FOR DEVELOPMENT ON THESE LOTS IS OCTOBER 24, 1972.
 - THE RESULTANT PLAT IS FINAL AND MAY NOT BE RE-SUBDIVIDED.
 - PURSUANT TO ORDINANCE 55B OF THE CITY OF WEST LAKE HILLS, NO LOT IN THE SUBDIVISION SHALL BE LESS THAN 35,000 SQUARE FEET OF GROSS SITE AREA. THE MINIMUM DIMENSION OF RESIDENTIAL LOTS 1 THROUGH 8 SHALL NOT BE LESS THAN 100 FEET WIDE, MEASURED AT THE BUILDING LINE AND NOT LESS THAN 140 FEET IN TOTAL DEPTH. SIDE YARD SETBACKS SHALL BE A TOTAL OF 30 FEET, WITH A MINIMUM OF 10 FEET ON EACH SIDE LOT LINE. PLEASE NOTE BY ORDINANCE 55B THE MINIMUM SIDE YARD SETBACK MAY BE AS NARROW AS 10 FEET PROVIDED THE COMBINED SETBACK ON EACH SIDE TOTALS 30 FEET.
- THE REAR LOT LINE SETBACK SHALL BE A MINIMUM OF 30 FEET FROM THE BACK OF EACH LOT TO THE STRUCTURE BUILT ON THE LOT.
- NOTWITHSTANDING THE MINIMUM FRONT YARD SETBACK OF 30 FEET PER ORDINANCE 55B ALL LOTS SHALL BE REQUIRED TO HAVE A MINIMUM OF 50 FEET FROM THE STREET SETBACK.

- THE OPEN SPACE CONSERVATION EASEMENT SHALL PROHIBIT THE CONSTRUCTION OF ANY IMPROVEMENTS WITHIN THE EASEMENT ON EACH LOT INCLUDING THE CONSTRUCTION OR PLACEMENT OF FENCES, PET ENCLOSURES, OR OTHER STRUCTURES, EXCEPT THAT A LANDSCAPE WALL FOR DETENTION OF STORM WATER RUN-OFF MAY BE INCLUDED. NO TREES OR SHRUBS MAY BE CUT OR REMOVED WITHIN THE OPEN SPACE CONSERVATION EASEMENT AND MOWING OF SAID EASEMENT SHALL BE STRICTLY PROHIBITED, EXCEPT THAT REQUIRED TO CONSTRUCT A LANDSCAPE WALL FOR STORM WATER RUN-OFF DETENTION. DEAD OR DECAYED MATERIAL MAY BE REMOVED FROM TIME TO TIME BY WRITTEN APPROVAL OF BOTH THE BOARD OF DIRECTORS OF THE MOORE ESTATE HOMEOWNERS ASSOCIATION AND THE CITY OF WEST LAKE HILLS.
- MITIGATION OF TREES REMOVED DURING CONSTRUCTION OF THE J.U.A.E. PRIVATE ROAD AND HOME CONSTRUCTION ON EACH LOT MAY BE SATISFIED BY PLANTING OF REPLACEMENT TREES AND SHRUBS BETWEEN THE WEST LAKE DRIVE RIGHT-OF-WAY AND THE PRIVATE ROAD J.U.A.E. AND BETWEEN THE PRIVATE ROAD J.U.A.E. AND THE BUILDING LINE OF EACH LOT. MITIGATION TREES AND SHRUBS BETWEEN THE RIGHT-OF-WAY AND THE PRIVATE ROAD J.U.A.E. SHALL BE SPACED TO PROVIDE THE MAXIMUM POSSIBLE DENSITY FOR HEALTHY SCREENING AT MATURITY AS APPROVED BY THE CITY ARBORIST AT TIME OF BUILDING CONSTRUCTION ON EACH LOT.
- FIRE FLOW-THE FIRE HYDRANT WATER SUPPLY SHALL MEET THE MINIMUM STANDARDS OF THE JURISDICTION AS REFERENCED IN THE 2015 INTERNATIONAL FIRE CODE, APPENDIX B.
 - A 50% REDUCTION IN REQUIRED FIRE FLOW IS GRANTED WHEN RESIDENTIAL (NFPA 13D) RESIDENTIAL FIRE SPRINKLERS ARE INSTALLED THROUGHOUT THE HOMES.
 - ADDITIONAL REDUCTIONS CAN BE OBTAINED FROM THE CITY OF WEST LAKE HILLS WHEN ADDITIONAL FIRE PROTECTION MEASURES ARE PROPOSED.
- FIRE HYDRANTS-EXISTING FIRE HYDRANTS ALONG WESTLAKE DRIVE AND TWO NEW PROPOSED FIRE HYDRANTS WITHIN THE SUBDIVISION ARE PROPOSED TO BE PROVIDED FOR EMERGENCY USE.
- EMERGENCY TURN AROUND-A FULLY COMPLIANT EMERGENCY THREE POINT TURNAROUND (DIMENSIONS AND WIDTH) IS PROPOSED THAT WILL BE CONSTRUCTED USING CONCRETE OR ASPHALT.
- THE LOT CLEARANCE ON EACH LOT IS PLANNED TO EXTEND FROM THE WESTERN SIDE OF THE JOINT USE ACCESS EASEMENT TO THE REAR BUILDING LINE AND BETWEEN EACH SIDE LOT LINE. GIVEN THE SMALL AREA AVAILABLE FOR DEVELOPMENT, ALL THE TREES ARE EXPECTED TO BE REMOVED FROM THESE AREAS AND THE AREA IS EXPECTED TO BE FULLY DEVELOPED. TREES 14-INCHES AND LARGER WILL BE ATTEMPTED TO BE SAVED, BUT THE FINAL DISPOSITION WILL BE DETERMINED WHEN AN ACTUAL HOME IS DESIGNED. WARNING FENCING IS PLANNED FOR THE CONSERVATION EASEMENT TO PROTECT THAT AREA FROM ENCROACHMENT.

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
1573-001
DRAWING NO.:
1573-001-PL
PLOT DATE:
02/09/2021
PLOT SCALE:
1"=100'
DRAWN BY:
RGH/PAQ
SHEET
03 OF 03

A TOPOGRAPHIC AND TREE SURVEY OF 8.432 ACRES BEING ALL OF A CALLED 2.89 ACRE TRACT OF LAND, AS SET OUT IN DEED TO DOYLE H. MOORE AND WIFE COLLEEN N. MOORE RECORDED IN VOLUME 1342, PAGE 161, TRAVIS COUNTY DEED RECORDS, AND A CALLED 5.11 ACRE TRACT OF LAND, AS SET OUT IN DEED TO DOYLE H. MOORE RECORDED IN VOLUME 1741, PAGE 118, TRAVIS DEED RECORDS, LESS A CALLED 0.058 ACRE TRACT OF LAND CONVEYED TO THE CITY OF WEST LAKE HILLS, TEXAS BY RIGHT-OF-WAY DEED, RECORDED IN VOLUME 4434, PAGE 1113, AND A CALLED 0.021 ACRE TRACT OF LAND CONVEYED TO THE CITY OF WEST LAKE HILLS, TEXAS BY RIGHT-OF-WAY DEED, RECORDED IN VOLUME 4434, PAGE 1111, BOTH OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, GRANTED TO DOYLE H. MOORE AND COLLEEN BOHN MOORE, TRUSTEES OF THE MOORE FAMILY TRUST, RECORDED IN VOLUME 13112, PAGE 289 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS



LINE	BEARING	DISTANCE	LINE	RECORD LINE TABLE
L1	N67°54'53"E	75.81'	(L1)	(N72°22'59"E 75.8')
L2	N50°02'50"E	105.11'	(L2)	(N52°35'59"E 105.0')
L3	N31°35'25"E	145.82'	(L3)	(N34°13'59"E 145.7')
L4	N19°50'11"E	129.90'	(L4)	(N22°16'59"E 129.8')
L5	N17°24'34"E	172.52'	(L5)	(N19°15'42"E 172.3')
L6	N26°02'52"E	82.79'	(L6)	(N28°31'59"E 83.2')

TITLE COMMITMENT NOTE:
This Survey was prepared without the benefit of a Commitment for Title, and may be subject to additional easements or restrictions not shown hereon. No additional easement research was done for the purpose of this survey.

SURVEYOR'S CERTIFICATE:
DATE OF SURVEY: November 27, 2019
I hereby certify that a survey of the property shown hereon was actually made upon the ground and that the same was made in accordance with the standards and conditions set forth for a Category 6, Condition 1, Topographic Survey, based on the Manual of Practice for Land Surveying in Texas, 2008 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

Paul H. Flugel 12-4-2019
Paul Flugel
Registered Professional Land Surveyor
State of Texas No. 5096

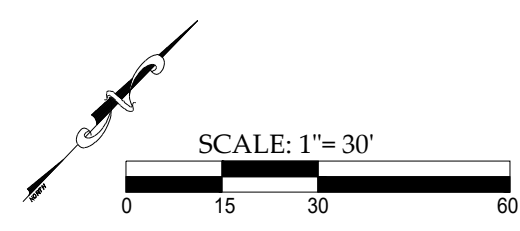
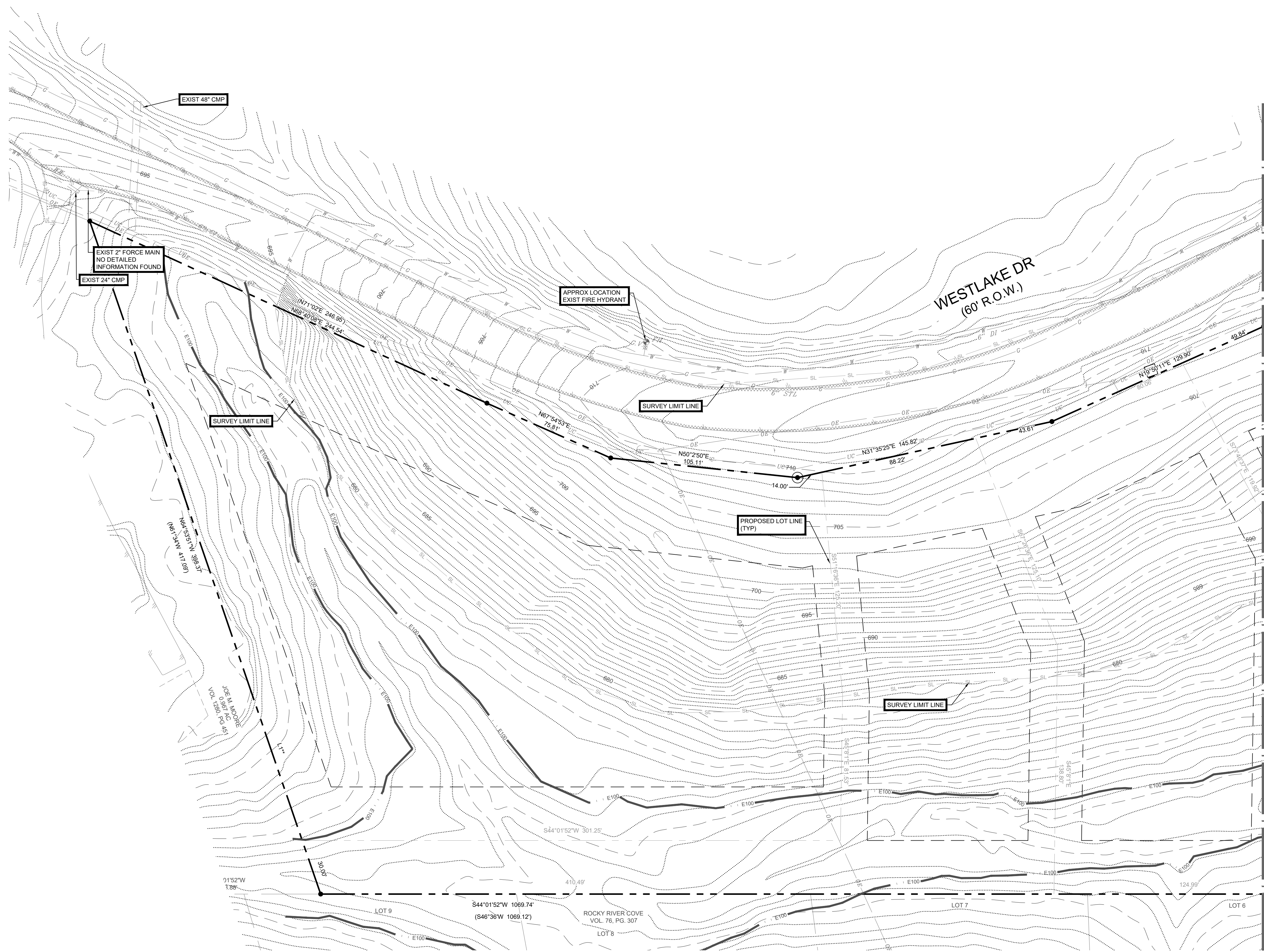
Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
Firm No. 10124500
R.P.L.S. No. 5096

PROJECT NO.: 1573-001	DRAWING NO.: 1573-001-T1
PLOT DATE: 12/04/19	PLOT SCALE: 1"=50'
DRAWN BY: RGH	SHEET 01 OF 02

TREE INDEX	
TAG NO. TYPE	INDICATES MULTI TRUNK (N INCHES)
514 LO 17 14 11	
CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.	
HB - HACKBERRY CB - CHINA BERRY LO - LIVE OAK SO - SPANISH OAK CE - CEDAR ELM AE - AMERICAN ELM UKT - UNKNOWN TREE	
THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY ON THE GROUND SURVEY CREW. NOT A CERTIFIED ARBORIST. OUR FINAL DETERMINATION OF SPECIES.	
NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD. HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.	
11143	LO 12
11144	CDR 16
11145	LO 15 8 6
11146	UKT 8 3 2
11147	LO 7 6 6
11148	LO 12
11149	UKT 9
11150	LO 12
11151	UKT 9
11152	LO 12
11153	HB 16
11154	LO 14
11155	LO 11 6
11156	LO 18
11157	LO 16
11158	AE 9
11159	AE 17
11160	LO 11
11161	LO 13
11162	SO 9
11163	SO 9
11164	CE 6
11165	LO 9
11166	LO 11
11167	LO 11
11168	LO 9
11169	LO 10
11170	LO 12
11171	LO 10
11172	LO 11
11173	LO 11
11174	LO 8 6
11175	SO 2 6
11176	CDR 11
11177	CDR 11
11178	CDR 11 8 8
11179	LO 11
11180	LO 11
11181	CDR 14
11182	UKT 12 7
11183	LO 10
11184	LO 11
11185	LO 12
11186	LO 12
11187	LO 14 14
11188	LO 18 6 4
11189	UKT 6 6 4
11190	UKT 6 6 4
11191	CDR 17
11192	UKT 12 7
11193	CDR 11 7
11194	CDR 11
11195	CDR 7 4 6
11196	LO 10 8
11197	LO 10 8
11198	CDR 12 12
11199	CDR 12 12
11200	CDR 6 6
11201	LO 12 10 9
11202	LO 7
11203	LO 10
11204	LO 10
11205	LO 9 9
11206	CDR 10 8
11207	CDR 10 8
11208	CDR 10
11209	LO 10 10
11210	LO 10
11211	CDR 13 8
11212	UKT 6 6 4
11213	LO 9
11214	LO 9
11215	LO 9 10
11216	CDR 14
11217	CDR 10
11218	CDR 9
11219	CDR 10
11220	LO 11
11221	LO 8
11222	CDR 12 8 8 6
11223	CDR 9
11224	CDR 12
11225	CDR 8 6
11226	CDR 12
11227	UKT 12
11228	CDR 15
11229	CDR 15
11230	UKT 7 3 3 3 3
11231	UKT 7 3 3 3 3
11232	UKT 6 3 3
11233	LO 12 11
11234	LO 12 11
11235	CDR 8
11236	CDR 8
11237	CDR 8
11238	LO 8 12
11239	LO 10
11240	LO 10
11241	LO 10 8
11242	UKT 8
11243	SO 8 6
11244	UKT 10 10
11245	LO 13
11246	CDR 6 6
11247	CDR 7
11248	CDR 7
11249	SO 8 6
11250	CE 15
11251	CE 10
11252	CDR 7
11253	CDR 12
11254	CDR 7
11255	CDR 15
11256	UKT 7
11257	CDR 9
11258	CDR 12 8
11259	CDR 10
11260	CDR 11 7
11261	CDR 7
11262	CDR 9
11263	CDR 9
11264	CDR 9
11265	UKT 9
11266	CDR 9
11267	CDR 7
11268	CDR 9
11269	UKT 7
11270	LO 7 8 7
11271	CDR 7
11272	CDR 13
11273	LO 6
11274	CDR 8
11275	CDR 14
11276	CDR 9
11277	CDR 8
11278	LO 15
11279	LO 15
11280	CDR 3
11281	CDR 9
11282	CDR 8
11283	CDR 6
11284	CDR 10
11285	CDR 10
11286	CDR 10
11287	LO 12
11288	LO 12
11289	CDR 8
11290	CDR 6
11291	CDR 7 5
11292	CDR 6 6
11293	CDR 12
11294	CDR 12
11295	CDR 7 4
11296	CE 6
11297	CE 6
11298	CDR 6
11299	CDR 6
11300	CDR 6
11301	CDR 6 3
11302	CDR 6 3
11303	CDR 8
11304	CDR 9 11
11305	CDR 9
11306	CDR 13 9
11307	CDR 9 7 4 4
11308	CDR 14
11309	CDR 14
11310	CDR 9
11311	CDR 9
11312	CDR 9
11313	CDR 10
11314	CDR 10
11315	CDR 10
11316	CDR 17
11317	LO 8 3 2
11318	LO 8 3 2
11319	CDR 7
11320	CDR 10
11321	CDR 10
11322	CE 6 2
11323	LO 6 6
11324	HB 9 3
11325	CDR 13
11326	CDR 13
11327	CDR 13
11328	CDR 7
11329	CDR 7
11330	CDR 11 8 9
11331	CDR 11
11332	LO 7 3
11333	LO 7 3
11334	UKT 6 5 3
11335	CDR 6
11336	CDR 6
11337	CDR 7 4
11338	CDR 13
11339	LO 6 6
11340	LO 6
11341	CDR 6
11342	CDR 6

TREE INDEX		INDIVIDUAL TRUNK DIA. (IN INCHES)
TAG NO.	TYPE	
514 10 17 14 11		
CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.		
HB = HACKBERRY CB = CHINA BERRY LO = LIVE OAK SO = SPANISH OAK AE = AMERICAN ELM UKT = UNKNOWN TREE		
THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY ON THE GROUND SURVEY CREW. NOT A CERTIFIED ARBORIST. OUR FINAL DETERMINATION OF SPECIES.		
NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD. HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.		
11343	CDR 7	
11344	CDR 7	
11345	CDR 8 4 3	
11346	CDR 8	
11347	CDR 8	
11348	CDR 10	
11349	CDR 7	
11350	CDR 6	
11351	CDR 6	
11352	CDR 12	
11353	CDR 7 6 4 4 4	
11354	LO 12 3 3	
11355	CDR 10 6	
11356	CDR 8	
11357	CDR 8	
11358	CDR 8	
11359	CDR 8 6	
11360	CDR 8 6	
11361	CDR 7	
11362	CDR 11	
11363	LO 9 5	
11364	CDR 7	
11365	CDR 13 8 7	
11366	CDR 7	
11367	CDR 7	
11368	CDR 7 4 3 3	
11369	CDR 7 8 5 4 4	
11370	CDR 7 8 5 4 4	
11371	CDR 10 4	
11372	LO 7 6	
11373	LO 7 6	
11374	LO 7 6	
11375	LO 7 6	
11376	CDR 9	
11377	CDR 8 4 4	
11378	CDR 9	
11379	CDR 9	
11380	UKT 6 6 4	
11381	UKT 11	
11382	CDR 9	
11383	CDR 9	
11384	CDR 8 6 6	
11385	UKT 8	
11386	CDR 8	
11387	LO 7	
11388	LO 9 6 4 3	
11389	CDR 6	
11390	CDR 14	
11391	CDR 7	
11392	LO 10	
11393	LO 6 4	
11401	LO 6 4	
11402	CDR 9	
11403	CDR 9	
11404	CDR 12	
11405	CDR 10	
11406	CDR 10	
11407	CDR 14	
11408	HB 10	
11409	CE 8	
11410	CDR 16	
11411	UKT 16	
11412	CDR 10	
11413	CDR 9	
11414	CE 11	
11415	CE 11	
11416	CE 6	
11417	CE 6	
11418	CDR 8	
11419	CDR 11	
11420	CDR 11	
11421	LO 19	
11422	CDR 13	
11423	LO 11 8 4	
11424	LO 12	
11425	LO 12	
11426	CDR 13	
11427	CDR 13	
11428	CDR 8 7 4	
11429	CDR 10 8 4	
11430	LO 8	
11431	CDR 9	
11432	CDR 9	
11433	CDR 10	
11434	CDR 10	
11435	CDR 11	
11436	CDR 11	
11437	CDR 11	
11438	CDR 12	
11439	CDR 12	
11440	CDR 15	
11441	LO 9	
11442	LO 9	
11443	CDR 15	
11444	CDR 15	
11445	CDR 15	
11446	LO 9	
11447	CDR 10	
11448	CDR 7	
11449	CDR 13	
11450	CDR 9	
11451	LO 13	
11452	LO 13	
11453	LO 13	
11454	LO 13	
11455	CDR 6	
11456	LO 8 10	
11457	CDR 11	
11458	CDR 10	
11459	CDR 9	
11460	CDR 8	
11461	CDR 8	
11462	CDR 9	
11463	LO 10	
11464	CDR 6	
11465	CDR 6	
11466	CDR 6	
11467	CDR 8	
11468	CDR 7	
11469	CDR 9	
11470	CDR 9	
11471	UKT 12 7	
11472	CDR 8	
11473	CDR 8	
11474	CDR 9	
11475	CDR 9	
11476	CDR 7	
11477	CDR 7	
11478	CDR 8 6 4 4	
11479	CDR 8 6 4 4	
11480	UKT 6 6 4 4	
11481	CDR 7 3	
11482	HB 7 3	
11483	CDR 9 4	
11484	CDR 10	
11485	CDR 8	
11486	CDR 8	
11487	CDR 6 4	
11488	CDR 9	
11489	CDR 10	
11490	CDR 10	
11491	CDR 9 5	
11492	CDR 7	
11493	CDR 7	
11494	CDR 7	
11495	LO 7	
11496	CDR 9	
11497	CE 9 12	
11498	CE 11	
11499	CDR 11	
11500	CDR 11	
11501	CDR 11	
11502	CE 13	
11503	CDR 8	
11504	CDR 12	
11505	CDR 12	
11506	CDR 12	
11507	LO 7 6	
11508	CE 6	
11509	CE 8	
11510	CDR 9 8 8	
11511	LO 6	
11512	LO 6	
11513	CDR 7	
11514	CDR 9 7	
11515	CDR 8	
11516	CDR 8	
11517	CDR 6 4	
11518	CDR 6 4	
11519	CDR 6 4	
11520	CDR 6	
11521	CDR 6	
11522	CDR 8	
11523	CDR 8	
11524	CDR 6	
11525	CDR 7	
11526	CDR 7	
11527	CDR 8	
11528	CDR 8	
11529	CDR 8	
11530	CDR 11 8 9	
11531	CDR 11	
11532	LO 7 3	
11533	LO 7 3	
11534	CDR 6 5 3	
11535	CDR 6	
11536	CDR 6	
11537	CDR 7 4	
11538	CDR 13	
11539	LO 6 6	
11540	LO 6	
11541	CDR 6	
11542	CDR 6	
11543	CDR 7 7 4	
11544	LO 11	
11545	CDR 10	
11546	CDR 10 6 6	
11547	CDR 8	
11548	CDR 8	
11549	CDR 7	

TREE INDEX		INDIVIDUAL TRUNK DIA. (IN INCHES)
TAG NO.	TYPE INDICATES MULTI TRUNK	
514 LO 17 14 11		
CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.		
HB - HACKBERRY CB - CHINA BERRY LO - LIVE OAK SO - SPANISH OAK AE - AMERICAN ELM UKT - UNKNOWN TREE		
THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY ON THE GROUND SURVEY CREW. NOT A CERTIFIED ARBORIST. OUR FINAL DETERMINATION OF SPECIES.		
NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD. HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.		
11550	CDR 7	
11551	CDR 7	
11552	CDR 10	
11553	CDR 7	
11554	CDR 6	
11555	CDR 6	
11556	CDR 10 8 7 7 6	
11557	CDR 10	
1		
11558	CDR 14	
11559	CDR 8	
11560	LO 8	
11561	LO 7	
11562	CDR 6	
11563	CDR 10	
11564	LO 8	
11565	CDR 6	
11566	CDR 10	
11567	CDR 10	
11568	LO 11	
11569	CDR 7 6 5 4 4	
11570	CDR 7	
11571	CDR 7	
11572	LO 5	
11573	CDR 10	
11574	CDR 11	
11575	CDR 10	
11576	CDR 10	
11577	CDR 8	
11578	CDR 6	
11579	CDR 6	
11580	CDR 6	
11581	CDR 9	
11582	CDR 9	
11583	CDR 9	
11584	CDR 10	
11585	CDR 10 10	
11586	CDR 9	
11587	CDR 9	
11588	CDR 8 9 3 3	
11589	CDR 8	
11590	CDR 8	
11591	CDR 7 7	
11592	CDR 7 7	
11593	CDR 7 7	
11594	CDR 8 6 4	
11595	CDR 8	
11596	CDR 10	
11597	CDR 7	
11598	CDR 7	
11599	CDR 7	
11600	CDR 7	
11601	CDR 13	
11602	SO 7 5 3	
11603	CDR 8	
11604	CDR 8	
11605	CDR 9	
11606	CDR 6	
11607	CDR 6	
11608	CDR 10 7	
11609	CDR 10	
11610	CDR 8 6	
11611	CDR 8	
11612	LO 9 7 4	
11613	LO 7	
11614	CDR 6	
11615	CDR 6 3	
11616	CDR 10	
11617	CDR 8	
11618	LO 10 7 3	
11619	CDR 10	
11620	CDR 8	
11621	CDR 8	
11622	CDR 10	
11623	CDR 10 7	
11624	CDR 12	
11625	CDR 10	
11626	CDR 9	
11627	CDR 7	
11628	CDR 7	
11629	CDR 9 7	
11630	CDR 9 3 2 2	
11631	CDR 9	
11632	CDR 9	
11633	CDR 13	
11634	CDR 12	
11635	CDR 10	
11636	CDR 10	
11637	CDR 9	
11638	CDR 9	
11639	CDR 10 7	
11640	CDR 12	
11641	CDR 11	
11642	CDR 11	
11643	CDR 9	
11644	CDR 9	
11645	CDR 9	
11646	CDR 9	
11647	CDR 7	
11648	CDR 7 5	
11649	CDR 8	
11650	CDR 8 6 6	
11651	CDR 10 10	
11652	CDR 10	
11653	CDR 9	
11654	CDR 10	
11655	CDR 9	
11656	CDR 9	
11657	CDR 7	
11658	CDR 8 6 6 4	
11659	CDR 8 6 6 4	
11660	CDR 8 6 6 4	
11661	CDR 8 6 6 4	
11662	CDR 8 6 6 4	
11663	CDR 8 6 6 4	
11664	CDR 8 6 6 4	
11665	CDR 8 6 6 4	
11666	CDR 8 6 6 4	
11667	CDR 7 3 3 3	
11668	CDR 11	
11669	CDR 10	
11670	CDR 15	
11671	CDR 9	
11672	CDR 6 3	
11673	CDR 6 3	
11674	CDR 6	
11675	LO 7	
11676	CDR 6	
11677	LO 7	
11678	LO 8	
11679	LO 8	
11680	LO 9	
11681	CDR 8 6 4 3 3	
11682	CDR 8 6 4 3 3	
11683	CDR 8 6 4 3 3	
11684	CDR 8 6 4 3 3	
11685	CDR 8 6 4 3 3	
11686	CDR 8 6 4 3 3	
11687	CDR 8 6 4 3 3	
11688	CDR 8 6 4 3 3	
11689	CDR 8 6 4 3 3	
11690	CDR 8 6 4 3 3	
11691	CDR 8 6 4 3 3	
11692	CDR 8 6 4 3 3	
11693	CDR 8 6 4 3 3	
11694	CDR 8 6 4 3 3	
11695	CDR 8 6 4 3 3	
11696	CDR 8 6 4 3 3	
11697	CDR 8 6 4 3 3	
11698	CDR 8 6 4 3 3	
11699	CDR 8 6 4 3 3	
11700	CDR 8 6 4 3 3	
11701	CDR 8 6 4 3 3	
11702	CDR 8 6 4 3 3	
11703	CDR 8 6 4 3 3	
11704	CDR 8 6 4 3 3	
11705	CDR 8 6 4 3 3	
11706	CDR 8 6 4 3 3	
11707	CDR 8 6 4 3 3	
11708	CDR 8 6 4 3 3	
11709	CDR 8 6 4 3 3	
11710	CDR 8 6 4 3 3	
11711	CDR 8 6 4 3 3	
11712	CDR 8 6 4 3 3	
11713	CDR 8 6 4 3 3	
11714	CDR 8 6 4 3 3	
11715	CDR 8 6 4 3 3	
11716	CDR 8 6 4 3 3	
11717	CDR 8 6 4 3 3	
11718	CDR 8 6 4 3 3	
11719	CDR 8 6 4 3 3	
11720	CDR 8 6 4 3 3	
11721	CDR 8 6 4 3 3	
11722	CDR 8 6 4 3 3	
11723	CDR 8 6 4 3 3	
11724	CDR 8 6 4 3 3	
11725	CDR 8 6 4 3 3	
11726	CDR 8 6 4 3 3	
11727	CDR 8 6 4 3 3	
11728	CDR 8 6 4 3 3	
11729	CDR 8 6 4 3 3	
11730	CDR 8 6 4 3 3	
11731	CDR 8 6 4 3 3	
11732	CDR 8 6 4 3 3	
11733	CDR 8 6 4 3 3	
11734	CDR 8 6 4 3 3	
11735	CDR 8 6 4 3 3	
11736	CDR 8 6 4 3 3	
11737	CDR 8 6 4 3 3	
11738	CDR 8 6 4 3 3	
11739	CDR 8 6 4 3 3	
11740	CDR 8 6 4 3 3	
11741	CDR 8 6 4 3 3	
11742	CDR 8 6 4 3 3	
11743	CDR 8 6 4 3 3	
11744	CDR 8 6 4 3 3	
11745	CDR 8 6 4 3 3	
11746	CDR 8 6 4 3 3	
11747	CDR 8 6 4 3 3	
11748	CDR 8 6 4 3 3	



1 EXISTING CONDITIONS (1 OF 2)
SCALE: 1:50

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rice@tleng.net
www.tleng.net

DATE

REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX

EXISTING CONDITIONS (1 OF 2)

DATE ISSUED
February, 2021

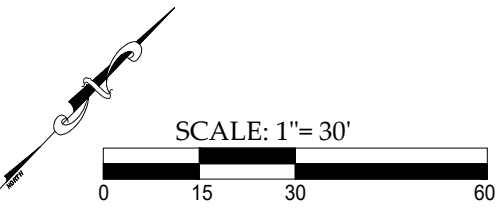
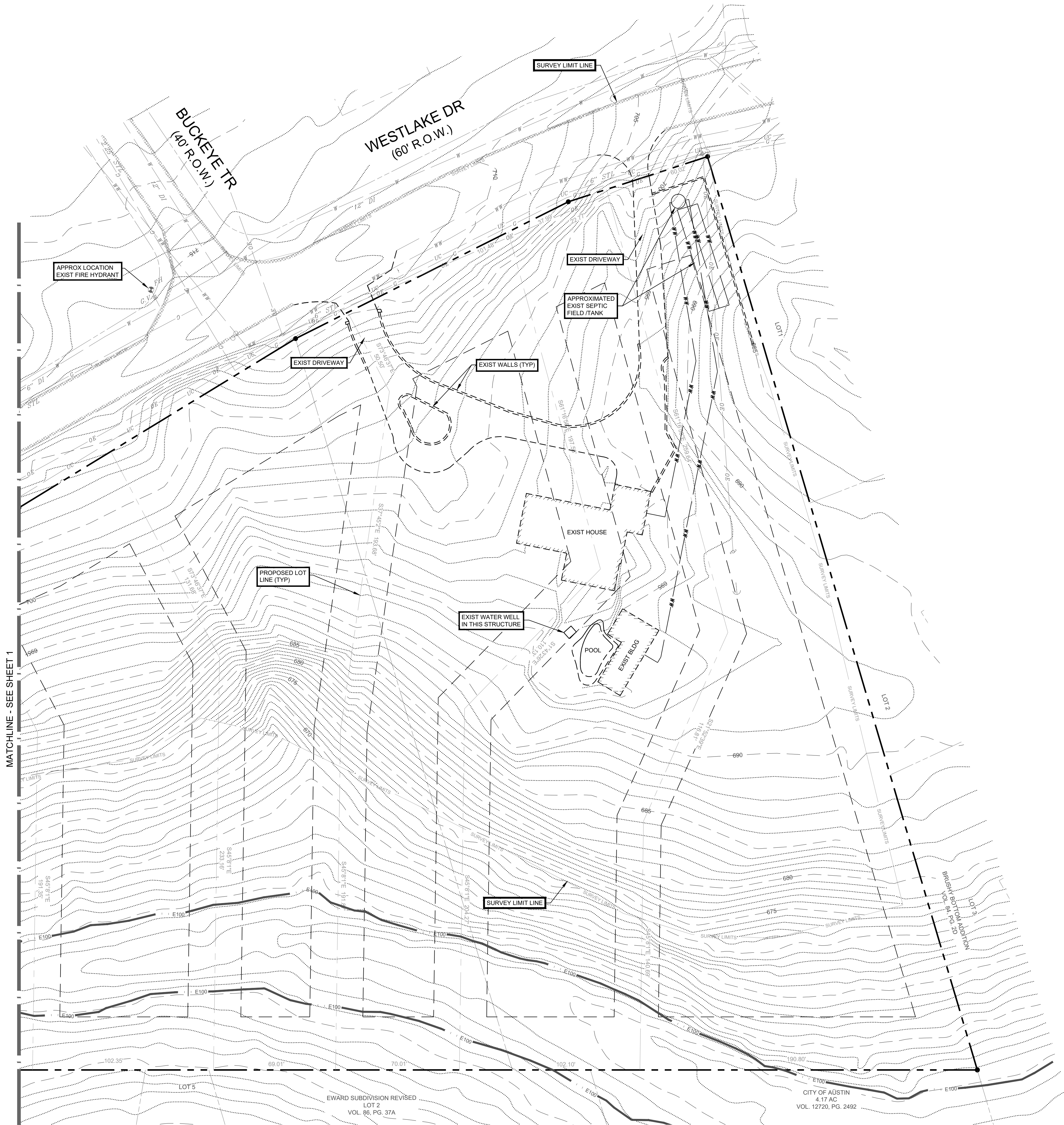
DESIGNED BY
RCT

DRAFTED BY
777

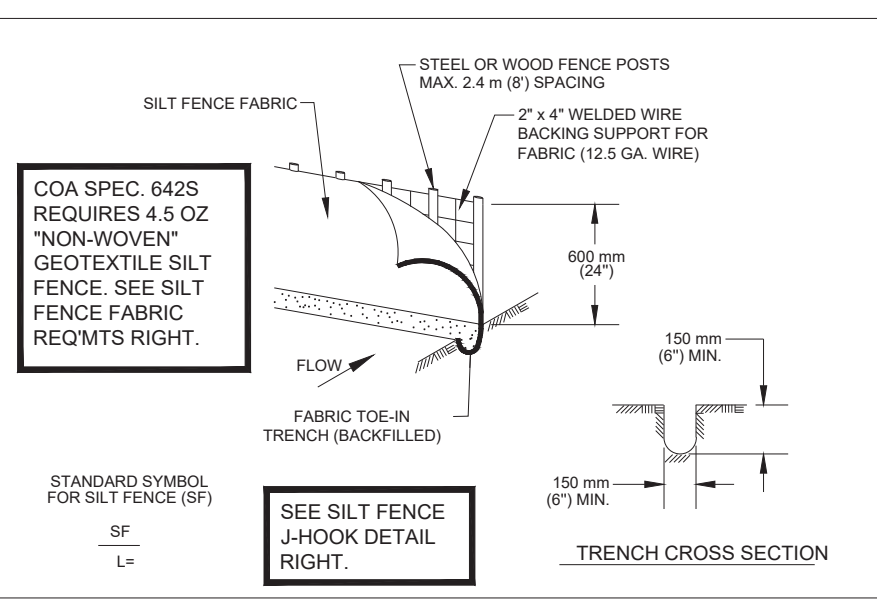
JOB NUMBER
1642

SHEET
1 OF 8

Page 138 of 209

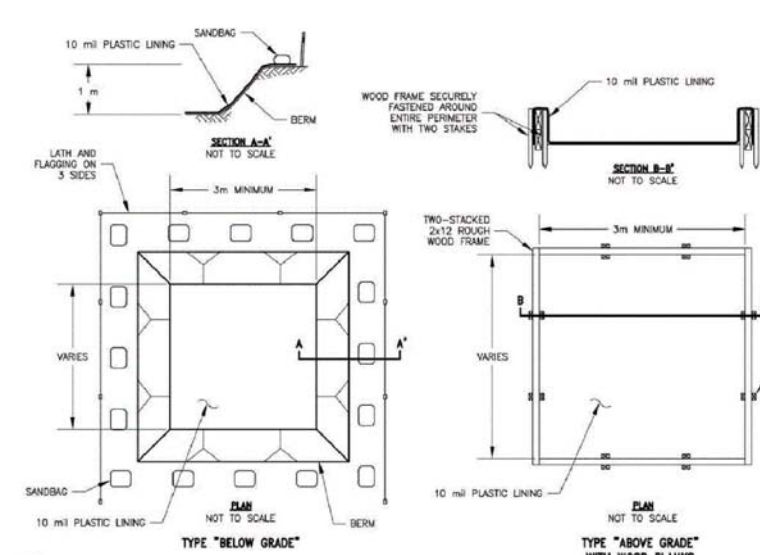
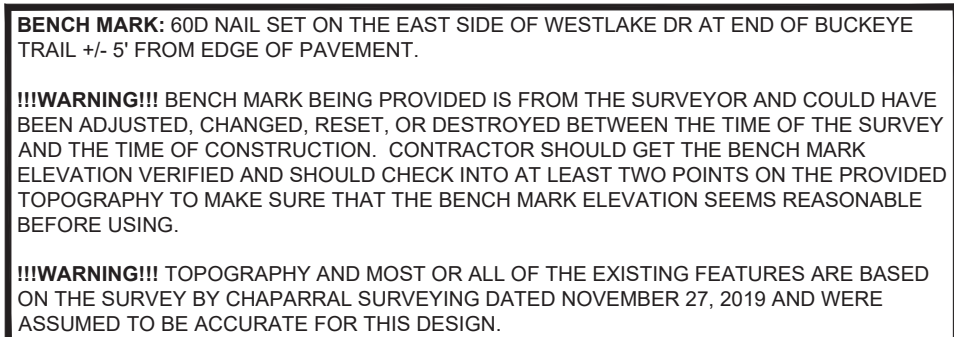


THOMPSON LAND ENGINEERING, LLC Land Planning, Site Design, Subdivision Engineering P.O. Box 160062, Austin, Texas 78716 (512-328-0002) email: rice@tleng.net www.tleng.net	
DATE	REVISION
WESTLAKE SUBDIVISION CONCEPT PLAN 803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX EXISTING CONDITIONS (2 OF 2)	
DATE ISSUED	February, 2021
DESIGNED BY	DRAFTED BY
RCT	777
JOB NUMBER	1642
SHEET	2 OF 8



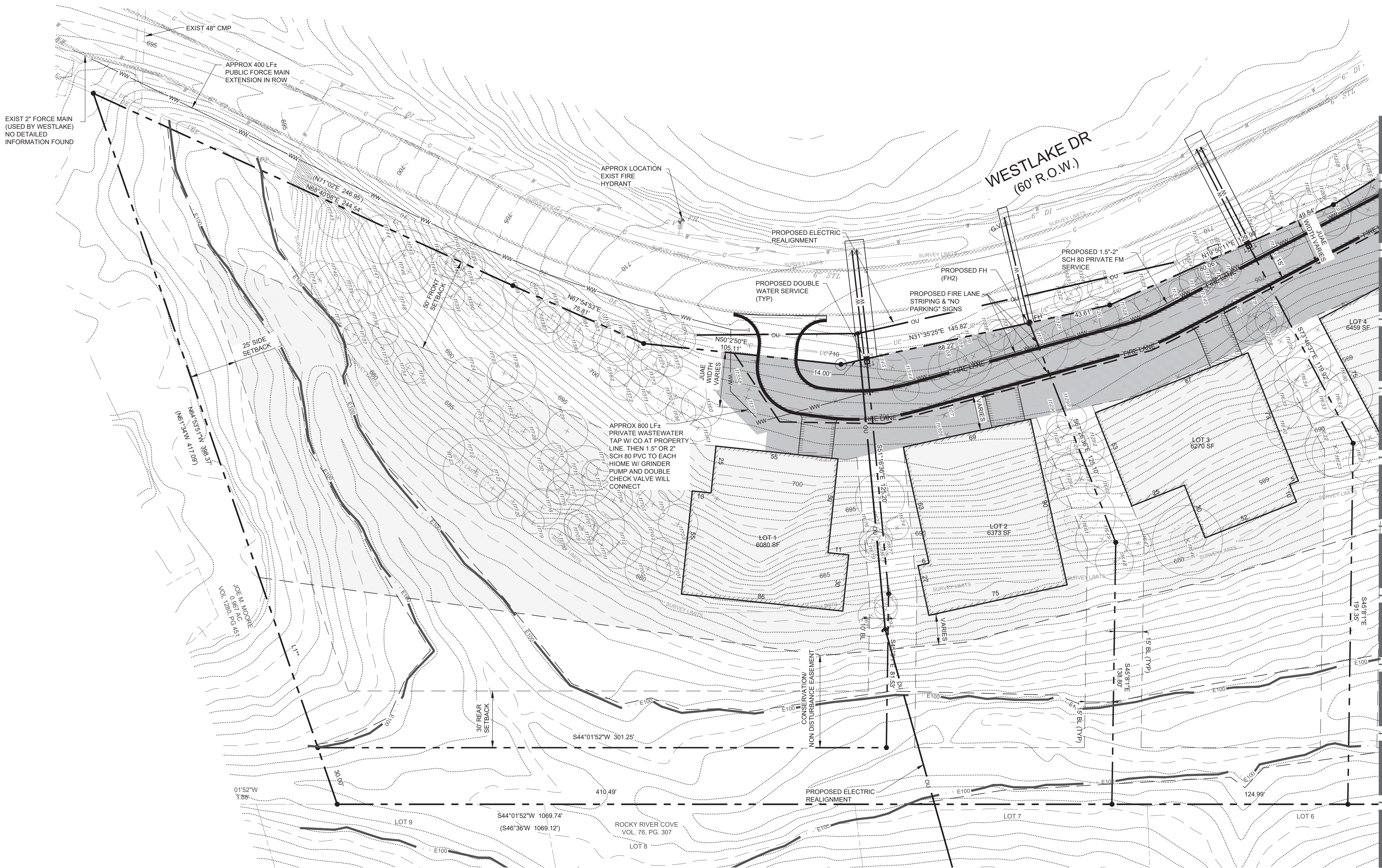
1. STEEL OR WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TO THE FENCE LINE. THE POSTS SHALL BE SPACED AT MAXIMUM 10 FEET (3048 MM) (12 INCHES). IF WOOD POSTS SHOULD ACCEPT 300mm (12 inches) DEPTH. USE STEEL POSTS.
2. THE TOP OF THE SILT FENCE SHALL BE TRENCHED WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE FENCE IS FLAT AND PERPENDICULAR TO THE TRENCH OR 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 SUPPORT POST OR TO WOODEN WEDGE. THE FABRIC SHALL BE TIGHTLY STRETCHED AND TIGHTENED TO THE POSTS.
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 TRENCH IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPROVE STORM 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

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	STANDARD NO. 6426.1



Thompson Land
Engineering, LLC
(F-10220)

TREE LIST						INCHES OF CEDAR TO BE REMOVED						INCHES OF OAK TO BE REMOVED								
TREE NO.	<14"	>OR = 14"	INCHES REMOVED	DESCRIPTION	INCHES OF CEDAR TO BE REMOVED	INCHES OF OAK TO BE REMOVED	TREE NO.	<14"	>OR = 14"	INCHES REMOVED	DESCRIPTION	INCHES OF CEDAR TO BE REMOVED	INCHES OF OAK TO BE REMOVED	TREE NO.	<14"	>OR = 14"	INCHES REMOVED	DESCRIPTION	INCHES OF CEDAR TO BE REMOVED	INCHES OF OAK TO BE REMOVED
11143	12			LO 12"			11143	9			CDR 9"			11143	9			CDR 9"		
11144	12	16		LO 12"			11144	9			CDR 9"			11144	9			CDR 9"		
11145	6	22		LO 12"			11145	10			CDR 10"			11145	10			CDR 10"		
11146				LO 12"			11146	6			CDR 6"			11146	6			CDR 6"		
11147	10.5			UNKN 8", 3", 2"			11147	10			CDR 10"			11147	10			CDR 10"		
11148				LO 7"			11148	8			CDR 8"			11148	8			CDR 8"		
11149		15		LO 9", 6", 6"			11149	8			CDR 8"			11149	8			CDR 8"		
11150	12			LO 12"			11150	8.5			LO 7", 3", 2"			11150	8.5			LO 7", 3", 2"		
11151	9			UNKN 9"			11151	9			CDR 9"			11151	9			CDR 9"		
11152	11			LO 11"			11152	10			CDR 10"			11152	10			CDR 10"		
11153		16		HB 16"			11153	8			HB 7", 2"			11153	8			HB 7", 2"		
11154		14		LO 14"			11154	7			CE 6", 2"			11154	7			CE 6", 2"		
11155		14		CB 11", 6"			11155	6			LO 6"			11155	6			LO 6"		
11156		15.5		LO 11", 9"			11156	7.5			LO 6", 3"			11156	7.5			LO 6", 3"		
11157		18		LO 18"			11157	13			CDR 13"			11157	13			CDR 13"		
11158	9			LO 9"			11158	8			LO 8"			11158	8			LO 8"		
11159	12			LO 12"			11159	8.5			LO 7", 3", 2"			11159	8.5			LO 7", 3", 2"		
11160		17		CE 17"			11160	10			CDR 10"			11160	10			CDR 10"		
11161	11			LO 11"			11161	7			CDR 7"			11161	7			CDR 7"		
11162	13			LO 13"			11162	13			CDR 13"			11162	13			CDR 13"		
11163	9			LO 9"			11163	7			CDR 7"			11163	7			CDR 7"		
11164	8			CE 8"			11164	6			LO 6"			11164	6			LO 6"		
11165	7			LO 7"			11165	8.5			LO 7", 3", 2"			11165	8.5			LO 7", 3", 2"		
11166	9			LO 9"			11166	10			LO 10"			11166	10			LO 10"		
11167	11			LO 11"			11167	11			LO 11"			11167	11			LO 11"		
11168	9			LO 9"			11168	6			CDR 6"			11168	6			CDR 6"		
11169	10			LO 10"			11169	10			LO 10"			11169	10			LO 10"		
11170	12			LO 12"			11170	13			LO 13"			11170	13			LO 13"		
11171	10			LO 10"			11171	6			LO 6"			11171	6			LO 6"		
11172	11			LO 11"			11172	11			LO 11"			11172	11			LO 11"		
11173	11			LO 11"			11173	11			LO 11"			11173	11			LO 11"		
11174	11			LO 11"			11174	11			LO 11"			11174	11			LO 11"		
11175		25		SO 21", 8"			11175	7			CDR 7"			11175	7			CDR 7"		
11176	10			CDR 10"			11176	8			CDR 8"			11176	8			CDR 8"		
11177	11			CDR 11"			11177	11.5			CDR 11", 8", 8"			11177	11.5			CDR 11", 8", 8"		
11178		19		LO 11"			11178	8			LO 8"			11178	8			LO 8"		
11179	11			LO 11"			11179	11			LO 11"			11179	11			LO 11"		
11180				LO 11"			11180	8			LO 8"			11180	8			LO 8"		
11181	14			CDR 14"			11181	16			CDR 16"			11181	16			CDR 16"		
11182	10			LO 10"			11182	7			CDR 7"			11182	7			CDR 7"		
11183	11			LO 11"			11183	11			LO 11"			11183	11			LO 11"		
11184	7			LO 7"			11184	24			CDR 24", 6", 6", 4", 4", 4"			11184	24			CDR 24", 6", 6", 4", 4", 4"		
11185	12			LO 12"			11185	13			CDR 13"			11185	13			CDR 13"		
11186		27		LO 12", 18"			11186	15			LO 12", 18"			11186	15			LO 12", 18"		
11187	21			LO 14", 14"			11187	13			CDR 13"			11187	13			CDR 13"		
11188	18			LO 18"			11188	6			CDR 6"			11188	6			CDR 6"		
11189	11			UNKN 6", 6", 4"			11189	6			CDR 6"			11189	6			CDR 6"		
11190	11			UNKN 6", 6", 4"			11190	8			CDR 8"			11190	8			CDR 8"		
11191	17			CDR 17"			11191	8			CDR 8"			11191	8			CDR 8"		
11192	12			UNKN 7", 7", 7"			11192	11			CDR 11"			11192	11			CDR 11"		
11193	11			CDR 11"			11193	8			CDR 8"			11193	8			CDR 8"		
11194	11			CDR 11"			11194	11.5			CDR 11", 5"			11194	11.5			CDR 11", 5"		
11195	9			CDR 9"			11195	10			CDR 10"			11195	10			CDR 10"		
11196	14			CDR 14"			11196	7			CDR 7"			11196	7			CDR 7"		
11197	10			LO 10"			11197	13			CDR 13"			11197	13			CDR 13"		
11198	18			CDR 18", 12", 12"			11198	18			CDR 18"			11198	18			CDR 18"		
11199	12			LO 12"			11199	13			LO 12"			11199	13			LO 12"		
11200	11			CDR 8", 6"			11200	13			LO 10"			11200	13			LO 10"		
11201		21.5		LO 12", 10", 9"			11201	10			LO 10"			11201	10			LO 10"		
11202				LO 10"			11202	10			LO 10"			11202	10			LO 10"		
11203	7			LO 7"			11203	12			LO 12"			11203	12			LO 12"		
11204	10			LO 10"			11204	10			LO 10"			11204	10			LO 10"		
11205	13.5			LO 9", 9"			11205	10			LO 10"			11205	10			LO 10"		
11206	12			CDR 8", 8"			11206	7			LO 7"			11206	7			LO 7"		
11207		14		CDR 10", 8"			11207	7			LO 7"			11207	7			LO 7"		
11208	10			LO 10"			11208	10			LO 10"			11208	10			LO 10"		
11209	15			LO 10", 10"			11209	15			LO 10"			11209	15			LO 10"		
11210	15			LO 10", 10"			11210	15			LO 10"			11210	15			LO 10"		
11211	17			CDR 13", 8"			11211	17			CDR 13"			11211	17			CDR 13"		
11212	13			UNKN 6", 6", 4"			11212	13			UNKN 6", 6", 4"			11212	13			UNKN 6", 6", 4"		
11213	13			LO 13"			11213	11			UNKN 11"			11213	11			UNKN 11"		
11214	9			LO 9"			11214	9			LO 9"			11214	9			LO 9"		
11215	9			LO 9"			11215	9			LO 9"			11215	9			LO 9"		
11216	10			CDR 10"			11216	10			CDR 10"			11216	10			CDR 10"		
11217		14		CB 14"			11217	8			UNKN 8"			11217	8			UNKN 8"		
11218	9			CB 9"			11218	9			CB 9"			11218	9			CB 9"		
11219	10			LO 10"			11219	10			LO 10"			11219	10			LO 10"		
11220	11			LO 11"			11220	11			LO 11"			11220	11			LO 11"		
11221	8			LO 8"			11221	8			LO 8"			11221	8			LO 8"		
11222		23		CDR 12", 8", 8", 6"			11222	23			CDR 12", 8", 8", 6"			11222	23			CDR 12", 8", 8", 6"		
11223	9			CDR 9"			11223	9			CDR 9"			11223	9			CDR 9"		
11224	12			CDR 12"			11224	12			CDR 12"			11224	12			CDR 12"		
11225	11			CDR 8", 6"			11225	11			CDR 8", 6"			11225	11			CDR 8", 6"		
11226	12			CB 12"			11226	12			CB 12"			11226	12			CB 12"		
11227	9			CDR 9"			11227	9			CDR 9"			11227	9			CDR 9"		
11228	12			UNKN 12"			11228	12			UNKN 12"			11228	12			UNKN 12"		
11229	15			CDR 15"			11229	15			CDR 15"			11229	15			CDR 15"		
11230	11.5			UNKN 7", 3", 3", 3"			11230	11.5			UNKN 7", 3", 3", 3"			11230	11.5			UNKN 7", 3", 3", 3"		
11231	14			UNKN 6", 3", 3"			11231	14			UNKN 6", 3", 3"			11231	14			UNKN 6", 3", 3"		
1																				



EXIST 2" FORCE MAIN
(USED BY WESTLAKE)
NO DETAILED
INFORMATION FOUND

APPROX 400 LF±
PUBLIC FORCE MAIN
EXTENSION IN ROW

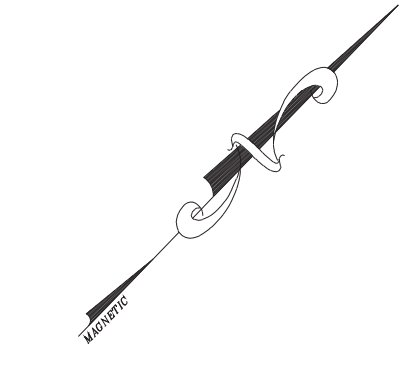
APPROX LOCATION
EXIST FIRE
HYDRANT

WESTLAKE DR
(60' R.O.W.)

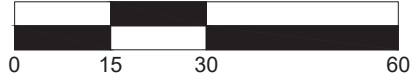
APPROX 800 LF±
PRIVATE WASTEWATER
TAP W/ CO AT PROPERTY
LINE, THEN 1.5' OR 2"
SCH 80 PVC TO EACH
HOME W/ GRINDER
PUMP AND DOUBLE
CHECK VALVE WILL
CONNECT

PROPOSED SUBDIVISION CONCEPT PLAN (1 OF 2)

SCALE: 1:30



SCALE: 1" = 30'



LEGEND	
	PROPOSED PHASE LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	NEW WATER METERS

LOT SUMMARY		CONSTRUCTION AREA	
LOT 1	2.00 AC	87,278 SF	0.89 AC
LOT 2	0.85 AC	37,000 SF	0.21 AC
LOT 3	0.83 AC	36,110 SF	0.25 AC
LOT 4	0.81 AC	35,440 SF	0.22 AC
LOT 5	0.83 AC	36,095 SF	0.22 AC
LOT 6	0.82 AC	40,298 SF	0.38 AC
LOT 7	0.98 AC	42,516 SF	0.39 AC
LOT 8	1.20 AC	52,170 SF	0.46 AC
TOTAL	8.42 AC	366,907 SF	2.67 AC

NOTE: CONSTRUCTION
AREA EXCLUDES JUAE

	CONSTRUCTION AREA
	JUAE EASEMENT AREA

PROPOSED IMPERVIOUS COVER
(INITIAL CONCEPT)
TRACT AREA 366,906.63 S.F. (8.423 ACRES)
JUAE PAVEMENT 16,391 S.F.

LOT 1 BLDG 6080 S.F.
LOT 1 DRIVE 387 S.F.

LOT 2 BLDG 6373 S.F.
LOT 2 DRIVE 356 S.F.

LOT 3 BLDG 6270 S.F.
LOT 3 DRIVE 458 S.F.

LOT 4 BLDG 6459 S.F.
LOT 4 DRIVE 514 S.F.

LOT 5 BLDG 4516 S.F.
LOT 5 DRIVE 462 S.F.

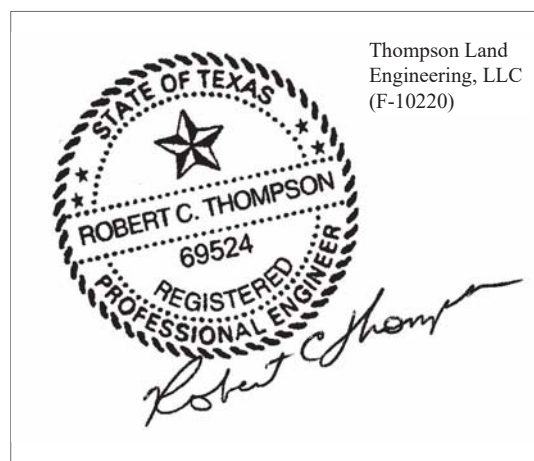
LOT 6 BLDG 4731 S.F.
LOT 6 DRIVE 812 S.F.

LOT 7 BLDG 5966 S.F.
LOT 7 DRIVE 3340 S.F.

LOT 8 BLDG 5968 S.F.
LOT 8 DRIVE 3504 S.F.

TOTAL IMPERVIOUS COVER 72,487 S.F.
PERCENT IMPERVIOUS COVER 19.8%

- NOTE:
- 1) DRAINAGE PLANS, INCLUDING MITIGATION FOR INCREASES IN PEAK DISCHARGE, WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT FOR WORK ON EACH LOT.
 - 2) WATER SERVICE WILL BE PROVIDED BY EXTENDING SERVICES FROM EXISTING WCID 10 WATER LINES IN WESTLAKE DR.
 - 3) WASTEWATER SERVICE WILL BE PROVIDED BY EXTENDING A JOINT USE, ON-SITE FORCE MAIN FROM THE CITY'S FORCE MAIN IN WESTLAKE DRIVE. EACH HOME WILL HAVE ITS OWN GRINDER PUMP(WITH CHECK VALVES) TO MOVE THE WASTEWATER FROM THAT HOUSE TO THE CITY'S FORCE MAIN.
 - 4) DRY UTILITIES (GAS, ELECTRIC, TELEPHONE) WILL BE EXTENDED FROM THE EXISTING LINES IN WESTLAKE DRIVE.

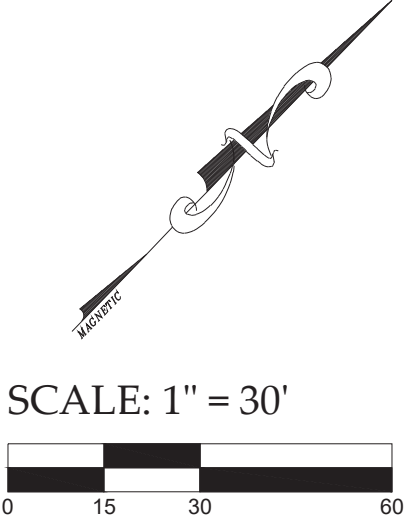


2/5/21

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 16062, Austin, Texas 78716 (512-328-0002)
email: rct@tleng.net
www.tleng.net

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
PROPOSED CONCEPT PLAN (1 OF 2)

PROJECT	DATE ISSUED
DESIGNED BY	February, 2021
RCCT	DRAFTED BY
	777
JOB NUMBER	
1642	
SHEET	
5 OF 8	



LEGEND	
	PROPOSED PHASE LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	NEW WATER METERS

LOT SUMMARY		CONSTRUCTION AREA	
LOT 1	2.00 AC	87,278 SF	0.89 AC
LOT 2	0.85 AC	37,000 SF	0.21 AC
LOT 3	0.83 AC	36,110 SF	0.25 AC
LOT 4	0.81 AC	35,440 SF	0.22 AC
LOT 5	0.83 AC	36,095 SF	0.22 AC
LOT 6	0.92 AC	40,298 SF	0.36 AC
LOT 7	0.98 AC	42,516 SF	0.39 AC
LOT 8	1.20 AC	52,170 SF	0.46 AC
TOTAL	8.42 AC	366,907 SF	2.67 AC

NOTE: CONSTRUCTION AREA EXCLUDES JUAE		CONSTRUCTION AREA
		JUAE EASEMENT AREA

PROPOSED IMPERVIOUS COVER
(INITIAL CONCEPT)
TRACT AREA 366,906.63 S.F. (8.423 ACRES)
JUAE PAVEMENT 16,391 S.F.

LOT 1 BLDG 6080 S.F.
LOT 1 DRIVE 387 S.F.

LOT 2 BLDG 6373 S.F.
LOT 2 DRIVE 356 S.F.

LOT 3 BLDG 6270 S.F.
LOT 3 DRIVE 458 S.F.

LOT 4 BLDG 6459 S.F.
LOT 4 DRIVE 514 S.F.

LOT 5 BLDG 4516 S.F.
LOT 5 DRIVE 462 S.F.

LOT 6 BLDG 4731 S.F.
LOT 6 DRIVE 612 S.F.

LOT 7 BLDG 5966 S.F.
LOT 7 DRIVE 3340 S.F.

LOT 8 BLDG 5968 S.F.
LOT 8 DRIVE 3504 S.F.

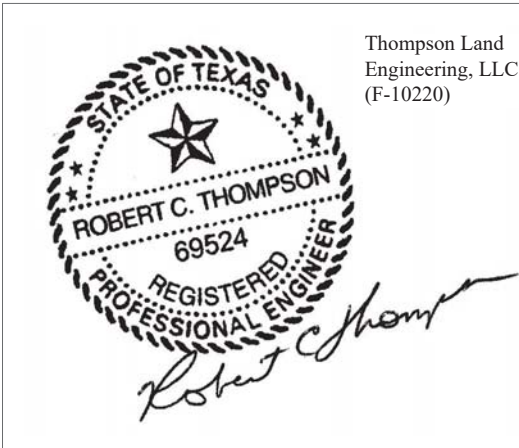
TOTAL IMPERVIOUS COVER 72,487 S.F.
PERCENT IMPERVIOUS COVER 19.8%

NOTE:
1) DRAINAGE PLANS, INCLUDING MITIGATION FOR INCREASES IN PEAK DISCHARGE, WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT FOR WORK ON EACH LOT.

2) WATER SERVICE WILL BE PROVIDED BY EXTENDING SERVICES FROM EXISTING WCD 10 WATER LINES IN WESTLAKE DR.

3) WASTEWATER SERVICE WILL BE PROVIDED BY EXTENDING A JOINT USE, ON-SITE FORCE MAIN FROM THE CITY'S FORCE MAIN IN WESTLAKE DRIVE. EACH HOME WILL HAVE ITS OWN GRINDER PUMP (WITH CHECK VALVES) TO MOVE THE WASTEWATER FROM THAT HOUSE TO THE CITY'S FORCE MAIN.

4) DRY UTILITIES (GAS, ELECTRIC, TELEPHONE) WILL BE EXTENDED FROM THE EXISTING LINES IN WESTLAKE DRIVE.



THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
www.tleng.net
email: rct@tleng.net

DATE	REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
PROPOSED CONCEPT PLAN (2 OF 2)

PROJECT	DATE ISSUED
	February, 2021
DESIGNED BY	DRAFTED BY
RCT	777
JOB NUMBER	SHEET NAME
1642	
SHEET	
6 OF 8	



SCALE: 1" = 50'

LEGEND

EXISTING WATER METER

EXISTING FIRE HYDRANT

EXISTING GATE VALVE

EXISTING POWER POLE

LIMITS OF CONSTRUCTION

100 YR FLOOD PLAIN

EXISTING MINOR CONTOURS

EXISTING MAJOR CONTOURS

EXISTING OVERHEAD ELECTRIC

EXISTING UNDERGROUND TELEPHONE

EXISTING UNDERGROUND GAS

EXISTING WATER LINE

EXISTING WASTEWATER LINE

Purpose of Study and Limitations
Purpose of Drainage Plan: to assess the approximate 100-year (Atlas 14) floodplain limits on 803 Westlake Drive.
Limitations of the Drainage Plan: Impervious cover could only be approximated and the floodplain delineation was using lidar topography, not on the ground topography. Both approaches, as applied, are believe to be conservative.
Assumptions: 25 percent impervious cover in the watershed.

Hydrologic Computations
Hydrologic computations method: Soil Conservation Service (SCS) per Technical Release-55
Modeling method: HEC-HMS version 4.7.1 (see model schematic in these plans)
Model components:
a) contributing drainage areas (see maps in these plans)
b) curve number (CN) (assumed to be 80, for D soils with good grass, which should be conservatively high)
c) time of concentration (Tc) (see table in these plans)
Drainage area contour sources: City of Austin lidar topography.
Determination of Lag: 0.6 * Tc as outlined in Technical Release-55
Minimum Tc: 5 minutes per Technical Release 55
Storms modeled: based on newly adopted Atlas 14 rainfall, the 2-yr, 10-yr, 25-yr, and 100-yr.
Precipitation source: City of Austin Drainage Criteria Manual

1

FLOOD PLAIN DELINEATION

SCALE: 1:50

SUMMARY of the Hydrologic Computations (Using the SCS Method)						
Project: 803 Westlake Drive						
Hydrologic Element	Drain Area (MI2)	2-yr	10-yr	25-yr	100-yr	Notes
		Peak Disch (CFS)	Peak Disch (CFS)	Peak Disch (CFS)	Peak Disch (CFS)	
<u>Existing Discharges</u>						
E1	0.1115	135.85	262.54	360.31	544.75	
E2	0.1069	141.52	274.9	378.02	572.7	
E3	0.0499	53.98	104.51	143.55	217.24	
E4	0.0021	3.35	6.47	8.88	13.42	
E-POA1	0.2683	322.2	625.28	859.57	1301.89	
E-POA2	0.0021	3.35	6.47	8.88	13.42	
<u>Combined Discharges</u>						
E1+E2	0.2184	273.72	533.47	734.61	1114.57	
E1+2 to E3	0.2184	272.17	529.23	728.11	1103.66	

Profile Output Table - Standard Table 1													
File Options Std. Tables Locations Help													
HEC-RAS Plan: Exst Flood Plain River: channel Reach: 1													
Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chl
1	2193	2-YR (Atlas)	136.00	662.00	664.68		664.96	0.015224	4.25	32.99	22.38	0.58	
1	2193	10-YR (Atlas)	263.00	662.00	665.34		665.86	0.018343	5.82	48.89	25.69	0.67	
1	2193	25-YR (Atlas)	360.00	662.00	665.68	665.25	666.40	0.021549	6.91	57.89	27.38	0.74	
1	2193	100-YR (Atlas)	545.00	662.00	666.42	665.95	667.38	0.021136	8.05	79.60	31.50	0.77	
1	1795	2-YR (Atlas)	272.00	649.00	652.44	652.44	653.38	0.044011	7.76	35.98	22.64	0.98	
1	1795	10-YR (Atlas)	525.00	649.00	653.53	653.53	654.82	0.034977	9.30	66.70	34.02	0.94	
1	1795	25-YR (Atlas)	720.00	649.00	654.24	654.24	655.68	0.030145	9.95	93.64	40.10	0.91	
1	1795	100-YR (Atlas)	1100.00	649.00	655.25	655.25	657.04	0.028716	11.38	136.15	44.61	0.92	
1	1408	2-YR (Atlas)	297.00	641.00	644.70		645.00	0.016719	4.41	68.76	33.52	0.51	
1	1408	10-YR (Atlas)	575.00	641.00	645.69	644.68	646.22	0.011881	5.89	105.41	40.00	0.57	
1	1408	25-YR (Atlas)	790.00	641.00	646.23	645.25	646.95	0.013348	6.90	127.73	43.14	0.62	
1	1408	100-YR (Atlas)	1200.00	641.00	646.87	646.18	648.05	0.018024	8.88	156.26	46.33	0.74	
1	1160	2-YR (Atlas)	322.00	637.00	639.27	639.27	639.93	0.047382	6.51	49.46	36.93	0.99	
1	1160	10-YR (Atlas)	625.00	637.00	640.05	640.05	640.96	0.043589	7.65	81.75	45.30	1.00	
1	1160	25-YR (Atlas)	860.00	637.00	640.53	640.49	641.60	0.037534	8.30	104.35	48.20	0.97	
1	1160	100-YR (Atlas)	1302.00	637.00	641.52	641.20	642.70	0.025866	8.74	154.81	54.12	0.85	
1	1000	2-YR (Atlas)	322.00	631.80	635.85	634.81	636.25	0.010001	5.25	77.49	39.25	0.52	
1	1000	10-YR (Atlas)	625.00	631.80	637.20	636.04	637.80	0.010009	6.64	137.47	48.80	0.55	
1	1000	25-YR (Atlas)	860.00	631.80	638.03	636.73	638.75	0.010010	7.42	180.02	54.18	0.56	
1	1000	100-YR (Atlas)	1302.00	631.80	639.31	637.79	640.23	0.010018	8.56	255.45	63.18	0.58	

2

HECHMS & HECRAS RESULTS

SCALE: N/A

DETERMINING THE TIME OF CONCENTRATION CALCULATIONS USING THE SOIL CONSERVATION SERVICE (SCS) METHOD
Project: 803 Westlake Drive

INPUT PARAMETERS

A) Rainfall Volumes - See US Weather Bureau Technical Paper 40
3.44 2-year, 24-hour Rainfall "P2" (inches)

B) Watershed Factors (excluding any upstream area as noted)

A Sheet Flow (flow depth to 0.1 ft per SCS TR-55, p.3-3 (June 1986))

	E1	E2	E3	E4		
Reach 1	0.15 100 0.030	0.15 100 0.140	0.150 100 0.020	0.15 100 0.110	(n1) (L1) (s1)	Manning's "n" Length, ft Slope, ft/ft
Reach 2	0.20 0 0.050	0.20 0 0.050	0.20 0 0.050	0.20 0 0.020	(n1) (L1) (s1)	Manning's "n" Length, ft Slope, ft/ft

B Shallow Concentrated Flow (R of 0.2 to 0.4 per SCS TR-55, Appendix F (June 1986))

	N	N	N	N		
Reach 1	561 0.214	603 0.262	820 0.093	184 0.093	(L2) (s2)	Paved? (Y or N) Length, ft Slope, ft/ft
Reach 2	Y 0 0.050	N 0 0.050	N 0 0.050	N 0 0.050	(L2) (s2)	Paved? (Y or N) Length, ft Slope, ft/ft

C Channel Flow

	5.1 0.068 2851	4.6 0.057 2501	1.7 0.008 1514	0.0 0.033 0	(V3) (s3) (L3)	Velocity (ft/s) Slope, ft/ft Length, ft
						14.6 min Lag for E1 and E2

RESULTS

	E1	E2	E3	E4		
Reach 1	8.0 0.0	4.3 0.0	9.4 0.0	4.8 0.0	min (Tc-1a) min (Tc-1b)	
Reach 2	7.5 1.3 4.5 0.0	8.3 1.2 3.6 0.0	4.9 2.8 3.6 0.0	4.9 0.7 3.6 0.0	V-2a (ft/s) min (Tc-2a) V-2b (ft/s) min (Tc-2b)	
Reach 3	9.4 18.7 18.7 11.2 3.2	9.0 14.6 14.6 8.8 2.5	14.6 26.9 26.9 16.1 4.7	0.0 5.4 5.4 3.3 0.9	min = Channel Tc (Tc-3) Total (min) Total Used (min) Lag for HEC-HMS Min Modeling Increment	

Equations:
Tc1 = 0.007 * (L1 * n1)^0.8 / (P2^0.5 * s1^0.4) in hours
Tc2 = L / V where, per Appendix F.V = 16.1345(s^0.5 (unpaved) or V = 20.3282(s^0.5 (paved)
Tc3 = L3 / (V3) where, V either assumed or = 1.2*16.1345(s^0.5 like Tc2 but w/ 20% increase for channel effie

Drainage Area (DA) Table:

DA name	acres	sq mile	Impervious Cover (IC) acres	%
E1	71.39	0.1115	17.85	25.0%
E2	68.42	0.1069	17.10	25.0%
E3	31.94	0.0499	7.98	25.0%
E4	1.35	0.0021	0.34	25.0%
Total Existing =	173.10	0.2705	43.27	25.0%

*** Actual impervious cover appears to be more like 15% or 20%. Use of 25% is believed to be conservative.

Thompson Land Engineering, LLC
(F-10220)

DESIGNED BY
RCT

DRAWN BY
777

JOB NUMBER
1642

SHEET
7 OF 8

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 16062, Austin, Texas 78716 (512-328-0002)
email: rice@tleng.net
www.tleng.net

DATE
REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX

FLOOD PLAN DELINEATION

PROJECT
SHEET NAME

DATE ISSUED
February, 2021

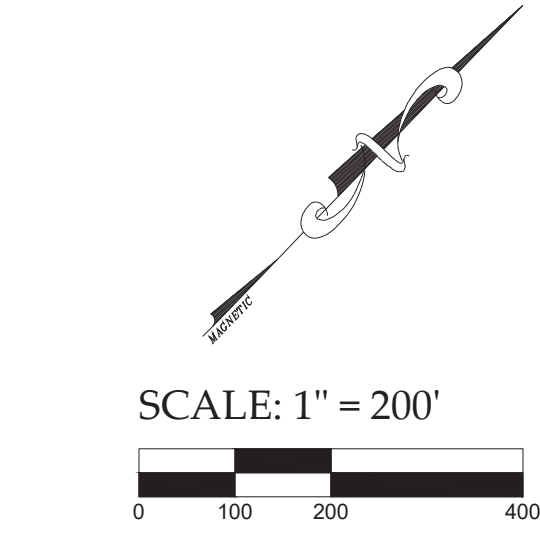
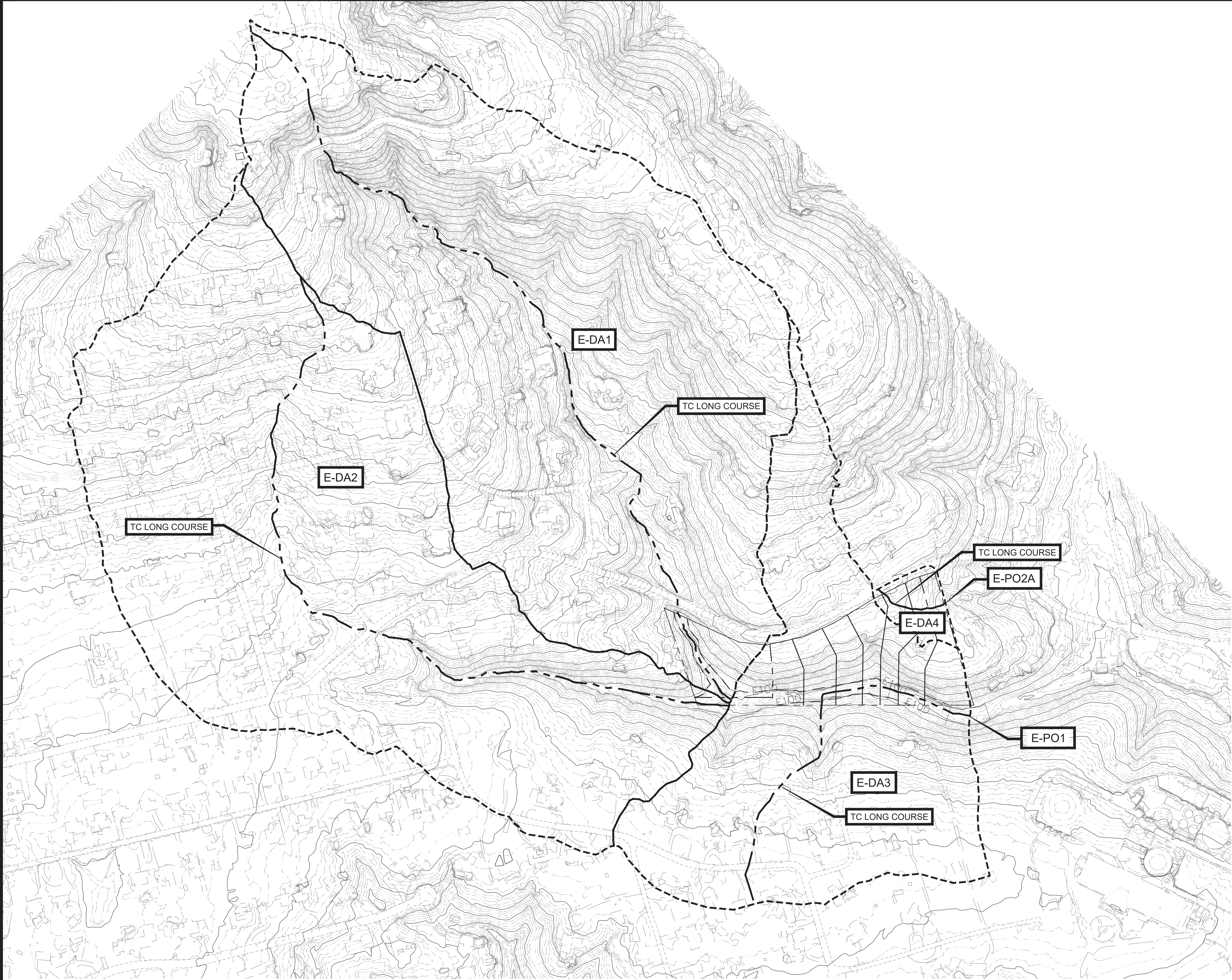
DESIGNED BY
RCT

DRAWN BY
777

JOB NUMBER
1642

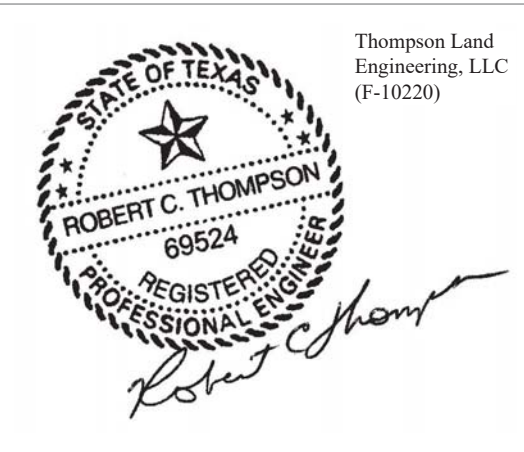
SHEET
7 OF 8

Page 144 of 209



LEGEND	
	EXISTING DRAINAGE AREA
	LONG COURSE
	EXISTING DRAINAGE AREA

1 EXISTING & PROPOSED DRAINAGE AREA MAP
SCALE: 1:200



2/5/21

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rice@tleng.net
www.tleng.net

DATE	REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
DRAINAGE AREA MAP

PROJECT	DATE ISSUED
	February, 2021
DESIGNED BY	DRAFTED BY
RCT	777
JOB NUMBER	SHEET
1642	8 OF 8

Property Inspection Report



Dripping Springs, TX 78620
Phone: (512) 253-8080
Email: service@oakwiltpros.com

Proposal Date/Time:
01/19/2021 @ 3:00pm

Conditions Wind/Temp:
5mph / 50°F

803 Westlake Dr. Lakeway Hills TX, 78746



CONCERNS WITH OAKS ON INSPECTED PROPERTY

No foliar symptoms or mortality patterns indicating the presence of oak wilt were observed on the property at the time of inspection. Red Oaks and Shin Oaks observed on the property exhibited normal seasonal defoliation. Some stressed/drought affected Live Oaks were observed but again, no signs of oak wilt were present.

CONCERNS DUE TO NEIGHBORING PROPERTIES

Not applicable. Inspection was specific to the property being developed.

TREATMENT & PREVENTION SERVICES RECOMMENDED

No treatment or preventative services are required as no oak wilt was found to be on the property at the time of inspection

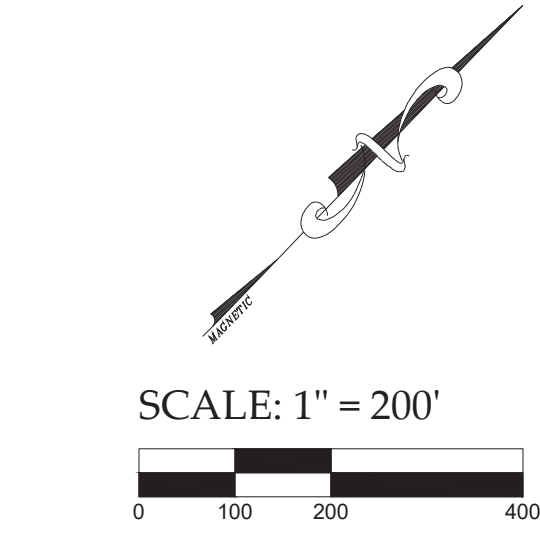
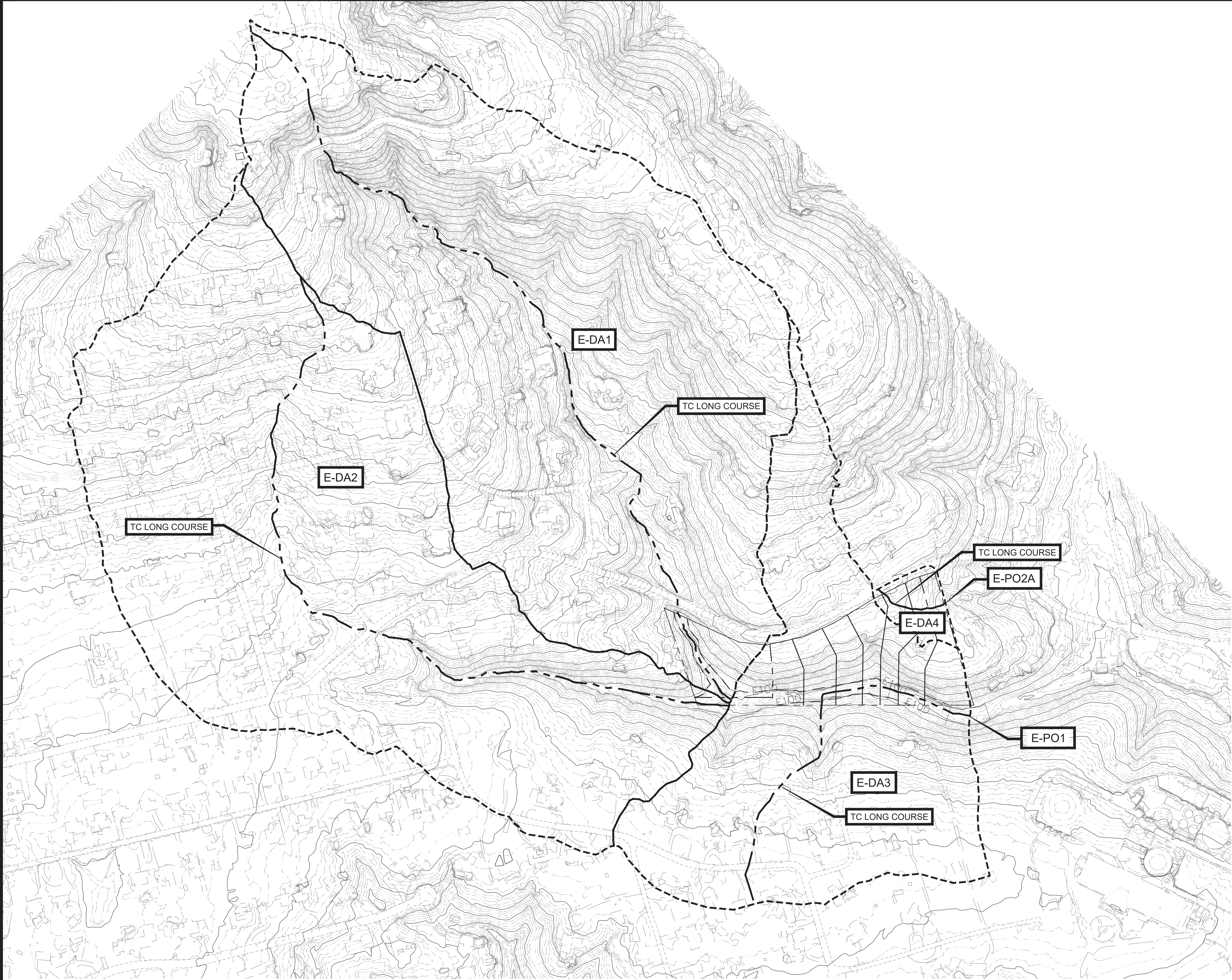
NOTES

Continue to prune and clear accordingly, painting any wounds to help prevent the spread of oak wilt in the future.

Oak Wilt Pros provides a thorough walk-through and report to help identify oak wilt threats to properties under offer or under consideration of purchase. This report is performed to the best of our ability and cannot be fully guaranteed due to the nature of the oak wilt pathogen. This inspection provides information to help detect any direct or indirect oak wilt threats and provides our recommendations in regards to possible treatment and prevention services that may help stop the spread of oak wilt. We diagnose through symptom identification and do not run lab tests as testing can be delayed and often inaccurate. Oak Wilt Pros does not provide any guidance in regards to property acquisitions or negotiations.

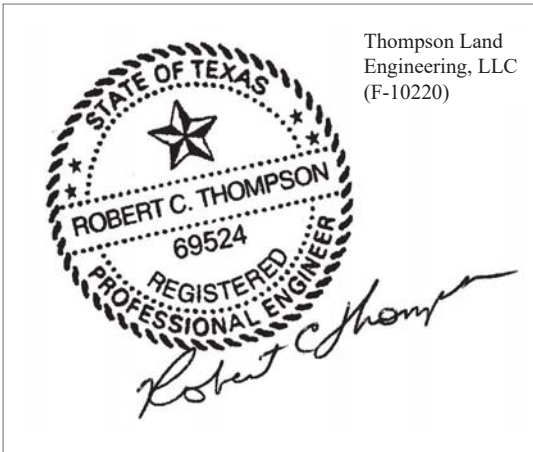
Report Filed By: Mark Ashby (ISA Cert ID TX-4597A)

Subtotal	\$250.00
Discount	
Sales Tax (8.25%)	\$20.63
Total PAID	\$270.63



LEGEND	
	EXISTING DRAINAGE AREA
	LONG COURSE
	EXISTING DRAINAGE AREA

1 EXISTING & PROPOSED DRAINAGE AREA MAP
SCALE: 1:200



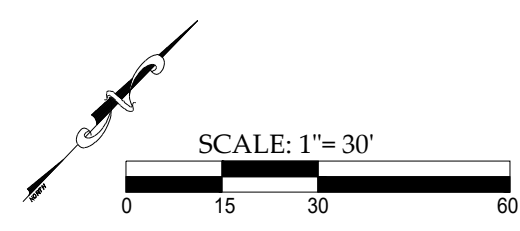
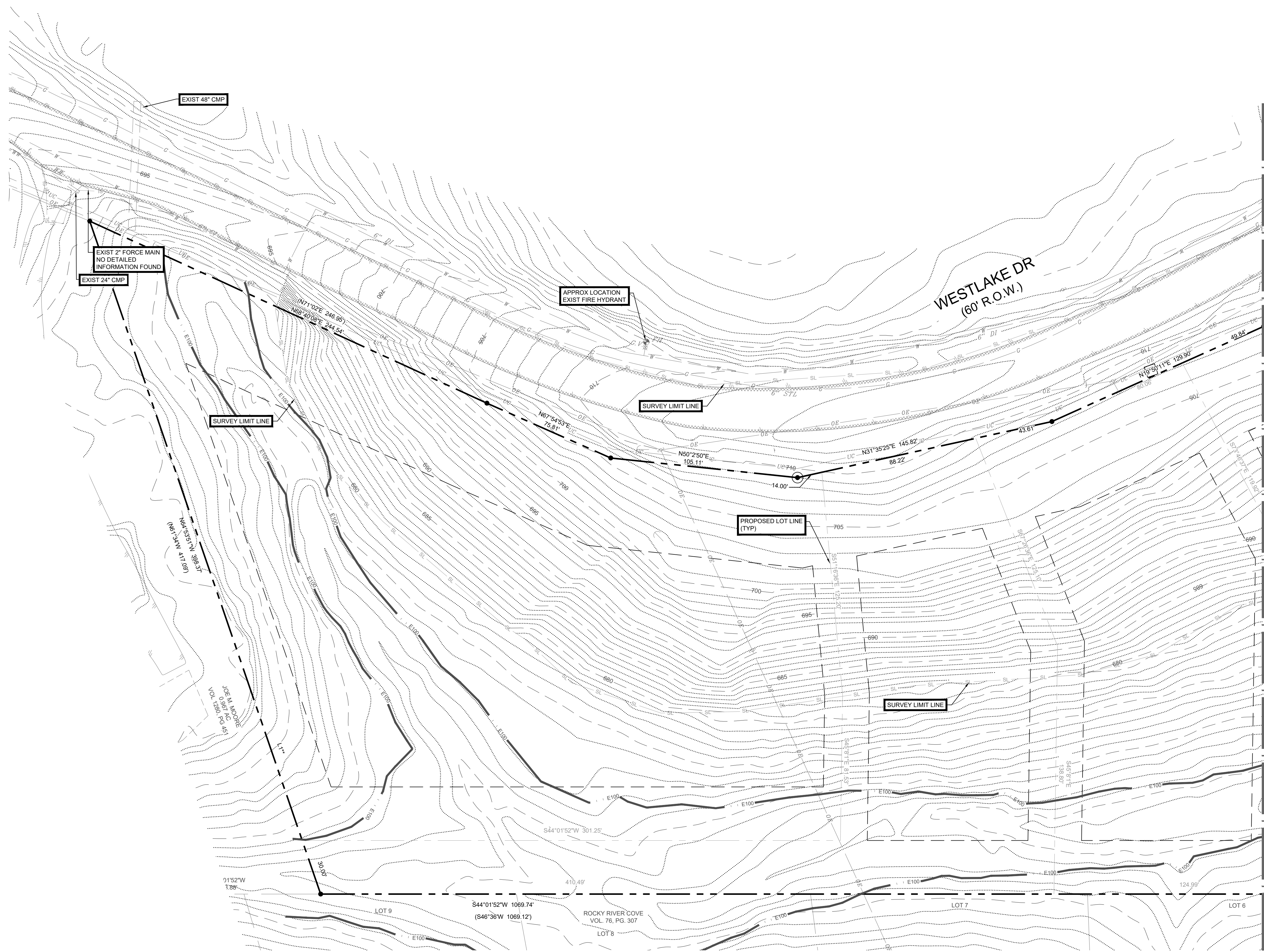
2/5/21

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rice@tleng.net
www.tleng.net

DATE	REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
DRAINAGE AREA MAP

PROJECT	DATE ISSUED
	February, 2021
DESIGNED BY	DRAFTED BY
RCT	777
JOB NUMBER	SHEET
1642	8 OF 8



1 EXISTING CONDITIONS (1 OF 2)
SCALE: 1:50

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rice@tleng.net
www.tleng.net

DATE

REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX

EXISTING CONDITIONS (1 OF 2)

DATE ISSUED
February, 2021

DESIGNED BY
RCT

DRAFTED BY
777

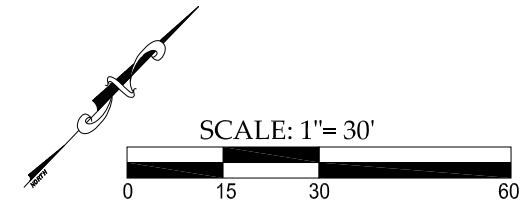
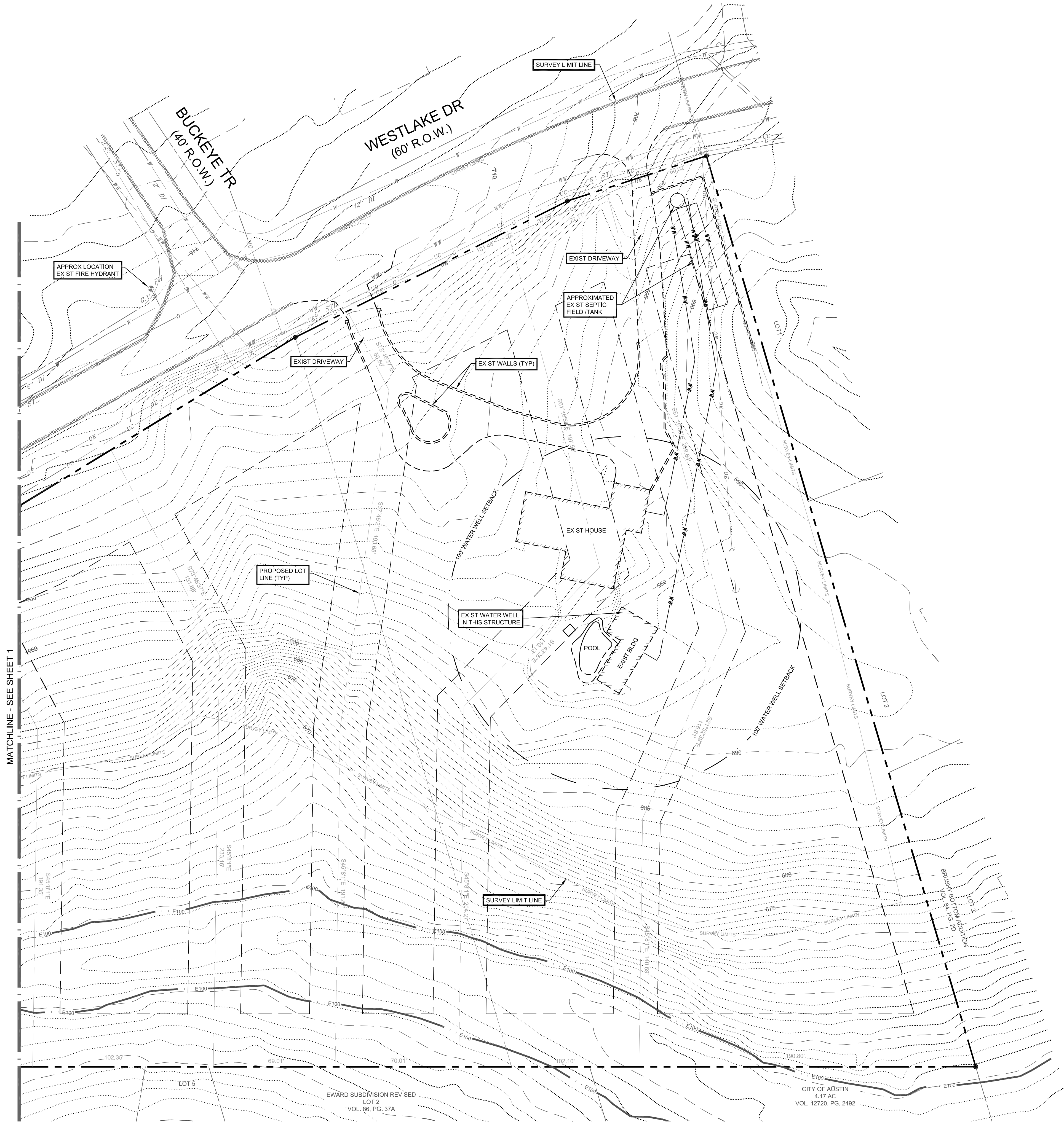
JOB NUMBER
1642

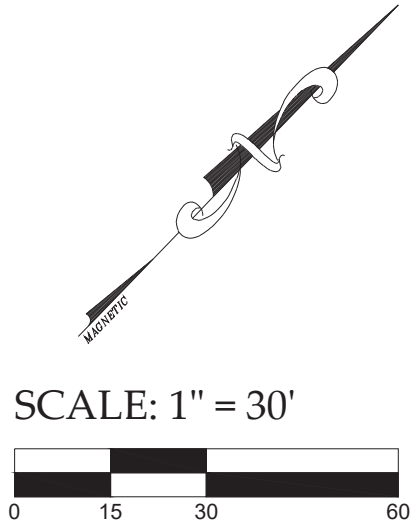
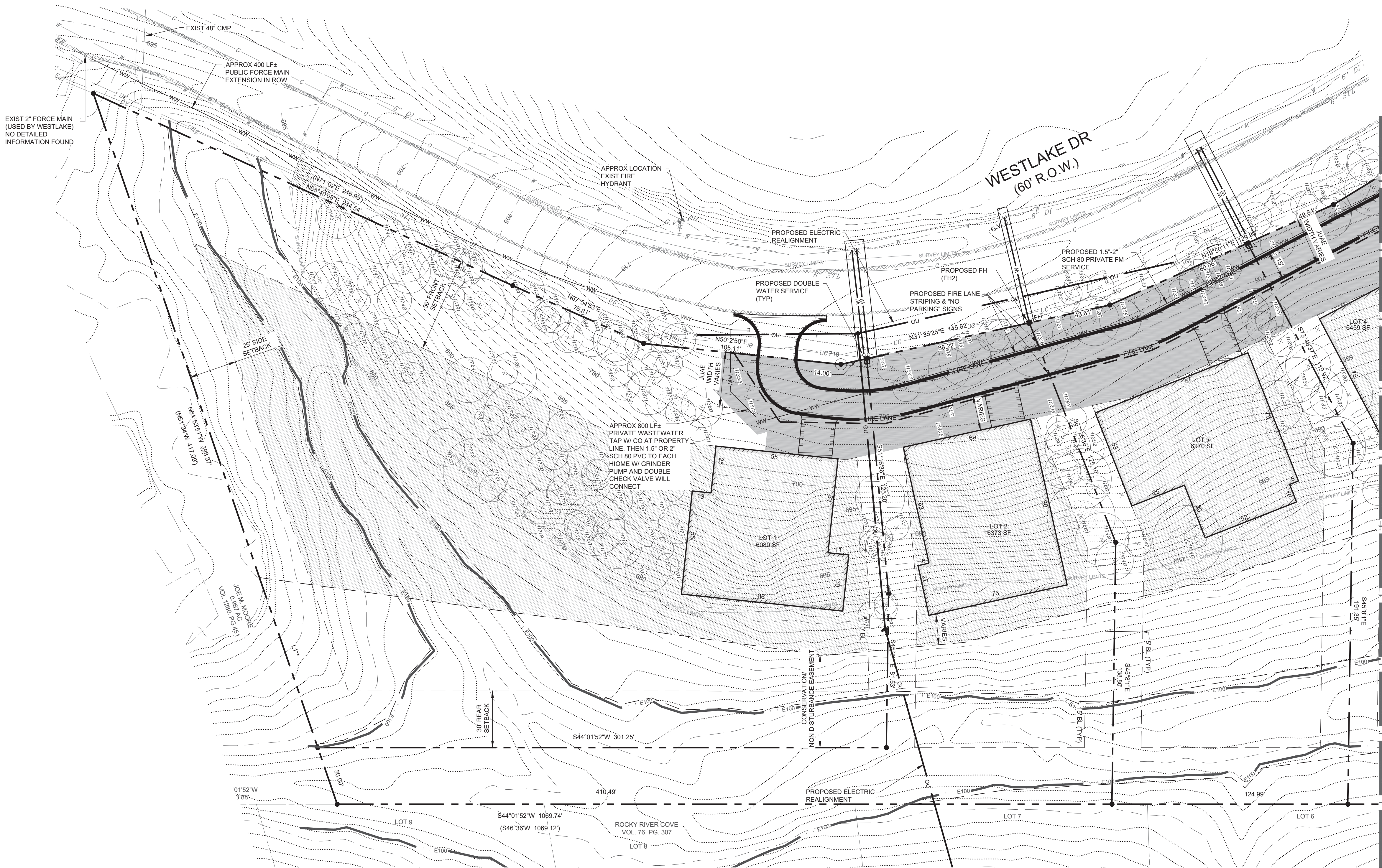
SHEET
1 OF 8

PROJECT

SHEET NAME

Page 148 of 209





LEGEND	
	PROPOSED PHASE LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	NEW WATER METERS

LOT SUMMARY		CONSTRUCTION AREA	
LOT 1	2.00 AC	87,278 SF	0.89 AC
LOT 2	0.85 AC	37,000 SF	0.21 AC
LOT 3	0.83 AC	36,110 SF	0.25 AC
LOT 4	0.81 AC	35,440 SF	0.22 AC
LOT 5	0.83 AC	36,095 SF	0.22 AC
LOT 6	0.82 AC	40,298 SF	0.38 AC
LOT 7	0.98 AC	42,516 SF	0.39 AC
LOT 8	1.20 AC	52,170 SF	0.46 AC
TOTAL	8.42 AC	366,907 SF	2.67 AC

NOTE: CONSTRUCTION AREA EXCLUDES JUAE		CONSTRUCTION AREA
		JUAE EASEMENT AREA

PROPOSED IMPERVIOUS COVER (INITIAL CONCEPT)
TRACT AREA 366,906.63 S.F. (8.423 ACRES)
JUAE PAVEMENT 16,391 S.F.

LOT 1 BLDG 6080 S.F.
LOT 1 DRIVE 387 S.F.

LOT 2 BLDG 6373 S.F.
LOT 2 DRIVE 356 S.F.

LOT 3 BLDG 6270 S.F.
LOT 3 DRIVE 458 S.F.

LOT 4 BLDG 6459 S.F.
LOT 4 DRIVE 514 S.F.

LOT 5 BLDG 4516 S.F.
LOT 5 DRIVE 462 S.F.

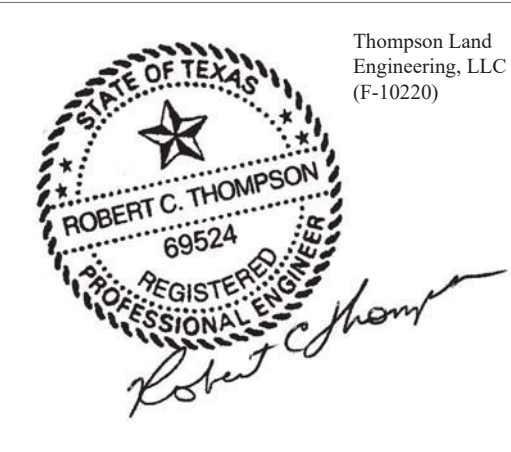
LOT 6 BLDG 4731 S.F.
LOT 6 DRIVE 812 S.F.

LOT 7 BLDG 5966 S.F.
LOT 7 DRIVE 3340 S.F.

LOT 8 BLDG 9968 S.F.
LOT 8 DRIVE 3504 S.F.

TOTAL IMPERVIOUS COVER 72,487 S.F.
PERCENT IMPERVIOUS COVER 19.8%

- NOTE:
- 1) DRAINAGE PLANS, INCLUDING MITIGATION FOR INCREASES IN PEAK DISCHARGE, WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT FOR WORK ON EACH LOT.
 - 2) WATER SERVICE WILL BE PROVIDED BY EXTENDING SERVICES FROM EXISTING WCID 10 WATER LINES IN WESTLAKE DR.
 - 3) WASTEWATER SERVICE WILL BE PROVIDED BY EXTENDING A JOINT USE, ON-SITE FORCE MAIN FROM THE CITY'S FORCE MAIN IN WESTLAKE DRIVE. EACH HOME WILL HAVE ITS OWN GRINDER PUMP(WITH CHECK VALVES) TO MOVE THE WASTEWATER FROM THAT HOUSE TO THE CITY'S FORCE MAIN.
 - 4) DRY UTILITIES (GAS, ELECTRIC, TELEPHONE) WILL BE EXTENDED FROM THE EXISTING LINES IN WESTLAKE DRIVE.
 - 5) THE INCREASE IN DISCHARGE MENTIONED IN NOTE 1 WILL INCLUDE ANY IMPERVIOUS COVER WITHIN THE JUAE ON THE LOT.
 - 6) BASED ON THE CALCULATIONS ABOVE, NO WATER QUALITY IS PLANNED TO BE REQUIRED SINCE THE TOTAL IMPERVIOUS COVER IN THE ENTIRE DEVELOPMENT WILL BE LESS THAN 20 PERCENT. IF FOR ANY REASON THAT CHANGES, WATER QUALITY WILL BE PROVIDED WITH THE DRAINAGE PLAN AS EACH LOT DEVELOPS.



2/5/21

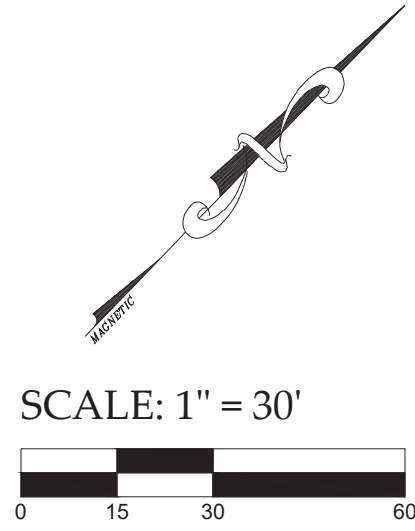
1 PROPOSED SUBDIVISION CONCEPT PLAN (1 OF 2)

SCALE: 1:30

THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 16062, Austin, Texas 78716 (512-328-0002)
email: rct@tleng.net
www.tleng.net

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
PROPOSED CONCEPT PLAN (1 OF 2)

PROJECT	DATE ISSUED
DESIGNED BY	February, 2021
RC	DRAFTED BY
777	
JOB NUMBER	
1642	
SHEET	
5 OF 8	



LEGEND	
	PROPOSED PHASE LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	NEW WATER METERS

LOT SUMMARY		CONSTRUCTION AREA	
LOT 1	2.00 AC	87,278 SF	0.89 AC
LOT 2	0.85 AC	37,000 SF	0.21 AC
LOT 3	0.83 AC	36,110 SF	0.25 AC
LOT 4	0.81 AC	35,440 SF	0.22 AC
LOT 5	0.83 AC	36,095 SF	0.22 AC
LOT 6	0.92 AC	40,298 SF	0.36 AC
LOT 7	0.98 AC	42,516 SF	0.39 AC
LOT 8	1.20 AC	52,170 SF	0.46 AC
TOTAL	8.42 AC	366,907 SF	2.67 AC

NOTE: CONSTRUCTION AREA EXCLUDES JUAE		CONSTRUCTION AREA
		JUAE EASEMENT AREA

PROPOSED IMPERVIOUS COVER
(INITIAL CONCEPT)
TRACT AREA 366,906.63 S.F. (8.423 ACRES)
JUAE PAVEMENT 16,391 S.F.

LOT 1 BLDG 6080 S.F.
LOT 1 DRIVE 387 S.F.

LOT 2 BLDG 6373 S.F.
LOT 2 DRIVE 356 S.F.

LOT 3 BLDG 6270 S.F.
LOT 3 DRIVE 458 S.F.

LOT 4 BLDG 6459 S.F.
LOT 4 DRIVE 514 S.F.

LOT 5 BLDG 4516 S.F.
LOT 5 DRIVE 462 S.F.

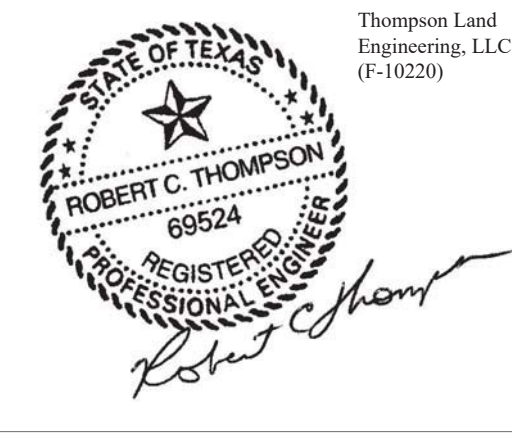
LOT 6 BLDG 4731 S.F.
LOT 6 DRIVE 612 S.F.

LOT 7 BLDG 5966 S.F.
LOT 7 DRIVE 3340 S.F.

LOT 8 BLDG 5968 S.F.
LOT 8 DRIVE 3504 S.F.

TOTAL IMPERVIOUS COVER 72,487 S.F.
PERCENT IMPERVIOUS COVER 19.8%

NOTE:
1) DRAINAGE PLANS, INCLUDING MITIGATION FOR INCREASES IN PEAK DISCHARGE, WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT FOR WORK ON EACH LOT.
2) WATER SERVICE WILL BE PROVIDED BY EXTENDING SERVICES FROM EXISTING WCID 10 WATER LINES IN WESTLAKE DR.
3) WASTEWATER SERVICE WILL BE PROVIDED BY EXTENDING A JOINT USE, ON-SITE FORCE MAIN FROM THE CITY'S FORCE MAIN IN WESTLAKE DRIVE. EACH HOME WILL HAVE ITS OWN GRINDER PUMP(WITH CHECK VALVES) TO MOVE THE WASTEWATER FROM THAT HOUSE TO THE CITY'S FORCE MAIN.
4) DRY UTILITIES (GAS, ELECTRIC, TELEPHONE) WILL BE EXTENDED FROM THE EXISTING LINES IN WESTLAKE DRIVE.
5) THE INCREASE IN DISCHARGE MENTIONED IN NOTE 1 WILL INCLUDE ANY IMPERVIOUS COVER WITHIN THE JUAE ON THE LOT.
6) BASED ON THE CALCULATIONS ABOVE, NO WATER QUALITY IS PLANNED TO BE REQUIRED SINCE THE TOTAL IMPERVIOUS COVER IN THE ENTIRE DEVELOPMENT WILL BE LESS THAN 20 PERCENT. IF FOR ANY REASON THAT CHANGES, WATER QUALITY WILL BE PROVIDED WITH THE DRAINAGE PLAN AS EACH LOT DEVELOPS.



THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering
P.O. Box 160062, Austin, Texas 78716 (512-328-0002)
email: rct@tleng.net
www.tleng.net

DATE	REVISION

WESTLAKE SUBDIVISION CONCEPT PLAN
803 WESTLAKE HILLS DR, WESTLAKE HILLS, TX
PROPOSED CONCEPT PLAN (2 OF 2)

PROJECT	DATE ISSUED
	February, 2021
DESIGNED BY	DRAFTED BY
RCT	777
JOB NUMBER	SHEET
1642	6 OF 8

1 EXISTING CONDITIONS (2 OF 2)
SCALE: 1:30

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

Section I:	Definitions
Section II:	General Restrictions
Section III:	Restrictions for Residential Use
Section IV:	Moore Estates Subdivision Homeowners Association, Inc.
Section V:	Architectural Control Committee
Section VI:	Funds, Assessments, Fees, Remedies and Liens
Section VII:	Grant of Easements and Rights Retained by Declarant
Section VIII:	Casualty Insurance, Casualty Damage & Repairs
Section IX:	General Provisions

In consideration of the foregoing premises, Declarant declares that the Project is held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the following covenants, conditions, and restrictions, all of which are declared and agreed to be in furtherance of a plan for the improvement of the Property, and the division of the Property into Lots, and all of which are established and agreed on for the purpose of enhancing and perfecting the value, desirability, and attractiveness of the Project and every part of the Project. All of the covenants, conditions, and restrictions shall run with the Property and shall be binding on all parties having or acquiring any right, title, or interest in any part of the Property and shall be for the benefit of each Owner of the Project or any interest in the Project and shall inure to the benefit of and be binding on each successor in interest of the Owners.

SECTION I **DEFINITIONS**

Except as otherwise set forth herein, or unless the context otherwise specifies or requires, the following words and terms when used in this **Declaration** shall have the following meanings:

1.1 Architectural Control Committee or ACC. Subject to Section 5, the “Architectural Control Committee” or “ACC” shall initially mean the Declarant during the Control Period, and thereafter mean either the Board or a separate committee appointed by the Board in accordance with Section 5. The committee may consist of one person if so directed by the Board.

1.2 Assessment. “Assessment” or “Assessments” shall mean such charges, costs, or fees as may be levied by the Association to the Owners under the terms and provisions of this Declaration.

1.3 Association. “Association” shall mean Moore Estates Subdivision Homeowners Association, Inc., a Texas non-profit corporation, its successors and assigns.

1.4 Board. “Board” shall mean the Board of Directors or governing body of the **Association**.

1.5 Bylaws. “Bylaws” shall mean the Bylaws of the Association to be adopted by the **Board**, and as amended from time to time.

1.6 Certificate. “Certificate” shall mean the Certificate of Formation of the Moore Estates Subdivision Homeowners Association, Inc., as amended from time to time, which shall be filed in the office of the Secretary of State of the State of Texas.

1.7 Common Properties. “Common Properties” shall mean any properties now or hereafter acquired by the Association for the purpose and benefit of the Members of the Association.

1.8 Control Period. “Control Period” shall mean the period until Declarant executes a deed conveying title at least seventy-five percent (75%) of the Lots to a third party.

1.9 Declarant. “Declarant” shall mean collectively Robin Mallory Moore, Doyle Randall Moore, and Sherry Moore Waldrup or any successor or assigns.

1.10 Declaration. “Declaration” shall mean this instrument, and any amendments or modifications to this Declaration filed in the Official Public Records of Travis County, Texas.

1.11 Design Guidelines. “Design Guidelines” shall mean any rules or guidelines that are established from time to time by the ACC to provide governance to Owners and builders regarding construction, repair, or replacement of Improvements on the Property as more fully set forth in Section 5.

The ACC may establish determinations on a situation-by-situation or ad hoc basis, but is encouraged, but not required, to reduce its determinations, approvals and disapprovals to writing and to preserve such written records.

1.12 Director. “Director” or “Directors” shall mean each individual serving on the Board.

1.13 Home Occupation. “Home Occupation” shall mean a commercial enterprise conducted within the Residence on a Lot. A Home Occupation is allowed if conducted pursuant to Section 3.

1.14 Improvement. “Improvement” or “Improvements” shall mean all structures, improvements and fixtures located on the Property, plus all equipment traditionally considered a trade fixture located on the Property. Such term shall include but not be limited to Residence, buildings, fences, landscaping, poles, signs, exterior air conditioning, pipes, lines, meters, antennas, and towers.

1.15 Lot. “Lot” or “Lots” means each Lot (each a "Lot" and collectively "Lots) shown on the Subdivision Plat and improvements located on the Lots.

1.16 Manager. “Manager” shall have the meaning ascribed to such term in Section 4 hereof.

1.17 Member. “Member” means any Owner of a Lot. For voting purposes, there shall only be one (1) Member per Lot.

1.18 Mortgage. “Mortgage” shall mean any mortgage, deed of trust or vendor’s lien covering a Lot given to secure the payment of a debt, which debt is purchase money for the Lot. Such term shall also include any deed of trust or vendor’s lien by the Declarant on any Property owned by the Declarant, whether for purchase money or not.

1.19 Mortgagee. “Mortgagee” or “Mortgagees” shall mean the holder or holders of any Mortgage or Mortgages.

1.20 Owner. “Owner” or “Owners” shall mean each Person who is a record owner of a fee simple interest in any Lot, but excluding Declarant and any Mortgagee

1.21 Person. “Person” or “Persons” shall mean any individual, individuals, entity or entities having the legal right to hold title to real property.

1.22 Plans and Specifications. “Plans and Specifications” shall mean any and all documents designed to guide or control the construction or erection of any Improvement.

1.23 Residence. “Residence” means a one single-family house.

1.24 Rules. “Rules” shall mean such rules including but not limited to traffic rules, parking rules, rules governing excessive noise or other offensive conduct, and any scheduled fines and penalties for violations established and promulgated by the Association acting through its Board from time to time. Except to the extent that a rule would be prohibited by law, by this Declaration or by organizational documents of the Association, or except to the extent that a rule requires the approval of the membership, the Board shall have the power to adopt such rules as the Board in its discretion shall deem appropriate from time to time, except that no rule shall take effect until 30 days after the Board gives notice to the Owners of such rule, except in the event that the Board deems that an emergency requires the implementation and enforcement of a rule prior to 30 days after notice to the Owners.

1.25 Subdivision. "Subdivision" shall mean and refer to the Property that has been subdivided and approved by the West Lake Hills City Council as the Moore Estates Subdivision whether now or in the future.

SECTION II

GENERAL RESTRICTIONS

All of the Property shall be owned, held, leased, used, occupied and enjoyed subject to the following limitations and restrictions. No Owner shall allow any of the following prohibited matters to occur or exist on the Owner's Lot, and no Owner shall, nor shall the Owner allow any of his invitees, representatives, agents or contractors to do any of the prohibited matters described in this Declaration. Each Owner is strictly responsible for his own Lot, and invitees, representatives, agents or contractors on any part of the Property affecting any part of the Property. Additionally, this Section 2 contains positive covenants running with the land, and easements that are binding upon the Owners of each Lot.

Part 1: Construction Procedures

2.1 Utilities. All utilities must be installed underground except as approved by the ACC.

2.2 Building Height. No Residence on a lot may be higher than 35 feet from average finish grade of property to mid-line of any gabled roof.

2.3 Building Materials. All structures on a Lot must be constructed on the Building Site except as approved by the ACC. No building material of any kind or character may be placed or stored upon a Lot until the commencement of construction of improvements. During construction, materials must be placed only within the Building Site of, or the area to be landscaped on, the Lot upon which the improvements are to be erected unless otherwise agreed to by Declarant. Construction and use of materials must progress without undue delay.

2.4 Completion of Residence. Construction of a Residence must be completed within twelve (12) months from the date construction is commenced unless extended by the ACC.

2.5 Garage and Parking Requirements. Each Residence must have at least a two (2) car garage. The garage must conform in design and materials with the main structure of the Residence.

2.6 Exterior Walls. Exterior cladding associated with the architectural style of the home must be used. The ACC shall establish Rules regarding the architectural style of each Residence.

2.7 HVAC Systems. All heating, ventilation, and air conditioning systems ("HVAC Systems") on the ground must be screened with the same material used on the exterior walls of the Residence so the HVAC Systems are not visible from other Residences. The screen for the HVAC Systems must be constructed with material and in a size, height, and design approved by the ACC. HVAC Systems may not be installed on the ground in front of a Residence. HVAC Systems may not be installed on the roof of a Residence unless approved by the ACC. No window air-conditioning apparatus or evaporative cooler may be attached to any Residence or Accessory Building or at any other location.

2.8 Fences. All fences must be constructed of either iron, cedar or masonry in a size, height, and design approved by the ACC, except those locations designated by the Declarant or ACC that will have iron fences. A fence enclosing or partially enclosing a Building Site may not be constructed before the construction of the Residence on the Lot.

2.9 Setback Restrictions. All Residences and accessory dwellings must be constructed so they comply with the setback provisions called out on the Subdivision Plat.

2.10 Roof Materials. The roof materials associated with the architectural style of the home must be used. The ACC shall establish Rules regarding the architectural style of each Residence.

2.11 Irrigation System. Before a Residence may be occupied or used, the Owner must install an automatic underground irrigation system with a rain sensor in the Landscaped Area of the Lot so it is adequately irrigated.

2.12 Portable Sanitary Systems. During construction on any Lot, the builder must provide a portable sanitary system for use by contractors, subcontractors, and their employees, located at least 12.5' behind the curb or 20' from any occupied lot, until the construction is completed.

2.13 Construction Debris. During construction on a Lot, the builder must put all construction trash that is susceptible to being blown from the construction site in the Approved Containers furnished by the builder to prevent trash from blowing off the construction site. The Approved Containers must be emptied periodically, at the builder's expense, so there is always room for the trash. Builders must prevent construction trash from blowing out of the Approved Containers and off the construction site. The Association may impose a fine on the builder or Owner for each violation of this provision. The fine for the first violation will be \$100. The fine for each subsequent violation will be \$500. The Association may hire a third party to collect and dispose of the trash and the builder or Owner shall pay the costs for this service. Builder or Owner shall pay all fines and costs upon demand.

2.14 Building Code. The construction of all Residences and Accessory Buildings must comply with all applicable building codes in force from time to time in West Lake Hills, Travis County, Texas.

Part 2: Aesthetics

2.15 Antennas. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any portion of the Property, including any Lot, which is visible from any Road or other Lot unless it is impossible to receive signals from another location that complies with these requirements. In that event, the receiving device may be placed in a visible location as approved by the ACC. The ACC may require as much screening as possible while not substantially interfering with reception. The Declarant and/or the Association shall have the right, without obligation, to erect or install an aerial, satellite dish, master antenna, cable system, or other apparatus for the transmission of television, radio, satellite, or other signals for the benefit of all or a portion of the Property. No satellite dishes shall be permitted which are larger than one meter in diameter and cannot be installed on the front elevation or within 5' of any side elevation from the front of the Improvements. No Lot may have more than one (1) satellite dish. No broadcast antenna may exceed the height of the center ridge of the roofline. No MMDS antenna mast may exceed the height of the center ridge of the roofline. No exterior antennas, aerials, satellite dishes, or other apparatus which transmit television, radio, satellite, or other signals of any kind shall be placed, allowed, or maintained upon any portion of the Property.

2.16 Solar Energy Device and Energy Efficiency Roofing. A "Solar Energy Device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. "Energy Efficiency Roofing" means shingles that are designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by

customary composite shingles; or (iii) provide solar generation capabilities. Approval by the Architectural Control Committee is required prior to installing a Solar Energy Device or Energy Efficient Roofing once a Unit has been constructed

2.17 Automobiles and Other Vehicles and Equipment. No automobile, van, pickup truck, truck, or similar vehicle or equipment may be parked for storage in the front of any Residence, nor may any such vehicle or equipment be parked for storage in the side or rear yard of any Residence unless said vehicle is out of view from any other Residence. No boat, trailer, marine craft, recreational vehicle, camper, pickup camper, travel trailer, motor home, camper body, tractor, or similar vehicle or equipment may be parked for storage that may be seen from any other Residence. No such vehicle or equipment may be used as a Residence or office temporarily or permanently. This restriction does not apply to any vehicle, machinery, or equipment temporarily parked and in use for the construction, maintenance, or repair of a Residence.

2.18 Clothes Drying/Yard Equipment. The drying of clothes in public view is prohibited. A drying yard or other suitable enclosure must be constructed to screen from public view any clothes drying equipment, yard equipment, and storage areas.

2.19 Dogs and Cats. No pets may be kept that interfere with the health or safety of the Property. No more than a total of four (4) dogs or cats (or a combination of four (4) dogs and cats), will be permitted on a Lot. Dogs and cats must be restrained by a leash or confined in the Building Site or the Landscaped Area inside a fenced area or within the Residence unless accompanied by and under the control of a person in designated dog run areas. Pet owners are required to promptly remove and sanitarily dispose of their pet's waste on the Common Properties. Pet owners that are cited for three (3) pet waste violations may be fined by the Association. It is the pet Owner's responsibility to keep the Lot clean and free of pet debris. All pets must be properly tagged for identification and vaccinated against rabies. Owners of dogs must keep the dogs from barking so as not to be a nuisance.

2.20 Hazardous Materials. No vehicles of any size that transport flammable, explosive, or hazardous cargo may be kept on the Property at any time.

2.21 Insurance Rates. Nothing shall be done or kept on the Property that would increase the rates of insurance or cause the cancellation of insurance on any Lot or any of the improvements located upon any Lot, or the roads within the Property, without the prior written approval of the Association.

2.22 Junk/Trash. No portion of the Property may be used as a dumping ground for junk, dead tree limbs, rubbish, or any other material, or as a site for the accumulation of unsightly materials of any kind, including, without limitation, broken or rusty equipment, disassembled or inoperative vehicles, and discarded appliances and furniture. Trash, garbage, waste, and other debris may not be kept on any Lot except in Approved Containers. All trash, garbage, waste, and other debris must be placed in plastic garbage bags before being placed into Approved Containers. Approved Containers may be located on the Lot during construction of improvements on the Lot but must be removed upon completion of the construction. Declarant will provide Approved Containers at various locations on the Property. If trash, garbage, waste, or debris will not fit into Approved Containers, it must be completely removed from the Property and not stored on any portion of the Property at any time. All junk equipment, inoperative motor vehicles, and other similar junk must be removed from the Property at Owners expense.

2.23 Mailboxes. Names on the outside of mailboxes are not allowed and may be removed by the Board without prior notice because publicly identifying names with a particular Lot increases the risk of crime for Owners of the Lot. As originally built, the Property will be equipped with cluster mailboxes. The Association is not responsible for any mailbox keys and does not keep a copy of the keys to the

mailboxes. The Association will be responsible for the maintenance, repair, and replacement of the mailboxes, as needed.

2.24 No Fires. Except within fireplaces in the Residence, outdoor fireplaces, and outdoor cooking in grills, no burning of anything is permitted on the Property.

2.25 No Firearms. No firearms may be used or discharged on the Property.

2.26 No Hunting. No hunting or trapping is allowed on the Property.

2.27 No Prefabricated Structures. No prefabricated structure or other type of building may be moved onto a Lot unless approved by the ACC.

2.28 Outdoor Lighting and Outdoor Speakers. No bright outdoor lighting or loud outdoor speakers will be permitted on any Lot. All permanent outdoor lighting components must be dark sky compliant and outdoor speakers must be approved, in advance, by the ACC.

2.29 Prohibited Activities. No Lot or improvement may be used for commercial, wholesale, retail, or manufacturing purposes of any kind. No noxious or offensive activity may be undertaken on the Property, and nothing may be done which is or may become an annoyance or nuisance to any other Owner. Nothing in this Paragraph 2.29 prohibits an Owner's use of a Residence for quiet, inoffensive activities, such as home office, tutoring, or giving music or art lessons as long as these activities do not (a) materially increase the number of cars parked on the Lot or Roads or interfere with adjoining Owners' use and enjoyment of Roads, their Residences, or yards, or (b) violate any current Travis County ordinances.

2.30 Prohibited Animals. No animals, livestock, or poultry of any kind may be raised, bred, or kept on the Property, except horses, dogs, cats, and other household pets approved by the ACC. There shall be no commercial breeding of any animal on the Property. No pet may be kept on a Lot that interferes with the quietude, health, or safety of the community. Any and all West Lake Hills ordinances regarding animals must be adhered to.

2.31 Sanitary Waste Treatment System. No individual sanitary waste treatment system shall be permitted on any Lot.

2.32 Signs. The ACC has the right to approve or reject any sign placed on the Property. No sign of any kind may be displayed to the public view on any Lot except (a) one sign of not more than six square feet advertising the Property for rent or sale, (b) signs used by a builder during construction and sales periods, (c) signs used by Declarant to advertise the Property during development, and (d) political signs no more than 30 days before a national, state, or local election day, which must be removed within two days after such election. The ACC has the right to remove any sign, billboard, or other advertising structure that does not comply with this Paragraph 2.32 and in so doing will not be subject to any liability for trespass or any other liability in connection with the removal.

2.33 Windows. Window jambs and mullions shall be fabricated of anodized aluminum, vinyl, or wood. All aluminum or anodized metal windows on any front elevation of a Residence shall have baked-on painted aluminum divided light windows (no mill finish), unless otherwise approved by the ACC.

2.34 Application. For the avoidance of doubt, the provisions of Section 2 shall not apply to the Declarant.

2.35 Holiday Decorations. Decorations for secular or religious holidays must be taken down within 2 weeks after the end of the holiday. Holiday decorations may be put up no more than 20 days prior to the beginning of the holiday.

SECTION III **RESTRICTIONS FOR RESIDENTIAL USE**

3.1 General. Except for other uses of the Property by, through or under Declarant during the Control Period, the Property shall be improved and used only for single-family residential use and for all other expressly permitted uses.

3.2 Residential Uses. Except for other uses of the Property by, through or under Declarant during the Control Period, all Lots shall be used exclusively for residential purposes. No more than one family or entity may own an interest in a Lot and may share their use of the Lot and Residence located thereon. No more than six (6) individuals may occupy one Residence at any one time unless they are all members of one (1) family in which case such limitations shall not apply; however, a single family may consist of as many as three generations. Except as provided below, no business or business activity shall be carried on, in or upon any Lot at any time except with the written approval of the Board. No deliveries of merchandise for sale or distribution, no traffic of customers or clients to or from a Lot, and no storage of inventory or products are permitted on any Lot. Garage sales or yard sales (or any similar vending of merchandise) conducted on any Lot shall be considered a business activity and is therefore prohibited, unless previously sanctioned by the Association acting through its Board of Directors.

Notwithstanding the foregoing, a Lot may be used for a "Home Occupation," meaning a commercial enterprise conducted within the Residence on a Lot which is incidental to the principal residential use of the Lot, provided that:

- (i) no person other than a resident of the Lot shall be engaged or employed in the Home Occupation at the site;
- (ii) there shall be no visible storage or display of inventory, occupational materials or products;
- (iii) there shall be no exterior evidence of the conduct of a Home Occupation such as a sign and no Home Occupation shall be conducted outside of the Residence on the Lot;
- (iv) members of the public, customers, clients, patients and other business invitees shall not be on the premises; thus, this exclusion is limited to situations where the individual performing the occupation is able to conduct the business alone on the premises and any external communication is conducted by telephone and other electronic means; and
- (v) no additional parking shall be provided for the Home Occupation and no material amount of additional vehicular traffic shall be generated to or from the Lot as a result of the Home Occupation.

3.3 Restrictions on Leasing Residences; Leasing Permitted. Nothing in the Declaration shall prevent the rental of any Residence by the Owner thereof; provided, however, any such rentals shall be accomplished only by bona fide written leases with terms of at least six (6) months, and the rental of any Residence for less than six (6) months is prohibited. Residences may be rented or leased only by written leases and subject to the restriction that the tenant shall be subject to the terms and conditions of this Declaration and the rules and regulations promulgated by the Association as though such tenant were an

Owner. Each Owner agrees to cause his lessee or the persons living with such Owner to comply with this Declaration and the rules and regulations promulgated pursuant hereto, and is responsible and liable for all violations and losses caused by such tenants or occupants, to the extent the tenants or occupants do not fully satisfy their liability for any such violation. All provisions of this Declaration and of any rules and regulations promulgated pursuant hereto that govern the conduct of Owners and that provide for sanctions against Owners shall also apply to all occupants of any Residences. Within thirty (30) days after leasing Residence, the Owner of the Residence must give written notice to the Association of the name of the tenant and the present address of the Owner, and deliver a copy of the lease to the Association. A tenant must agree to the provisions of this Declaration and if the tenant is in breach of or in violation of this Declaration the tenant shall be liable to the Association for any fines as a result of such breach or violation.

SECTION IV

MOORE ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION, INC.

4.1 Organization. Declarant shall cause the formation and incorporation of the Association as a non-profit corporation under the laws of the State of Texas. The Association shall be created for the purposes, charged with the duties, governed by the provisions and vested with the powers prescribed by law or set forth in its Certificate and Bylaws or in this Declaration as hereinafter set forth. Neither the Certificate nor Bylaws shall for any reason be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration.

4.2 Membership. The Owners shall constitute the Association. Each Owner, including Declarant, shall automatically be a member of the Association. Association membership shall be appurtenant to ownership of a Lot. Ownership of a Lot is the sole criterion for membership in the Association.

4.3 Membership Voting and Meetings. Each Owner shall have one vote for each Lot owned by that Owner. There shall be at least one meeting of the membership of the Association each year. At that meeting, the Owners shall vote on any matters the Board chooses to place before the membership, and discuss any matter of Association business that the Board or any Owner wishes to bring before the entire membership. The number of members of the Board may be changed by the affirmative vote of at least 75% of the Owners.

4.4 Powers and Authority of the Association. The Association acting through its Board shall have all of the powers of a Texas non-profit corporation allowed by law, subject only to such limitations upon the exercise of such power as are expressly set forth in this Declaration. It shall further have the power to do and perform any and all acts that may be necessary or proper for or incidental to the exercise of any of the express powers granted to it by the laws of the State of Texas or as expressly set forth herein. The principal purposes of the Association are the collection, expenditure, and management of the maintenance funds, enforcement of the restrictions contained herein and providing for the maintenance and preservation of any Common Properties or facilities of the Association. The Association, and the Board acting on behalf of the Association, shall have the power and authority at all times as follows:

A. **Rules and Bylaws.** To make, establish and promulgate, and in its discretion to amend or repeal and re-enact, Rules, including but not limited to traffic rules, parking rules and a schedule of fines for violations, and the Bylaws, not in conflict with this Declaration, as it deems proper covering any and all aspects of its functions.

B. **Insurance.** To obtain and maintain in effect policies of insurance which, in the opinion of the Board, are reasonably necessary or appropriate to carry out the functions of the Association.

C. **Records.** To keep books and records of the Association's business and affairs.

D. **Assessments.** To levy Assessments as provided or allowed by this Declaration. Assessments may be levied for that sum as set forth below in order to raise the total amount for which the levy in question is being made. Such amount may include assessments to establish a reserve for the purposes of major items of improvement or repairs.

E. **Right of Entry and Enforcement.** To enter at any time in an emergency (or in the case of a non-emergency, after ten (10) days' written notice), without being liable to any Owner, upon any Lot for the purpose of enforcing this Declaration or the Rules, or for the purpose of maintaining or repairing any area, Improvement or other facility to conform to this Declaration or the Rules, and the expense incurred by the Association in connection with the entry upon any Lot and the maintenance and repair work conducted thereon shall be a personal liability of the Owner of the Lot entered upon, shall be a lien upon the Lot entered upon and upon the Improvements thereon, and shall be enforced in the same manner and to the same extent as provided in Section 6 hereof for regular and special Assessments. The Association may from time to time, in its own name and on its own behalf, or in the name of and on behalf of any Owner who consents thereto, to commence and maintain actions and suits to enforce, by mandatory injunction or otherwise, or to restrain and enjoin, any breach or threatened breach of this Declaration or the Rules. The Association may also settle claims, enforce liens and take all such action as it may deem necessary or expedient to enforce this Declaration or the Rules; provided, however, that the Board shall never be authorized to expend any Association funds for the purpose of bringing suit against Declarant, its successors or assigns.

F. **Legal and Accounting Services.** To retain and pay for legal and accounting services necessary or proper in the operation of the Association.

G. **Manager.** To retain and pay for the services of a person or firm to manage and operate the Association, including its Property ("Manager"), to the extent determined to be the person or firm who manages or operates the Association and its Property is the appropriate or advisable by the Board. Additional personnel may be employed directly by the Association or may be furnished by the Manager. To the extent permitted by law, the Association and the Board may delegate any other duties, powers and functions to the Manager. The Members of the Association release the Association and the Directors from liability for any omission or improper exercise by the Manager or any party engaged by the Manager of any such duty, power or function so delegated.

H. **Other Services and Properties.** To obtain and pay for any other property and services, and to pay any other taxes or fees that the Association or the Board is required to pay ancillary to its fulfillment of its powers and duties according to this Declaration and according to law, or pursuant to applicable law, the terms of this Declaration, or the Certificate or Bylaws of the Association.

I. **Contracts.** To enter into contracts with Declarant and other persons on such terms and provisions as the Board shall determine to provide any service or perform any function on behalf of Declarant or any other party.

J. **Loans.** To borrow funds from any source to pay any costs of operation that may be secured by such assets of the Association as deemed appropriate by the Board.

4.5 Maintenance Authority. The Association shall be authorized to maintain and repair any areas of the Property, as appropriate, pursuant to the terms of this Declaration.

4.6 Rules of the Board of Directors. All Members, occupants and their families and guests shall abide by any reasonable rules and regulations adopted by the Board. The Board shall have the power to enforce compliance with said rules and regulations by all appropriate legal and equitable remedies and fines as allowed by law. As used herein the term fine is not intended to be a penalty, but to be a fine as permitted under the Texas Property Code and an administrative charge to offset of costs for the Association and its Board having to deal with the violation.

4.7 Indemnification. The Association shall indemnify every officer, director, and committee member against all damages and expenses including counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement or any suit or proceeding, if approved by the then Board) to which he or she may be a party by reason of being or having been an officer, director, or committee member, except that such obligation to indemnify shall be limited to those actions for which liability is limited under Texas law.

SECTION V

ARCHITECTURAL CONTROL COMMITTEE

5.1 Initial Architectural Control Committee. Initially, the ACC shall be the Declarant until such time as the Declarant resigns or until such time as the Control Period ends, whichever occurs first. Once the Declarant is no longer serving as the ACC then the ACC shall be the Board and each Member of the Board shall serve as a Member of the ACC. By majority vote of the Board, a separate ACC may be formed, in which case each Member of the Board shall have the right to designate one (1) Member of the ACC pursuant to Section 5.2 below, unless the Board votes unanimously to create an ACC with its number of Members being a different number than the number of the Members of the Board, in which case the Members of the ACC will be elected by a vote of the Board.

5.2 Membership of Architectural Control Committee. If the Board decides to appoint a separate ACC then the ACC shall consist of one representative appointed by each Director. A Director may appoint himself to the ACC. Members of the ACC, shall not serve terms, but shall serve at the will of the Board member who appointed them. Therefore, a Director may remove and replace the Member it appointed at any time by written notice to the other Directors, the Association and notice to all representatives of the ACC. To the extent any provision of this document conflicts with this Section 5.2, this Section 5.2 shall control. However, as stated elsewhere, if the Board votes for the ACC to consist of a number of individuals being different in number than the number of Board Members (for example a Board of 3 Directors may vote to appoint an ACC of one individual) then the representatives who shall comprise the ACC shall be elected by the Board. Alternatively, by unanimous vote, the Director may elect instead one person to serve as the sole ACC.

5.3 Approval of Plans and Specifications. No Improvement shall be commenced, erected, or constructed upon any Lot or Residence on the Project, nor shall any exterior addition to or change or alteration therein (including outside painting, roof repair or addition to a Residence) be made until the Plans and Specifications therefor shall have been submitted to and approved by the ACC in accordance herewith. Any Owner may remodel, paint or redecorate the interior of such Owner's Improvements without such approval. However, modifications to Improvements visible from outside the structure shall be subject to such prior approval.

5.4 Actions of the Architectural Control Committee. The ACC may, by resolution, unanimously adopted in writing, designate one or more of its members or an agent acting on its behalf to

take any action or perform any duties for and on behalf of the ACC. In the absence of such designation, the vote or written directive of a majority of all of the members of the ACC taken without a meeting shall constitute an act of the ACC.

5.5 Adoption of Rules and Design Guidelines. The ACC may adopt such procedural and substantive rules, not in conflict with this Declaration, as it may determine to be necessary or proper for the performance of its duties. Specifically, the ACC may prepare Design Guidelines that are intended to provide guidance to Owners and builders regarding matters of particular concern to the ACC in reviewing Plans and Specifications. The Design Guidelines are not the exclusive basis for decisions of the ACC, and compliance with the Design Guidelines does not guarantee approval of any application for approval. The ACC shall have full authority to amend or grant variances to its Design Guidelines, but any amendments to the Design Guidelines shall be prospective only and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification has commenced. There shall be no limitation on the scope of amendments to the Design Guidelines, and such amendments may remove requirements previously imposed or otherwise make the Design Guidelines less restrictive. The ACC shall make their respective Design Guidelines available to Owners and builders who seek to engage in development or construction within the Property.

5.6 Review of Proposed Construction. Whenever in this Declaration the approval of the ACC is required, it shall consider all of the Plans and Specifications for the Improvement or proposal in question and all other facts and information that, in its sole discretion, it considers relevant, and may require an Owner to provide such other or additional information as it deems relevant. Except as otherwise specifically provided herein, prior to the commencement of any construction of any Improvement on the Property or any portion thereof, the Plans and Specifications therefor shall be submitted to the ACC, and construction thereof may not commence unless and until the ACC has approved such Plans and Specifications in writing. Such application or submission to the ACC shall include Plans and Specifications showing the site layout, structural design, exterior elevations, exterior materials and colors, landscaping, drainage, exterior lighting, irrigation, and other features of proposed construction, as applicable. The ACC may postpone review of the Plans and Specifications until such time as the Architectural Review Committee has received all information requested by it. The ACC shall specify reasons for objections may, but is not required to, offer suggestions for curing any objections. No approval, whether expressly granted or deemed to be granted pursuant to the foregoing, shall be inconsistent with this Declaration or the applicable Design Guidelines unless a variance has been granted pursuant to this Declaration. The ACC shall consider and act upon any and all Plans and Specifications submitted for its approval pursuant to this Declaration and perform such other duties assigned to it by this Declaration or as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with Plans and Specifications approved by the ACC. The ACC shall not be responsible for reviewing any proposed Improvement, nor shall its approval of any Plans or Specifications be deemed approval thereof from the standpoint of structural safety, engineering soundness, or conformance with building or other codes of governmental regulatory authorities. In reviewing each submission, the ACC may consider any factors it deems relevant, including, without limitation, harmony of external design with surrounding structures, environment, and location within the community. Decisions may be based on purely aesthetic considerations. The determinations as to such matters are purely subjective and opinions may vary as to the desirability and attractiveness of particular Improvements.

5.7 Variances. The ACC may grant variances from compliance with any of the provisions of this Declaration or the Design Guidelines, when, in the opinion of the ACC, in its sole and absolute discretion, such variance will not impair or detract from the high quality development of the Property, and such variance is justified due to unusual or aesthetic considerations, unusual circumstances, undue hardship in a particular instance, or for other reasons as shall be determined in good faith by the ACC. All variances must be evidenced by a written instrument, and must be signed by a majority of the voting members of the

ACC. The granting of such variance shall not operate to waive or amend any of the terms and provisions of this Declaration applicable to the Lots for any purpose except as to the particular Property and in the particular instance covered by the variance, and such variance shall not be considered to establish a precedent for future waiver, modification or amendment of the terms and provisions hereof or to estop the denial of a variance in other circumstances. Notwithstanding the foregoing, such variances shall not vary any local governmental ordinance unless a variance or special exception has been first granted by the respective local governmental authority.

5.8 No Waiver of Future Approvals. The approval or consent of the ACC to any Plans and Specifications for any work done or proposed or in connection with any other matter requiring the approval or consent of the ACC shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any Plans and Specifications, or other matter whatever, subsequently or additionally submitted for approval or consent by the same or a different person.

5.9 Work in Progress. The ACC, at its option, may inspect and is granted the right to inspect all work in progress to ensure compliance with approved Plans and Specifications.

5.10 Address. Plans and Specifications shall be submitted to the ACC at such address as may be designated by the Board or by Declarant, its successors and assigns, from time to time.

5.11 Fees. The ACC shall have the right to require a reasonable submission fee as established by the Board or the Declarant from time to time for each set of Plans and Specifications submitted for its review and may require payment of same in full prior to review of any application or submission.

5.12 Certificate of Compliance. Upon completion of any Improvement approved by the ACC and upon written request by the Owner of any Lot, the ACC may issue a certificate of Compliance certifying that there are no known violations of this Declaration or the Design Guidelines. The certificate shall not be construed to certify the acceptability, sufficiency or approval by the Architectural Review Committee of the actual construction of the Improvements or of the workmanship or material thereof. The Owner is hereby notified that the certificate in no way warrants, except as set forth above, the sufficiency, acceptability or approval by the ACC of the construction workmanship, materials or equipment of the Improvements. Preparation and recordation of such a certificate shall be at the expense of the Owner of the Lot. Issuance of such a certificate shall estop the ACC and the Association from taking enforcement action with respect to any condition as to which the ACC and the Association had notice as of the date of such certificate.

5.13 Commencement Obligation. If construction does not commence on the work for which Plans and Specifications have been approved within six (6) months after the date of approval, such approval shall be deemed withdrawn and it shall be necessary for the Owner to reapply for approval before commencing the proposed work. Once construction is commenced, it shall be diligently pursued to completion. If approved work is not diligently pursued to completion, it shall be considered nonconforming and shall be subject to enforcement action by the Association, the Declarant or any aggrieved Owner.

5.14 Limitation of Liability. The standards and procedures established by this Section are intended as a mechanism for maintaining and enhancing the overall aesthetics of the Property. Review and approval of any application pursuant to this Section is made on the basis of aesthetic considerations only and the ACC or other reviewer shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements, nor for ensuring that all Improvements are of comparable quality, value or size or of similar design. The ACC, the Declarant, the Association, the Board, any other committee, and any member of any of the foregoing may not be held liable for soil conditions, drainage or other general

site work, or for any defects in plans reviewed or approved hereunder, or for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any structure. In all matters, the ACC and all persons comprising the ACC shall be defended and indemnified by the Association as provided in this Declaration.

5.15 Control Period. During the Control Period the Declarant is exempt from compliance with this Section 5.

SECTION VI

FUNDS, ASSESSMENTS, FEES, REMEDIES AND LIENS

6.1 Creation of the Lien and Personal Obligation for Assessments. Each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be expressed in any such deed or other conveyance, covenants and agrees to pay to the Association: (a) annual assessments or charges for maintenance, taxes and insurance, (b) special assessments for capital improvements, and (c) individual special assessments levied against individual Owners to reimburse the Association for (i) amounts owed by the Owner to the Association, or (ii) the extra cost for maintenance and repairs caused by the willful or negligent acts of the individual Owner. Such assessments (collectively, the "Assessments") are to be fixed, established and collected as provided herein. Assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the Lot and shall be secured by a continuing lien which is hereby created and impressed for the benefit of the Association upon the Lot against which each such Assessment is made. Each such Assessment, together with such interest costs and reasonable attorney's fees shall also constitute a personal obligation of the person or entity who was the record Owner of such Lot at the time of such Assessment. The personal obligation for delinquent Assessments shall not pass to successors in title unless expressly assumed by such successors; however, the lien upon the Lot shall continue until paid.

6.2 Purpose of Assessments. The Assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the Owners of the Lots, the improvement and maintenance of the Common Properties, if any, and any other property designated by the Association, and for the performance and exercise of the rights and obligations of the Association arising hereunder. Assessments shall include, but shall not be limited to, funds to cover actual Association costs for all taxes, insurance, repair, replacement, maintenance of common areas and facilities including the joint use access driveway and other activities as may from time to time be authorized by the Board; legal and accounting fees, and any fees for management services; expenses incurred in complying with any laws, ordinances or governmental requirements applicable to the Association or the Property; reasonable replacement reserves and the cost of maintaining other facilities, including, but not limited to, mowing grass, grounds care, sprinkler system, landscaping, and other charges required or contemplated by this Declaration or that which the Board shall determine to be necessary to meet the primary purpose of the Association, including the establishment of a reserve for repair, maintenance, and other charges as specified herein.

6.3 Basis and Maximum of Quarterly Assessments.

(a) The initial regular quarterly Assessment shall be \$400 per Lot. Owners shall have the right to prepay quarterly Assessments for the year.

(b) On an annual basis, the maximum regular annual Assessment may be increased by an amount up to ten percent (10%) over the preceding year's maximum matter annual Assessment solely by the Board. Any increase over and above ten percent (10%) of the previous year's maximum regular annual

Assessment shall be done only by the prior written approval of sixty-six and two-thirds percent (66 2/3%) of the outstanding votes held by the Members at a meeting at which a quorum is present.

6.4 Special Assessments. In addition to the regular annual Assessment authorized above, the Association may levy, in any assessment year, a special Assessment applicable to that year only, for the purpose of defraying, in whole or in part, the costs incurred by the Association pursuant to the provisions of this Declaration, provided that any such special Assessment shall have the prior written approval of sixty-six and two-thirds percent (66 2/3%) of the outstanding votes (determined pursuant to Section 4.3 hereof) held by the Members at a meeting at which a quorum is present. Any special Assessment shall be prorated based on the period of time the Owner owns the Lot during such year.

6.5 Notice and Quorum for any Action Authorized Under Sections 6.3 and 6.4. Written notice of any meeting called for the purpose of taking any action authorized under Sections 6.3 and 6.4 hereunder shall be given to all Members not less than ten (10) days nor more than twenty (20) days in advance of such meeting. At such meeting, the presence of Members or of proxies entitled to cast sixty percent (60%) of all the votes entitled to be cast by the Members of the Association shall constitute a quorum.

6.6 Uniform Rate of Assessment. Both the regular annual and any special assessments shall be assessed at a uniform rate for all Lots, and shall commence and be due in accordance with the provisions of Section 6 hereof. Each Owner shall pay one hundred percent (100%) of the established Assessment for each Lot owned. Declarant and those builders who purchase Lots directly from Declarant for construction of single-family residences shall not pay Assessments for Lots Declarant owns.

6.7 Initial Capital Contributions and Transfer Fees. All purchasers, excluding builders who purchase Lots directly from Declarant for construction of single-family residences, shall pay a transfer fee and an initial capital contribution to establish a reserve fund for repairs and maintenance upon the closing of each Lot. Transfer fees and initial capital contributions shall be set by the Board of Directors as directed by the management company, if any.

6.8 Date of Commencement of Annual Assessments; Due Dates.

(a) The obligation to pay regular annual Assessments provided for herein shall commence on Declarant's conveyance of a Lot to an Owner. The Assessments shall be due on such payment dates as may be established by the Association. Assessments shall be due and payable on a quarterly basis unless otherwise designated by the Association.

(b) Except for the first Assessment year, the Association shall fix the amount of the annual Assessment at least thirty (30) days in advance of each Assessment year, which shall be on a calendar year basis; provided, however, that the Association shall have the right to adjust the regular annual Assessment upon thirty (30) days written notice given to each Owner, as long as any such adjustment does not exceed the maximum permitted pursuant to Section 6.1 hereof. Written notice of the regular annual Assessment shall be given as soon as is practicable to every Owner subject thereto. The Association shall, upon demand at any time, furnish a certificate in writing signed either by the President, Vice President or the Treasurer of the Association setting forth whether the annual and special Assessments on a specified Lot have been paid and the amount of any delinquency. A reasonable charge may be made by the Association for the issuance of these certificates. Such certificates shall be conclusive evidence of payment or delinquency of any Assessment therein stated.

(c) No Owner may exempt himself from liability for Assessments by waiver of the use or enjoyment of any portion of the Fence Easements or by abandonment of such Owner's Residence.

6.9 Effect of Non-Payment of Assessments; Remedies of the Association.

(a) All payments of Assessments shall be made to the Association at its principal place of business in Travis County, Texas, or at such other place as the Association may otherwise direct or permit. Payment shall be made in full regardless of whether any Owner has any dispute with Declarant, the Association, any other Owner or any other person or entity regarding any matter to which this Declaration relates or pertains. Payment of the Assessments shall be both a continuing affirmative covenant personal to the Owner and a continuing covenant running with the Property. All Assessments together with late charges, service charges and interest thereon, shall be a continuing debt secured by and there is hereby impressed a lien against each of the Lots to secure repayment of the Assessments and such other sums.

(b) Any Assessment provided for in this Declaration, which is not paid when due, shall be delinquent. If any such Assessment is not paid within fifteen (15) days after the due date of such Assessment, the Assessment shall bear interest from the date of delinquency, until paid, at the maximum rate per annum allowed by law or eighteen percent (18%) per annum, whichever is less, and in addition thereto, a late charge maybe assessed by the Board against the non-paying Owner for each month that any portion of any Assessment remains unpaid. The initial late charge shall be \$25. Such amount may be adjusted from time to time by the Board. The Board may also assess a service charge in the amount of \$50 for each check that is returned because of insufficient funds, which amount shall also be subject to adjustment from time to time by the Board. The Association may, at its option, bring an action at law against the Owner personally obligated to pay the same; or, upon compliance with the notice provisions hereof, foreclose the lien against the Lot as provided in Paragraph 6.9(d) hereof. There shall be added to the amount of such Assessment the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include accrued interest and reasonable attorney's fee, together with the costs of such action. Each Owner vests in the Association or its assigns, the right and power to bring all actions at law or in equity foreclosing such lien against an Owner, and the expenses incurred in connection therewith, including interest, costs and reasonable attorney's fees shall be chargeable to the Owner in default. Under no circumstances, however, shall Declarant or the Association be liable to any Owner or to any other person or entity for failure or inability to enforce or attempt to enforce the collection of any Assessment.

(c) No action shall be brought to foreclose said Assessment lien or to proceed under the power of sale herein provided in less than thirty (30) days after the date a notice of claim of lien is deposited with the postal authority, certified or registered, Postage Prepaid, to the Owner of said Lot, and a copy thereof is recorded by the Association in the Office of the County Clerk of the county or counties in which such Lots are located. Said notice of claim must recite a good and sufficient legal description of the Lot, the record Owner or reputed Owner thereof, the amount claimed (which may, at the Association's option, include interest on the unpaid Assessment at the maximum legal rate, plus reasonable attorney's fees and expenses of collection in connection with the debt secured by said lien), and the name and address of the Association.

(d) Any such sale provided for above is to be conducted in accordance with the provisions applicable for the exercise of powers of sale in mortgages and deeds of trusts, as set forth in Section 51.002 of the Property Code of the State of Texas, or in any other manner permitted by law. Each Owner, by accepting a deed to a Lot, expressly grants to the Association a power of sale as set forth in said Section 51.002 of the Property Code, in connection with the Assessment lien. The Association, through duly authorized agents, shall have the power to bid on the Lot at foreclosure sale and, upon successful bid at such sale, acquire and hold, lease, mortgage and convey the same.

(e) Upon the timely curing of any default for which a notice of claim of lien was filed by the Association, the officers of the Association are hereby authorized to file or record, as the case may be, an appropriate release of such notice, upon payment by the defaulting Owner of a reasonable fee, to be determined by the Association for the preparation and recording the lien and the release.

(f) The Assessment lien and the right to foreclosure sale hereunder shall be in addition to and not in substitution of all other rights and remedies which the Association and its successors or assigns may have hereunder and by law, including the right of suit to recover a money judgment for unpaid Assessments, as above provided.

6.10 Subordination of the Lien to First Mortgages. The lien securing the Assessments and other charges provided for herein shall be subordinate to the lien of any first lien mortgage. The sale or transfer of any Lot shall not affect the Assessment lien. However, the sale or transfer of any Lot, pursuant to a decree of foreclosure or a non-judicial foreclosure under such first lien mortgage or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such Assessments as to payments thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any Assessment thereafter becoming due, in accordance with the terms herein provided.

SECTION VII

GRANT OF EASEMENTS & RIGHTS RETAINED BY DECLARANT

7.1 Reserved Easements. All grants and dedications of easements, rights-of-way, restrictions and related rights affecting the Property and made by Declarant prior to the Property becoming subject to this Declaration, are incorporated herein by reference and made a part of this Declaration for all purposes, as if fully set forth herein, and they, together with all easements, reservations, and provisions contained in this instrument shall be construed as being adopted and incorporated in each and every contract, deed or conveyance executed or to be executed by or on behalf of Declarant conveying any part of or interest in the Property. Further, the Association shall have the right to grant utility easements and rights-of-way across any portion of the Property for the purpose of more efficiently and economically providing any, existing or future, utility to any portion of the Project so long as any easement granted across any lot does not unreasonably interfere with an Owner's use and enjoyment of their lot or Residence. Additionally, Declarant reserves the right, without the necessity of the joinder of any Owner or other person or entity, to grant, dedicate, reserve or otherwise create, at any time or from time to time, non-exclusive rights-of-way and easements for access, ingress, egress and utility purposes (including, without limitation, gas, water, sanitary sewer, cable television, fiber optic cable, electricity, telephone and drainage). These rights of Declarant may also be exercised by the Association after the Control Period.

7.2 Installation and Maintenance. There is hereby created a non-exclusive easement upon, across, over and under all portions of the Property, as are reasonably necessary in connection with installing, replacing, repairing, maintaining and extending all utilities, including, but not limited to, water, sewer, gas, drainage, cable television, fiber optic cable, telephones, electricity and appurtenances thereto. By virtue of this easement, it shall be expressly permissible for Declarant, the Association or utility companies and other entities supplying service to install and maintain pipes, wires, conduits, service lines or other utility facilities or appurtenances thereto, on, across and under the Property, within the utility easements from time to time existing and from service lines situated within such easements to the point of service on or in any Improvement.

SECTION VIII
CASUALTY INSURANCE, CASUALTY DAMAGE & REPAIRS

8.1 Ordinary Repair and Maintenance. Each Owner of a Lot must:

- (a) maintain the exterior of the Residence, the Accessory Buildings, fences, walls, and other improvements on the Owner's Lot in good condition and repair;
- (b) replace worn and rotten parts;
- (c) regularly repaint or re-stain all painted and stained surfaces; and,
- (d) not permit the roofs, rain gutters, downspouts, exterior walls, windows, doors, sidewalks, driveways, parking areas, or other exterior portions of the improvements to deteriorate.

8.2 Failure to Repair. In the event of a fire, wind damage or other casualty loss, and each Owner agrees to use the proceeds from such insurance for the repair and replacement of the improvements including an entire Residence, and the Owner shall promptly repair the damage and return the Residence to its original condition, in accordance with the requirements of this Declaration. If an Owner fails or refuses to promptly complete the replacement or repair as required by this Declaration, then the Association may, but is not obligated to, make the repairs at the cost of the Owner and all costs and expenses in making that repair, plus a fifteen percent (15%) overhead factor, shall become a debt due to the Association which shall be payable upon demand. If any amounts required by this paragraph are not paid upon demand, then the same shall bear interest at eighteen percent (18%) or the highest rate of interest allowed by law, whichever is less.

SECTION IX
GENERAL PROVISIONS

9.1 Term. This Declaration, as it may be amended in accordance with the provisions hereof, shall run with and bind the Property and shall be and remain in effect for a period of forty (40) years after the date this Declaration is recorded, after which time it shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing, signed by Members with at least sixty seven percent (67%) of the total votes in the Association agreeing to terminate this Declaration has been recorded within the year immediately preceding the beginning of a ten (10) year renewal period, in which case this Declaration shall terminate at the end of its original term or the applicable extension period. Every purchaser or grantee of any interest in any real property subject to this Declaration, by acceptance of a deed or other conveyance therefor, thereby agrees that this Declaration may be extended and renewed as provided in this Section.

9.2 Nonliability of Board and Architectural Control Committee Members. Neither Declarant, the ACC, nor any member thereof, nor the Board nor any member thereof, shall be liable to the Association or to any Owner or to any other person for any loss, damage or injury arising out of their being in any way connected with the performance of Declarant's, the ACC's or the Board's respective duties under this Declaration, unless due to the willful misconduct or bad faith of Declarant, the ACC or its members or the Board or its members, as the case may be.

9.3 Amendment. This Declaration may be amended by the recording in the real property records of Travis County, Texas an instrument executed and acknowledged by the Declarant during the Control Period, which shall have the sole right to amend the Declaration during the Control Period; or after the Control Period, by at least sixty-seven percent (67%) of all Members of the Association and by at least

a majority of all of the Directors then serving on the Board, setting forth the amendment and certifying that such amendment has been approved by the Members entitled to cast at least sixty-seven percent (67%) of the Members. The instrument shall identify all Members of the Association and be executed by those Members agreeing to the Amendment. Any amendment to this Declaration must be recorded in the real property records of Travis County, Texas to be effective.

9.4 Notices. Any notice permitted or required to be given by this Declaration shall be in writing and may be delivered as follows. (a) If the party receiving the notice has provided the party giving the notice with their email address or facsimile number, then one notice shall be given either by facsimile transfer or by email at the number or address previously provided as applicable (nothing in this provision shall require a party giving notice to have a duty to inquire about a facsimile number or an email address); and (b) in any case, the party giving notice shall send written notice to the party receiving notice in one of the following methods:

- a. hand delivery to the Residence;
- b. overnight courier; or
- c. depositing the notice by U.S. Mail in a properly addressed and properly stamped to the recipient's last known address (if notice is given by certified or registered mail, notice must also be given by regular U.S. Mail to avoid delays in delivery).

If notice is actually received, the failure to give notice according to this provision shall be excused. Notice shall be deemed given on the earliest of the following dates:

- i. when written notice is actually received by the recipient;
- ii. the first business day after a notice is transmitted, properly addressed and sent, either by overnight courier or by facsimile transfer;
- iii. five (5) business days after deposit with the U.S. Mail.

9.5 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate the purposes of creating a plan for the development and operation of the Property and of promoting and effectuating the welfare of all of the Owners and the fundamental concepts of the Property set forth in this Declaration. This Declaration shall be construed and governed under the laws of the State of Texas.

9.6 Exemption of Declarant. During the Control Period, and notwithstanding anything herein contained to the contrary, Declarant shall not be subject to the jurisdiction or control of the ACC or the Association, and it shall be expressly permissible for Declarant to use its property and to maintain and carry on, upon such portion of its property as Declarant may deem necessary, such facilities and activities as in the sole opinion of Declarant may be required, convenient, or incidental to Declarant's sales activities related to its property, including, but without limitation: the right of access, ingress and egress for vehicular and pedestrian traffic over, under, on or in the Common Properties; the right to carry on sales and promotional activities on its property which is a part of the Project; the right to operate information and sales offices on its property; and the right to use its property as set forth in Section 2 hereof. During the Control Period, the Declarant shall not be subject to the provisions of Section 2 or 3 of this Declaration.

9.7 Assignment by Declarant. Notwithstanding any provision in this Declaration to the contrary, Declarant may assign in writing, all of its privileges, exemptions, rights and duties under this Declaration together with portions of the Property that it owns to any other person or entity and upon such assignment, said assignee shall become the Declarant which will permit the participation, in whole or in part, by such other person or entity in any of its privileges, exemptions, rights and duties hereunder.

9.8 Enforcement and Nonwaiver.

A. **Right of Enforcement.** Except as otherwise provided herein, (i) any Owner at his own expense, (ii) Declarant, and/or (iii) the Board shall each have the right to enforce all of the provisions of this Declaration and the rules and regulations. The Board may impose fines or other sanctions, which shall be collected as provided herein for the collection of Assessments. Failure to comply with this Declaration or the rules and regulations shall be grounds for an action to recover sums due for damages, injunctive relief, or any other remedy available at law or in equity, maintainable by the Board, on behalf of the Association, or by any Owner of a portion of the Property. The Association shall also have the right to enforce, by any proceeding at law or in equity, any other restrictions, conditions, covenants and liens imposed upon any portion of the Property, which by the terms of the instrument creating same grant the Association the power to enforce same, and failure of the Association to enforce such provisions shall in no event be deemed a waiver of the right to do so thereafter. No fine shall be unreasonable or excessive, but a fine may be sufficient to cover anticipated costs to the Association together with inconvenience to the other Owners. Any fines or damages, and any resulting attorney's fees or court costs, resulting from any violation pertaining to a Lot, shall become a lien, pursuant to the terms of this Declaration against said Lot and enforceable against said Lot pursuant to the terms of this Declaration.

B. **Nonwaiver.** The failure to enforce any provision of this Declaration or the rules and regulations at any time shall not constitute a waiver of the right thereafter to enforce any such provision or any other provision of said restrictions.

9.9 Construction.

A. **Severability.** The provisions of this Declaration or the rules and regulations shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion thereof.

B. **Gender and Grammar.** Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; and the masculine, feminine or neuter shall each include the masculine, feminine and neuter.

C. **Captions.** All captions and titles used in this Declaration are intended solely for convenience of reference and shall not enlarge, limit or otherwise affect that which is set forth in any of the paragraphs or sections hereof.

9.10 Notice of Sale or Transfer of Title. In the event that an Owner sells or otherwise transfers title to his or her Lot (or any interest in said Lot), such Owner and the New Owner shall provide the Association with a copy of the executed instrument of conveyance and give the Association written notice of the name and address of the purchaser or transferee, the date of such transfer of title, and such other information as the Board may reasonably require. Until such written notice is received by the Association, the transferor shall continue to be jointly and severally responsible for all obligations of the Owner of the Lot hereunder, including payment of Assessments, notwithstanding the transfer of title to the Lot.

9.11 Notices of Delinquency to Mortgagees. Upon written request to the Association by a Mortgagee (such request to state the name and address of the applicable Owner and the description of the applicable property), the Association will provide a written statement as to whether or not such Owner is delinquent in the payment of Assessments or charges to the Association with respect to the property subject to the Mortgage of such Mortgagee.

9.12 No Partition. No party acquiring an interest in the Property or any part thereof shall seek or be entitled to a partition of the Common Properties.

9.13 Disclaimer by Declarant. EXCEPT AS SPECIFICALLY STATED HEREIN, DECLARANT HAS NOT MADE, DOES NOT MAKE AND DISCLAIMS ANY WARRANTY, GUARANTY, OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS, TO, OR CONCERNING (I) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING BUT NOT BY WAY OF LIMITATION, THE WATER, SOIL, GEOLOGY AND THE SUITABILITY THEREOF, AND OF THE PROPERTY, FOR ANY AND ALL ACTIVITIES AND USES WHICH OWNER MAY ELECT TO CONDUCT THEREON OR ANY IMPROVEMENTS ANY OWNER MAY ELECT TO CONSTRUCT THEREON, EXPENSES TO BE INCURRED WITH RESPECT THERETO, OR ANY OBLIGATIONS OR ANY OTHER MATTER OR THING RELATING TO OR AFFECTING THE SAME; (II) THE MANNER OF CONSTRUCTION AND CONDITION OF ANY OF THE IMPROVEMENTS ON COMMON PROPERTIES CONSTRUCTED BY DECLARANT; (III) THE ABILITY TO DEVELOP A LOT FOR SINGLE FAMILY RESIDENTIAL PURPOSES; AND (IV) THE DESIGNATION OR LOCATION OF COMMON PROPERTIES OR THE TYPE OR NATURE OF ANY AMENITIES OR IMPROVEMENTS THAT COULD BE CONSTRUCTED ON ANY PORTION OF THE PROPERTY OTHER THAN ANY AMENITIES OR IMPROVEMENTS SHOWN ON ANY APPROVED SURVEY OR THE TIMING OF THE CONSTRUCTION OF THE SAME.

9.14 Mediation.

Any controversy or claim arising from or related to this Declaration or the breach thereof and/or any Property subject to this Declaration must first be submitted for mediation by a certified attorney mediator before any lawsuit is filed. The parties covenant that the mediation proceeding shall be conducted in Travis County, Texas. The parties agree to use the most expedited procedures available.

9.15 Invitee's Compliance. shall constitute a person's agreement to abide by these rules. All Owners shall be responsible for each invitee or guest to their Residence to insure compliance by the guest or invitee with this Declaration and any rules and regulations adopted by the Board.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration as of this ____ day of February, 2021.

DECLARANTS

Robin Mallory Moore

Doyle Randall Moore

Sherry Moore Waldrup

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of February, 2021, by Robin Mallory Moore, Declarant.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of February, 2021, by Doyle Randall Moore, Declarant.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of February, 2021, by Sherry Moore Waldrup, Declarant.

Notary Public, State of Texas

AFTER RECORDING PLEASE RETURN TO:

Sprouse Shrader Smith
Attn: Courtney Mogonye-McWhorter
805 Las Cimas Pkwy, Bldg. Iii, Suite 350
Austin, Texas 78746

EXHIBIT “A”

Legal Description of Property



February 16, 2021

Ms. Anjali Naini
City of Westlake Hills
Building & Development Services
911 Westlake Drive
Westlake Hills, Texas 78746

Mr. Russell Cain, R.S.
City Environmental Inspector
911 Westlake Drive
Westlake Hills, Texas 78746

RE: Response to Comments
01-05-2021 BDS, 01-08-2021 Engr., and 01-13-2021 Sanitarian Comments
803 Westlake Drive Subdivision Application Review 1 (Permit No. 16329)
TLE Job No. 1709

Dear Ms. Naini and Mr. Cain,

Below are responses to your Building and Development Services (BDS), Engineering, and Sanitarian comments issued on the dates noted above.

Engineer's Comments

Engr Comments 1 to 4

Cleared

Engr Comment 5-C1)

Comment remains. Please provide additional information on how the increase flow from the impervious cover proposed in the JUAЕ will be mitigated and treated for water quality in compliance with TCEQ regulations.

Response 5-C1

The JUAЕ impervious cover is intended to be mitigated with the other impervious cover on the lot at the time of lot development. A note has been added to better clarify that intention; see note 5 added to the proposed concept sheets (bottom right). See also note 12 on the plat. No water quality treatment is expected to be required since the impervious cover is planned to be less than 20 percent but, should that not be the case, the treatment will likewise occur with lot development. A note to that affect has also been added to the concept plan; see note 6.

Engr Comments 6 to 9

Cleared.

Engr Comment 10-C1)

Comment remains. Please show how the increased runoff due to the driveway will be mitigated.

Response 10-C1

Please see the response to comment 5-C1 above.

Engr Comment – Review 2

Please remove the language allowing detention structures to be constructed in the conservation easement.

Response to Review 2 Comment

Please note that the conservation easement is a voluntary addition by the applicant to protect the steeper slopes on the property. It is not a requirement of any code. We have not removed the language given that the disturbance will be a one time, temporary event and we believe it will better allow for any detained run-off to maintain separation from any building foundation and will allow the wall to be more hidden, which we understand to be desired in Westlake. It is also not an unusual approach for Westlake; the same approach was taken in the Butler Cove subdivision (except that a single pond for all the lots was constructed in that case). Note that generally, any wall encroachment into the conservation easement is expected to only be on the order of 3 to 5 feet; further encroachment does not appear to be necessary with the single exception of Lot 5 where the topography shows a significant fold which is not aligned with the conservation easement boundary.

Building and Development Services Comments

BDS Comment 1

The building setback lines have been dropped from the rest of the lots. Additionally, only either the front or rear setback lines are shown on the lots in question. Please revise. Please label lot widths at the building lines in question.

Response 1

As noted in our email, the building lines were removed from the plat to prevent conflict with the appropriate application of the code setbacks in effect. Additionally, the 1970s rules on the site setback spoke of an averaging of the setback on each side, where each side could vary lot to lot so long as the total achieved the required total. As a result of these issues, we instead applied the approach now common on all plats in the City of Austin where we instead refer to the fact that building lines will be per the code, the only exception being the front and back lines added given the uncertainty as to where the lot met the required width. See note 15 on the plat.

BDS Comment 2

If subdivision is intended to connect to the City's wastewater system, please provide proof of wastewater availability. Otherwise, please provide proof of septic permit/ability to install septic systems. Refer to Code Sec. 36.01.006 (a). Please note email provided verifying capacity does not reserve the LUEs needed for this project. Connection fees invoiced from Wastewater Accounting Manager Theresa Sanchez will need to be paid prior to City taking action on plat to reserve capacity.

Response 2

We understand that “the comment remains” to just mean that, while the plat can go through hearings and be approved by the Commission and Council, it will just not be formally approved and recorded until the fee is paid. We believe this is also referenced in comment 5. Assuming that is correct, we understand and concur.

BDS Comment 3

Copy (of CCRs) received; however, CCRs cannot grant variances to City Code. For example, Sec. 2.2 is allowing 35ft height measured from average grade.

Response 3

(By Terry Irion) The applicable zoning provisions regulating height are the A residential district provisions, which predate the adoption of the R-1 district regulations. Section 2.2 of the CCR’s is not inconsistent with the applicable A residential district regulation which is applicable to the regulation of building size on this 1972 project initiation date.

BDS Comment 4, 5, and 6

Cleared

BDS Comment 7

Acreage corrected, but response to second part of comment not received.

Response 7-added comment

We apologize for failing to answer the second part. There is no meaningful way (if any way) to revise the acreages to all be over 1 acre. The reason is the steep slopes on the south side of the overall tract. The only building area (even then somewhat marginal) for Lot 1 is quite distant from the southern tract line. As a result, that first tract is over 2 acres, putting the balance under the 7 acres needed for each of the remaining to be over an acre. We already took a part of the lot out for Lot 2, adding a meaningless flag to Lot 2 that is down the creek. Maybe (unlikely but maybe) more flags could be added through the creek to “technically” get the areas to over an acre but it would have no meaning in real life. In summary, it is the fact that the developable areas are limited and weighted to the north side of the tract that drives the smaller lot area totals. We hope that this answers your question.

BDS Comment 8

Cleared

BDS Comment 9

Plat Notes & Certifications Comments:

- a. This is cleared but new comment based on new JUA language – please remove reference to private road (perhaps replace road with driveway) since Chapter 36 of the Code does not permit private streets.
- b. Cleared.
- c. Cleared.
- d. Cleared.
- e. Cleared.
- f. New Comment: Plat Note # 13 – Please revert back to original comment stating all lots are zoned R-1, and strike second sentence regarding project initiation date.

Response 9

- a) (By Terry Irion) The JUAЕ is a private driveway (see Plat Note 11). Plat Note 4 will be corrected to refer to the JUAЕ a private driveway.
- b) Cleared
- c) Cleared
- d) Cleared
- e) Cleared
- f) (By Terry Irion) The property is zoned R-1 today, having been rezoned from A to R-1 so the note is correct. The statement that the project initiation date is October 24th, 1972 factually correct and needs to be on the plat.

BDS Comment 10

After plat goes through technical review, a minimum of 2 mylar copies will need to be submitted to City for signature and recordation, and will need to be signed by property owners and signed/sealed by engineer and notarized (City needs this prior to signature after any comments are addressed – refer to Sec. 36.01.007)

Response 10

Administrative Comment. We understand. Thank you.

Sanitarian Comments

Sanitarian Comment 1

Not clear. Please send revised copy of plat document for review.

Response 1

We apologize that you didn't get the plat. Another copy is attached.

Sanitarian Comment 2

Not clear. House and septic system appear to cross 3 property lines. Either remove house and septic system or redraw lot lines to preserve. Septic system must be abandoned according to TCEQ rules and regulations prior to subdivision approval to meet plat note number 1. Please submit an application for septic system modification with appropriate fee (tank abandonment) to begin this activity. While this house will no longer have an onsite wastewater system, it may not be occupied until connected to the city sewer system (provide evidence of application, plan and fee payment).

Response 2

(By Terry Irion) Any encroachment of the existing house, well, or septic system across a proposed lot line will be removed prior to recording of the approved plat

Sanitarian Comment 3

Please include Tree/topo survey signed, dated and sealed by Registered Professional Surveyor within the last 3 years with all trees 3" or larger with submittal response. Submitted tree/topo survey did not include entire area of subdivision. Submitted survey did not appear to include trees 3-6 inches. *Comment 2: Not Clear*

Response 3

(By Terry Irion) The current tree regulations do not apply to this project which was initiated in 1972. Applicant submitted a tree survey for the area outside of the voluntary conservation

Ms. Anjali Naini
Mr. Russell Cain, R.S.
City of Westlake Hills
February 16, 2021
Page 5 of 5

easement that is proposed to be dedicated by the plat. There is no point in surveying trees that by Plat dedicated easement will be in the conservation easement. The proffered survey is sufficient to determine the level of tree mitigation applicant agrees by plat note to make.

Sanitarian Comment 4

Please provide tree/topo survey with existing and proposed site improvements (shared driveway) with proposed lot lines and easements. *Comment 2: Not Clear. See #3.*

Response 4

(By Terry Irion) See response to Comment 3.

Sanitarian Comment 5

Not clear. Please revise tree removal totals to show total tree removal inches of trees 6 inches or more and less than 14 inches along with its 75% mitigation calculation along with total tree removal inches of trees 14 inches or larger along with Its 150 % mitigation total and then the combined total for inches to be replaced. Trees 14 inches or larger may be removed by City Council variance. Please provide copy of City Council approval letter for all trees by tree number.

Response 5

(By Terry Irion) See response to Comment 3.

Sanitarian Comment 6, 7, and 8

Cleared.

Sanitarian Comment 9

Not clear. Please show appropriate well setbacks

Response 9

We trust that you got exhibit we emailed. But just in case it has been re-attached.

Sanitarian Comment 10 and 11

Cleared

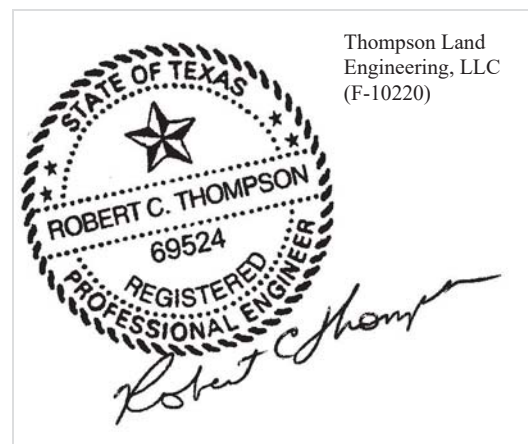
We hope that you find this information complete and sufficient. Please contact me at 512-328-0002, if you have any questions.

Sincerely,

THOMPSON LAND ENGINEERING, LLC



Robert C. (Ric) Thompson, P.E.
M.S., C.F.M., C.P.E.S.C.



February 16, 2021



SPROUSE SHRADER SMITH PLLC
ATTORNEYS AT LAW

TERRENCE L. IRION

(512) 615-6653

January 14, 2021

Russell Cain, R. S.
City Environmental Inspector
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Via email: russell@westlakehills.org

***Re: 803 Westlake Drive, Project No. 16102 and 16329, Residential Subdivision
Final Plat***

Dear Mr. Cain,

The following is a detailed response to your Subdivision Review Comment No. 3 of 11 which you issued on January 13, 2021. Ric Thompson, the design engineer for the Subdivision, will be responding to the other 10 comments. I wanted to take this opportunity to explain why the Applicant is only offering the tree survey proposed by Paul Flugel of Chapparral Professional Land Surveying, Inc., dated December 4, 2019 in response to your review comment. You comment that the survey does not include the steep slopes at the rear of the proposed lots, nor does it include trees that are 3–6 inches. The reason that the smaller trees and the trees on the steep slopes in the back were not surveyed is because of the density of the tree cover on this property which identifies over 4,500 trees and because the area of the steep slopes not surveyed in the rear of the proposed lots is being proposed for dedication as a no-disturbance/conservation easement.

This plat project was initiated in 1972 by contract authorization of the City Council dated October 24, 1972 and affirmed by Ordinance 55B adopted on November 7, 1972. The adopted City Zoning Ordinance at that time was Ordinance 54 adopted on May 4, 1954, designating the subject property as being in the “A” Residential Zone District. The “A” Zoning District did not have any adopted tree regulations. In 1972, the City Council approved the creation of an eight residential lot project on the subject property containing less than eight acres in consideration of the dedication and conveyance of a right-of-way deed for the widening of Westlake Drive at no cost to the City. The Contract or authorization to approve eight residential lots on a net site area less than eight acres was approved by the City Council without regard to its impact on trees which would need to be removed because there were no tree regulations at that time.

We understand that since the adoption of Chapter 38 of the City Zoning Code, regulation of trees has become an important value in the City with respect to plat development and residential building permits. For this reason, the Applicant has voluntarily done the tree survey of those portions of the property where subdivision development will impact trees on the site. This is the Applicant’s good faith effort to accommodate the current value placed on trees in the community, while still giving effect to the original intent of the 1972 City Council of approving eight residential lots meeting “A” Zoning District requirements on the site.

Chapter 245 of the Local Government Code provides that all permits to initiate, continue or complete a project will be subject to only those rules, regulations, ordinances and requirements in effect when the project is initiated with the original request or permit application. The original request was for the City to approve eight residential lot development on the eight plus acre Moore Estate that would be reduced to less than eight acres by a Gift Deed to the City for the Westlake Drive widening. At the time the Contract with Doyle Moore was signed on October 24, 1972, the "A" Residential Zone District did not regulate tree protection, removal or mitigation on a residential subdivision or building permit project. The Contract between Mr. Moore and the City does meet the definition of a permit under Section 245.001 of the Local Government Code.

While amendments to zoning regulations are generally exempt from the vested rights protections of Chapter 245, zoning regulations which affect landscaping, tree preservation, open space, park dedication, lot size, lot dimensions, lot coverage or building size are protected from changes in the regulations which were applicable when the project was initiated.

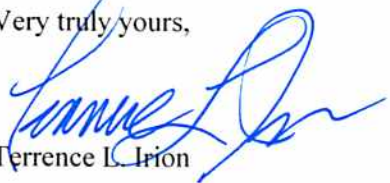
The Moores' are sensitive to the current value the Community as a whole and the City Council, in particular, place on preservation of trees. For this reason they have done the 2019 Tree Survey and will work with your office in identifying particular trees for which every effort should be made to protect.

The Applicants will also remove all invasive species approved by your office along the Westlake Drive right-of-way and replace with as dense a planting of trees and understory shrubs as will allow for healthy growth between or even within the right-of-way (with City permission) and the JUAE, as well as between the JUAE and the front building line of each of the new homes built. See proposed Plat Note 18 describing the Applicants' Tree Mitigation Plan.

Likewise, as described in Plat Note 17, the Applicants' offer to dedicate a no-disturbance/conservation easement along the steep slopes in the rear of each lot where no use or tree removal will be allowed. This is the area that was not surveyed under the Tree Survey tendered with this application.

Should you have additional questions with respect to this Comment Response, please feel free to contact me.

Very truly yours,



Terrence L. Irion

TLI:kc

Enclosures

cc: Anjali Naini
Travis Askey
Ric Thompson

*Via email: planner@westlakehills.org
Via email: taskey@westlakehills.org
Via email: ric@tleng.net*

MEMO

Date: March 4, 2021

Robert C. Thompson, P.E.
Thompson Land Engineering, LLC
904 N. Cuernavaca
Austin, TX 78733



RE: Permit No. 16329 – 803 Westlake Drive Subdivision Application Review 3

The above-referenced plat was reviewed by the City. We are providing the following comments based on a cursory review of the submittal, additional comments may be generated upon the re-submittal:

1. Per Ordinance 55, Section 2(c) and Sec. 36.01.007(F)(iv), please show the centerline of existing watercourses and other similar drainage features as well as the 100-year floodplain limits.
1-R1) *The centerline and the 100-year floodplain limits have been added to the plat.*
1-C1) Cleared.
2. Per Ordinance 55, Section 5(b), please provide adjoining subdivisions or the names of owners of adjacent properties with the respective plat or deed reference including additional information for the properties across Westlake Drive.
2-R1) *The adjoining subdivision names and owners names with deed reference have been added for the surrounding properties.*
2-C1) Cleared.
3. Please show the proposed JUAЕ easement/make the line more visible on the concept map showing the JUAЕ driveway contained within the easement.
3-R1) *We've attempted to make the JUAЕ more clearly on the concept plan, including enlarging the scale. We hope that you find it sufficiently clear.*
3-C1) Cleared.
4. Per Code Sect 36.01.007(F)(vi), please provide the date of preparation.
4-R1) *The date of preparation has been added to the plat. Please see the bottom right of the first page.*
4-C1) Cleared.
5. Per Code Sec 36.01.007(F)(x), please provide a general drainage plan and ultimate destination of storm sewer, water, gas, electric and sanitary sewer connections.
5-R1) *We've embellished the concept plan to attempt to show the items request. But also, please see notes on the right side of both sheets of the proposed plan. Hopefully those notes clarify the plan. Note the gas, electric, telephone and cable are designed by the provider so we have no control of the location of those facilities.*
5-C1) Comment remains. Please provide additional information on how the increase flow from the impervious cover proposed in the JUAЕ will be mitigated and treated for water quality in compliance with TCEQ regulations.
5-R2) *The JUAЕ impervious cover is intended to be mitigated with the other impervious cover on the lot at the time of lot development. A note has been added to better clarify that intention;*

see note 5 added to the proposed concept sheets (bottom right). See also note 12 on the plat. No water quality treatment is expected to be required since the impervious cover is planned to be less than 20 percent but, should that not be the case, the treatment will likewise occur with lot development. A note to that affect has also been added to the concept plan; see note 6.

5-C2) Comment remains. Accommodations for the increased runoff need to be provided for the impervious cover proposed in the JUAЕ easement. Please provide location for the mitigation infrastructure and any necessary easement etc. necessary to accommodate such improvements.

6. Per Code Sec 36.01.007(F)(xiv), please include a statement as to the degree of lot or unit clearing planned and methods for maximum preservation of trees and vegetation including percent of impervious cover anticipated.

6-R1) *We believe the requested note has been added. Please see note 22. The percentage of impervious cover is included on the proposed conditions concept plans; please see the far right.*

6-C1) Cleared.

7. Per Code Sec 36.01.007(F)(xvii), please provide a tree survey and topographic survey for the entire tract of land.

7-R1) *Please see the attached letter from Terry Irion as notes 16, 17, and 22 on the plat.*

7-C1) Cleared.

8. Per Code Sec 36.01.007(G), please include all applicable certifications.

8-R1) *We believe all the required certifications are now on the plat.*

8-C1) Cleared.

9. Per Code Sec 36.01.008, please provide all required information on the construction plans including, but not limited to drainage easements and associated detention ponds.

9-R1) *As discussed, we do not understand any construction plans to be required for this subdivision. All of the work will be private onside construction or basic taps and driveway connections, typical of home construction. We've improved the concept plans to better show the proposed improvements (including services) but are understanding that the construction plans will be provided with the building permits (for the first house or subsequent homes, depending on the needs of the home builder).*

9-C1) Cleared.

10. Per Section 2.1.1 of the City of West Lake Hills Drainage and Erosion Control Design Manual, a preliminary drainage plan is required with preliminary and final plats.

10-R1) *A drainage plan reflecting the computations for the floodplain are included. Each lot will provide its own drainage plan to mitigate for whatever imperious cover is added. A note to this affect has been added to the concept plan. Please see the right side of the proposed concept plan sheets.*

10-C1) Comment remains. Please show how the increased runoff due to the driveway will be mitigated.

10-R2) *Please see the response to comment 5-C1 above.*

10-C2) Comment remains. Accommodations for the increased runoff need to be provided for the impervious cover proposed in the JUAЕ easement. Please provide location for the mitigation infrastructure and any necessary easement etc. necessary to accommodate such improvements.

Review 2 Comments

1. Please remove the language allowing detention structures to be constructed in the conservation easement.

10-R3) *Please note that the conservation easement is a voluntary addition by the applicant to protect the steeper slopes on the property. It is not a requirement of any code. We have not removed the language given that the disturbance will be a one time, temporary event and we believe it will better allow for any detained run-off to maintain separation from any building foundation and will allow the wall to be more hidden, which we understand to be desired in Westlake. It is also not an unusual approach for Westlake; the same approach was taken in the Butler Cove subdivision (except that a single pond for all the lots was constructed in that case). Note that generally, any wall encroachment into the conservation easement is expected to only be on the order of 3 to 5 feet; further encroachment does not appear to be necessary with the single exception of Lot 5 where the topography shows a significant fold which is not aligned with the conservation easement boundary.*

1-C1) Comment remains. The conservation easement is required per code requirements, and does not allow disturbance for drainage features.

Should you have any questions, please contact Director of Building & Development Services Anjali Naini at planner@westlakehills.org or by calling 512-327-3628. Please submit response letter and any revisions to planner@westlakehills.org.



803 Westlake Drive – Permit No. 16329
Moore Tract – Subdivision Application
Review Comments 3
3/5/2021

ZAPCO Hearing: March 17, 2021
City Council Hearing: March 24, 2021

Anjali Naini, AICP | Director of Building & Development Services

Please email response letter and any required documentation to pzsec@westlakehills.org and planner@westlakehills.org

- 1) Per Ordinance 55A and 55B, Section 7. *"The minimum dimensions for interior residential lots shall be not less than 100 feet at the building line and not less than 145 feet deep..."* | It appears that Lots 7 and 8 do not meet the minimum width at the front building line and Lots 5 and 6 do not meet the minimum width at the rear building line. | The building setback lines have been dropped from the rest of the lots. Additionally, only either the front or rear setback lines are shown on the lots in question. Please revise. Please label lot widths at the building lines in question. | **The setbacks need to be platted on each lot to avoid issues later on. Otherwise each lot will individually need to go through a setback determination process as they get developed.**
- 2) If subdivision is intended to connect to the City's wastewater system, please provide proof of wastewater availability. Otherwise, please provide proof of septic permit/ability to install septic systems. Refer to Code [Sec. 36.01.006](#) (a). Please note email provided verifying capacity does not reserve the LUEs needed for this project. Connection fees invoiced from Wastewater Accounting Manager Theresa Sanchez will need to be paid prior to City taking action on plat to reserve capacity. | Comment remains. | **Comment remains; fees must be paid prior to Council action.**
- 3) Please provide copy of draft covenants and restrictions. Refer to Code [Sec. 36.01.007](#) and Ord. 55, Section 2 (f). | Copy received; however, CCRs cannot grant variances to City Code. For example, Sec. 2.2 is allowing 35ft height measured from average grade. | **Comment remains.**
- 4) City Code [Sec. 36.01.008](#) requires construction plans to be submitted prior to approval of the final plat. Please provide timeframe of construction plans submittal. | Cleared
- 5) City Code [Sec. 36.01.015](#) requires filing of a surety bond prior to final plat being recorded. | Cleared, provided that all fees are paid for wastewater improvements per Comment 2 above. | **If comment 2 is not cleared, then this comment needs to be addressed.**
- 6) Joint Use Access Easement – please clearly indicate on the plat where the two points of access to Westlake Drive are located. | Cleared
- 7) Total acreage is not adding up – the total calculated acreage of all 8 lots is adding up to 8.42 acres, and the plat total site acreage in the title states it is 7.875 acres. If total area is truly over 8 acres, is it possible to reconfigure the lots to each be a minimum of 1 acre? | Acreage corrected, but response to second part of comment not received. | **Cleared**
- 8) Please include names of owners of adjacent subdivisions/parcels. See Code [Sec. 36.01.007](#) (f)(2)(C) and Ord. 55 Section 2 (b). | **Cleared**

9) Plat Notes & Certifications Comments:

- a. # 4 (JUAЕ) – this note mentions covenants and restrictions including a volume and page number. Please confirm if these restrictions have already been filed or if the volume and page number were copied over mistakenly. | This is cleared but new comment based on new JUAЕ language – please remove reference to private road (perhaps replace road with driveway) since Chapter 36 of the Code does not permit private streets. | **Cleared**
 - b. # 19 (height) –Height should be measured per current Code requirements or please provide City regulations applicable in 1972 showing height being measured from average finished grade to midpoint of roof gable. Otherwise, this note should be removed since it does not pertain to subdivision. If variance needed, that would be filed prior to construction of individual homes. | Cleared
 - c. Please include note prohibiting additional direct driveways onto Westlake Drive – only the two points of access via the Joint Access Easement are permitted. | Cleared
 - d. ZAPCO Certification – remove language stating “of the City Council”. | Cleared
 - e. Please update approval year throughout the certifications to 2021. | Cleared
 - f. **New Comment:** Plat Note # 13 – Please revert back to original comment stating all lots are zoned R-1, and strike second sentence regarding project initiation date. | **Comment remains.**
- 10) After plat goes through technical review, a minimum of 2 mylar copies will need to be submitted to City for signature and recordation, and will need to be signed by property owners and signed/sealed by engineer and notarized (City needs this prior to signature after any comments are addressed – refer to [Sec. 36.01.007](#)) | **No action needed at this time**
- 11) **New Comment:** Please explain the intent of the flag lot for Lot 2 that has the “flagpole” portion behind Lot 1? Apologies for missing this earlier, we had thought it was part of the conservation easement.

City of West Lake Hills

911 Westlake Drive

West Lake Hills, Texas 78746-4509



Linda Anthony, Mayor
City Councilmembers:
Jim O'Connor, Mayor Pro Tem
Rhonda McCollough
Brian Plunkett
Beth South
Darin Walker

Travis Askey, City Administrator
City Hall: (512) 327-3628
Fax: (512) 327-1863
www.westlakehills.org
cityhall@westlakehills.org
Police Department (512) 327-1195
Fax: (512) 329-5517

803 WESTLAKE DR. - PROJECT#16102 AND 16329 RESIDENTIAL SUBDIVISION FINAL PLAT Review Comments v3

Russell Cain, R.S. | City Environmental Inspector

*Please note that responses to staff comments shall be provided within 60 days of receipt to avoid application dormancy/expiration.

**Please provide a comment response letter addressing the comments below with the resubmittal*

***Please provide full set of PDF'S with revisions, not just revised pages.

1. On Page 2 of plat document, Item #5 refers to Texas Natural Resource Conservation Commission (now named as drainage easement detail sheet, Plat sheet #3). This agency has been renamed Texas Commission on Environmental Quality as of September 1, 2002. Please adjust text accordingly. Not clear. Please send revised copy of plat document for review. |Still not clear. Text not changed..
2. Please show location of existing residence at 803 Westlake drive with septic tank and drainfield approximate locations to confirm within proposed building and setback lines. Also, please confirm disposition of existing residence and septic system. Not clear. House and septic system appear to cross 3 property lines. Either remove house and septic system or redraw lot lines to preserve. To retain this house, redraw lot lines to ensure building lines meet code of ordinances and do not encroach or cross proposed lot lines and septic system must meet new lot line setbacks or Septic system must be abandoned according to TCEQ rules and regulations prior to subdivision approval to meet plat note number 1. Please submit an application for septic system modification with appropriate fee (tank abandonment) to begin this activity. While this house will no longer have an on-site wastewater system, it may not be occupied until connected to the city sewer system (provide evidence of application, plan and fee payment). The alternative is to apply for a demolition permit to remove the house and have the demolition complete prior to my approval and clearing this comment. | Still not clear.
3. Please include Tree/topo survey signed, dated and sealed by Registered Professional Surveyor within the last 3 years with all trees 3" or larger with submittal response. Submitted tree/topo survey did not include entire area of subdivision. Submitted survey did not appear to include trees 3-6 inches. Not clear. |Still not clear. Required survey not submitted..
4. Please provide tree/topo survey with existing and proposed site improvements (shared driveway) with proposed lot lines and easements. Not clear. See #3 . |Still not clear.

City of West Lake Hills

911 Westlake Drive

West Lake Hills, Texas 78746-4509



Linda Anthony, Mayor
City Councilmembers:
Jim O'Connor, Mayor Pro Tem
Rhonda McCollough
Brian Plunkett
Beth South
Darin Walker

Travis Askey, City Administrator

City Hall: (512) 327-3628

Fax: (512) 327-1863

www.westlakehills.org

cityhall@westlakehills.org

Police Department (512) 327-1195

Fax: (512) 329-5517

Required survey not submitted.

5. Please provide tree removal list and mitigation plan for planned shared driveway. **Not clear.** Please revise tree removal totals to show total tree removal inches of trees 6 inches or more and less than 14 inches along with it's 75% mitigation calculation along with total tree removal inches of trees 14 inches or larger along with it's 150 % mitigation total and then the combined total for inches to be replaced. Trees 14 inches or larger may be removed by City Council variance. Please provide copy of City Council approval letter for all trees by tree number. . |Still not clear. Required survey not submitted.
6. Please provide tree protection plan for shared driveway. **Clear.**
7. Please provide erosion control plan for shared driveway. **Clear.**
8. Please provide independent Arborist's evaluation and report regarding oak trees on this property as to their condition regarding Oak Wilt. **Clear.**
9. Does property have water well? Please show on site plan and detail any plan for disposition. **Not clear. Please show appropriate well setbacks. .**
10. Add signature block for city Sanitarian as:

Sanitation Certification:

The lots shown on this preliminary subdivision plat are to be connected to the city sewer system in accordance with Note 1 shown hereon.

Registered Sanitarian

Date. **Not Clear...**

11. Please provide signature block for City Arborist. **Clear.**

This is a cursory review of above referenced project. Additional comments may be the result of responses received. Comments in red indicate comment status.



To: Mayor and Council, Zoning and Planning Commission, City of West Lake Hills. Texas

From: Randy and Sherry Lee, #6 Rocky River Cove

Re: Consideration and Adoption Subdivision Application for 803 Westlake Drive, aka Moore Estates

Date: February 6, 2021

My wife Sherry and I are 30 year residents of West Lake Hills at 6 Rocky River Cove. We completely, thoughtfully and thoroughly object to the Proposed 7.785 acre subdivision application for an 8-lot single family subdivision under consideration by the City of West Lake Hills.

We and many of our neighbors are first concerned the approving of this subdivision plat will have an immediate and negative effect on the value of my property. The applicants assert they are grandfathered. See Mr. Irion's letter of November 17, 2020 where he states "The standards (established in 1972) are not consistent with current code and, as a result, supersede current subdivision and zoning standards where the latter are in conflict. This was discussed with both of you in the Chapter 245 Local Government Code determination process".

Has the City accepted the applicant's argument that the review and approval of the subdivision plat is grandfathered to the 1972 WLH subdivision regulations? Well this is only one attorney's opinion. I strongly object to his assertion. It needs to be proven in an open meeting and to us.

Is the applicant relying on the Contract, a "variance," or Ordinance Amendment 55B to claim grandfathering rights? Assuming the Contract to Convey Right of Way Deeds ("Contract") between the City and Doyle was legally enforceable in 1972, the City should narrowly construe the Contract to what the City actually agreed to-waiver of the one acre minimum lot size if right of way is dedicated to the City. I do not see any language in the Contract stating the 1972 subdivision regulations will be the only applicable regulations when reviewing a subdivision plat.

Also, I have not seen a "variance" document unique to the subject property. I have seen Ordinance 55B which amended the subdivision regulations for the entire city. It appears the City did not grant a variance but changed the general rule regarding the minimum lot size in the R-1 zoning district. All Mr. Moore bargained for was relieve from the one acre minimum lot size. Otherwise, all current zoning and subdivision regulations should be applied to the subdivision plat application.

In the early 1980's, a neighbor had a personal experience with the city denying and disregarding a "grandfather clause" when he built his house. So there is precedent with the city in denying grandfathers in practice.

Second, there is entirely too much density on lots like these, which are very steep and difficult to build on. Look on the topographic maps, and proof of this is found in answering the question: Why hasn't this property been developed sooner? Its been for sale for a very long period of time.

The second concern should be safety. There would be eight or (even four) new houses with 2 new driveways in less than a quarter mile on the busiest road in Westlake under the city's control and that is a main departure road for many fire trucks trips seems dangerous. I know this as each time a fire truck leaves and drives south at high speed down Westlake Drive, I hear them. Several times a day.

This is a policy decision the City needs to address, despite legal maximums for development for any parcel along that stretch of road.

Yes, there was an agreement and an ordinance adopted 48 years ago to possibly allow this to go forward at any time in the future, but given the facts of today's environment and density, allowing it to stand is wrong. Building and construction codes have changed, and as time goes by, circumstances have changed.

I know, as I sat on ZAPCO for a few years under Mayor Tom Taylor. We heard many applications for variances and one of the most sacred was adhering to the minimum lot size of one acre in the City. We denied many applications on this issue. One of the most ferocious and ardent hearings was the less than one acre building sites proposal at the Village of Westlake. It was denied and the developer resubmitted the site plan we all enjoy today.

In 1972, the initial owner gave several right of way deeds to the city in return for adoption of an indeterminate development lot size variance ordinance. Has the City ever even used these ROW grants? Or was this just a paper ploy to maximize value with smaller lots? And illegally bind future city councils?

Has anyone examined this property for its environment values and sensitivity? Or checked in with the Edwards Aquifer Recharge Authority? The Balcones Conservation (BCP) folks, Save Our Springs etc.?

I have and I've asked David Braun, a well-known and respected conservation attorney and scientist to provide you with his initial analysis. Letter attached February 10, 2021, David Braun to Randy Lee.

So to recap and conclude:

We, as residents of Westlake Hills Texas live here for a reason. We have invested in our community here because of its natural beauty; its quiet, natural & serene environment. (Well except for those of us living near the now expanded and loud Austin water treatment plant). We strongly object to the proposed subdivision approval at 803 Westlake Drive known as Moore Estates. Despite uncertain general agreements made over 48 years ago, allowing creation of 8 lots, 6 of which are less than one acre; this act would be a violation of the general city ordinance requiring lots to be a minimum of one acre. The expected value of our homes & property would be placed diminished. Hundreds of trees and green cover would be permanently removed. Noise and light pollution would be a result. The safety of the busiest street in Westlake would be in jeopardy with the addition of new driveways and many new trips per day entering Westlake drive. We petition and plead with city decision makers to not approve the application and study alternatives to this property's use. For example, If the petitioners donated the property to the city as a conservation wildlife protection area, they would enjoy a sizable tax benefit. And the future quality of life in our small city would be enhanced and preserved forever with this, one of the few, remaining greenbelt areas!

February 11, 2021 Since I originally drafted my comments, several things have occurred of significance to resolve the negative consequences of this project. Since I am always one to try and extract a win-win for everyone affected, I have enlisted Andy Sansom a resident of WLH up and off

Buckeye Trail, and he has agreed to find conservation dollars for purchasing property like this for conservation. Not a park, but property which will remain undeveloped and preserve the sensitive ecology and habitat. Andy has the highest credentials in the conservation world, being the former Executive Director of the Texas Parks and Wildlife and the Texas Nature Conservancy.

We have had a brief meeting with the applicants and without speaking for Dr. Moore, he seemed open to the idea of working together in creating the Doyle and Colleen Moore Memorial Conservation Area. What we need is time to begin the application process for funding through the Texas Parks and Wildlife Department and obtain funding from the Great American Outdoors Act recently passed by Congress and is now current law. We just need some time to make this a real possibility.

A Petition to:

Mayor, City Council and Zoning and Planning Commission
Westlake Hills Texas

Please Do not approve Subdivision Application & Find alternative 803 Westlake Dr!

We are residents of Westlake Hills Texas. We live here and have invested in our community here because of its natural beauty; its quiet, natural & serene environment. We strongly object to the proposed subdivision approval at 803 Westlake Drive known as Moore Estates. Despite uncertain general agreements made over 48 years ago, allowing creation of 8 lots, 6 of which are less than one acre; this act would be a violation of the city ordinance requiring lots to be a minimum of one acre. The expected value of our homes & property would be placed in jeopardy. Hundreds of trees and green cover would be permanently removed. Noise and light pollution would be a result. The safety of the busiest street in Westlake would be in jeopardy with the addition of many driveways. We petition and plead with city decision makers to not approve the application and study alternatives to this property's use. For example, If the petitioners donated the property to the city as a conservation wildlife protection area, they would enjoy a sizable tax benefit. And the future quality of life in our small city would be enhanced and preserved forever with this, one of few, remaining greenbelt areas!

February 10, 2021

Mr. Randy Lee
6 Rocky River Cove
Austin, TX 78746

Dear Randy,

As you know my career has largely been built around creating and assessing conservation projects in Texas as an attorney and conservation scientist. I have worked for Texas Parks and Wildlife Department, lead The Nature Conservancy of Texas for seven years, co-founded and still manage Plateau Land & Wildlife after 23 years, and practiced conservation law for private landowners for the last 20 years. My comments below are my quick assessment of the 7.885-acre tract at 803 Westlake Drive, City of Westlake Hills, Texas aka "Moore Estates" as preserved natural area.

The watershed of Little Bee Creek is a critical water quality zone for Lake Austin. The majority of the watershed is known to be karst geologic formations which means that the local aquifers are likely being recharged by the creek. The undeveloped areas of the watershed are also identified as Golden-cheek Warbler (GCWA) habitat by the Balcones Canyonlands Habitat Plan (BCP). A fact that I have tentatively confirmed by inspection of aerial maps. Additional inspection on the ground between March and June could confirm the actual use of the property by the GCWA, and likely identify other sensitive environmental features. The Moore Estates tract is covered with a beautiful example of very old Hill Country woodlands, which is increasingly rare and very scenic.

BCP acquisition land already extends up the watershed from Lake Austin as far as Red Bud Trail. Adding the Moore Estate, and possibly other undeveloped land in the upper watershed to the already preserved BCP land, could prevent dense development on steep slopes of the watershed, and benefit the community with cleaner water, more wildlife and scenic views adding to the quality of life for the citizens of West Lake Hills.

I believe it may be possible to acquire the Moore Estates tract as a habitat preserve using Texas Parks and Wildlife grant money recently made available from the federal Great American Outdoors Act. Securing this grant, while providing the community with additional open space, wildlife habitat, and watershed protection, would have the added benefit of buffering the City of Westlake Hills water treatment plant from future residential uses on the south end of the property.

I encourage you to pursue this worthy project and would be happy to advise the neighborhood, the City of Westlake Hills, Travis County and other potential partners if you decide to move forward.

Sincerely,



David Braun
Attorney & Counselor

George & Johanna Peyton

7 Rocky River Cove
West Lake Hills, TX 78746
817-691-6011

Anjali Naini, City Planner Director
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

February 11th, 2021

RE: 801 Westlake Drive; Moore Estates Subdivision

Dear Ms. Naini,

We are writing you to express our concern regarding, and arguments against, the proposed subdivision of the property at 801 Westlake Drive, known as the Moore Estates Subdivision. The proposed subdivision is situated directly behind our property and home. Our property will arguably be one of the most negatively impacted should the subdivision move forward.

Below are our arguments against the proposal:

- 1) While we have been residents of Austin since 2009, we moved to West Lake Hills and recently bought our current house in early 2019 precisely because of the beauty, privacy and natural greenspace behind it. West Lake Hills had already undergone tremendous growth, and we were confident that the City would adequately enforce building codes preserving the natural settings. In fact, we paid a premium to surrounding property sales in order to enjoy the privacy and natural beauty of this area, much of which is largely due to lack of development adjacent to our property. The windows from every room in our house look directly onto the proposed subdivision.
- 2) Due to the nature of the subdivision, the loss of natural views from our property, and the additional 4+ neighboring large houses directly viewable from our home, the property value of our house will be negatively impacted. The defining attribute of our home is its natural setting. Such a setting is why our property had multiple purchase offers when it was for sale, and is why we paid a premium to purchase the home. If the proposed subdivision and subsequent construction are allowed to proceed, that setting will change materially, and our property value will certainly decline relative to its worth currently.
- 3) The proposed subdivision and construction on the new lots will lead to years of burdensome noise and unsightly destruction of trees and hillsides. With the addition of 7+ lots behind our house, we and our neighbors will be exposed to incessant building sights and noises potentially for the next decade. I cannot imagine any member of the City Council electing to endure a similar experience on their own property.

- 4) The terrain is so steep and unsuitable for construction that the engineering work would lead to homes on stilts that stick out of the hillside, not homes that blend gently into the rolling landscape of West Lake Hills. Furthermore, there will undoubtedly be water drainage issues and environmental damages that cannot be rectified through the current city codes.
- 5) Traffic on Westlake Drive has increased considerably over the years. The addition of multiple new homes will lead to even more congestion on Westlake Drive, and will inevitably cause accidents as drivers are forced to slow down to allow entrance and egress from the proposed subdivision lots. We have three children, all of whom will be driving on Westlake Drive in a few short years.
- 6) Finally, there are viable alternatives that would conserve and protect the property for future generations. Greenspace is becoming increasingly important as the area becomes more fully developed. To that end, the City and several private foundations have funds in reserve for precisely these types of situations; causes that our family has generously supported over the years. As this property has been for sale in years past, I would suggest the applicant seek to divest it to a group whose interests are more aligned with those of greater West Lake Hills, rather than seek to monetarily exploit the natural environment that has led to the enjoyment and prosperity of so many local property owners.

We greatly appreciate the service performed by the City Planners and Council, and because of you we are thankful to call West Lake Hills home. Thank you for your consideration.

Regards,

George and Johanna Peyton

George and Johanna Peyton


Cell: 817-691-6011

Anjali Naini

From: Doris Robitaille [REDACTED] >
Sent: Saturday, January 9, 2021 7:44 AM
To: Anjali Naini
Subject: Concern Re: 803 Westlake Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Anjali,

I'm Doris Robitaille at [806 Rocky River Road](#). I have lived here since March 1995.

The [803 West Lake Dr.](#) Subdivision will be in my backyard. I wondered if you could share any information you know about the project. It looks like the request is for the one lot to be subdivided into nine lots some less than an acre. Of course if this is approved then those of us with multiple acres could also try subdividing for less than an acre since this would set a precedent.

I do have concerns about the clearance of trees, the increased traffic noise from Westlake Drive due to the removal of trees. Being in a canyon means echoing and amplification of sound.

I'm concerned about the rooftop sites and lights. This is an infringement of my right of peaceful habitation. My privacy will be affected if their rooftops or lights are seen from my home. You know we used to have dark skies before those newer houses were built and light pollution was allowed here in the canyon. You can say that you tell people to have light covers but it is very terraced back in the canyon. So if you are below a home then the light is casting down upon you all night long. Surely it is concerning to have eight or nine more homes creating traffic problems on West Lake Drive being that is a narrow road and pull outs can be tricky with Buckeye and surrounding streets.

You may be aware that I also share a fence with the City Of Austin Ullrich Water Treatment Plant. I have endured many problems neighboring them that the City of Westlake Hills is well aware of for decades. Currently their five year construction projects with seven variances have all been approved. I understand that the City of Westlake Hills would like to help its own residents but over the years has been inept at doing so in regards to COA Ullrich WTP. Since this Westlake Subdivision is within the jurisdiction of the City of Westlake Hills, I feel confident that you will be able to protect me and other residents within our city from this concerning project. Perhaps you could weigh in with your city residents and see if they would rather have that be a green space that the residents can enjoy and not

jeopardize traffic safety and peaceful living that those of us that moved out here almost 30 plus years came to enjoy. I'm sure you know the Balconylands Sanctuary abuts this creek area. I can only imagine the McMansions that will be built with many variance requests to come. There needs to be a decision about whether we are heading to Code Next in WLH.

Thank you for your consideration,
Doris Robitaille
806 Rocky River Rd



February 3, 2021

Via Electronic Communication

Zoning and Planning Commission
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

RE: Proposed Subdivision of 801 West Lake Drive

Dear Commissioners,

The Save Our Springs Alliance was recently contacted with concerns about the proposed subdivision of 801 West Lake Drive. The location of this project raises several environmental concerns. This is a heavily wooded lot with steep slopes, located along the banks of Bee Creek and within the Edwards Aquifer Recharge Zone. And, the area includes known habitat and breeding grounds for threatened and endangered species. What is built on this site and how the lots are configured could have a determinantal impact on some of our region's most sensitive environmental resources.

Based on prior cases that we have reviewed in this area, we are aware of several caves and other karst features in the immediate vicinity, so it is highly likely that this site, too, would have several critical environmental features located thereon that would merit permanent protection and/or enhanced treatment measures.

As you may be aware, the protection of karst features is important for both water quantity and water quality purposes. Providing buffer zones around the karst features helps filter out pollutants that result from urban development, and it also ensures a healthy flow of water to maintain critical water levels for the aquifer. Given the environmental sensitivity of this site, we encourage you to use your authority under West Lake City Code § 24.02.006 to request an environmental resource inventory prior to the approval of this subdivision, which would help determine the location of any critical environmental features and might help further guide where lot lines should be drawn. Under this section of the code, the Zoning and Platting Commission may:

“require the submission of a statement from an independent authority qualified in addressing a specific type of environmental concern indicating that the proposed structure and/or use will not constitute a detriment to the community with respect to that particular environmental concern.”

Austin's water watchdog since 1992

4701 West Gate Blvd, D-401, Austin, TX 78745 • 512-477-2320 • SOSAlliance.org

We also urge you to consider reducing the number of lots that would be approved on this site. As mentioned above, this is a heavily wooded site with extremely steep slopes. Based on the configuration of the lots, aerials of the site, and how the lots relate to the topographic map submitted with this application, these lots are ill-suited for substantial development. Any development of these lots would require substantial amounts of cut & fill and a significant loss of tree canopy.

The maintenance of the tree canopy on this site is not only important for the species that depend on them, but they help discourage streambank erosion and help filter out contaminants in stormwater. By limiting the number of lots on this site, you could help reduce the economic pressures that will be placed on this site to remove these trees.

We also understand that the applicant is asserting vested rights in connection with a 1972 contract related to the dedication of certain city right of way. We strongly question the validity of that contract, as Texas law disfavors contract zoning and unlawful delegations of legislative authority. While we intend to continue to investigate this matter further, we encourage the City of West Lake Hills's legal counsel to advise the commissioners about the exercise of their discretionary legislative authority.

Feel free to give me a call should you have any questions concerning the above.

Many thanks,

Bobby Levinski
Attorney,
Save Our Springs Alliance
512-636-7649 (mobile)
[REDACTED]

Anjali Naini

From: Tim Olson [REDACTED] >
Sent: Tuesday, March 16, 2021 8:17 AM
To: Anjali Naini
Cc: Wm. Kevin Coleman; Ann Morris; Jeff Morris; Jack Downing
Subject: Comments on the subdivision application of 803 Westlake Drive

Hi, Anjali:

We, the residents of 901, 903, 905, and 907 Westlake Drive recently became aware of the extent of the subdivision plans of 803 Westlake Drive, shown in the revised plat entry (Exhibit K) of the proposal. We echo the concerns of our neighbors on Rocky River Cove as detailed in the public comments section (Exhibit Q).

Can we amend or add to the public comments of the application before the ZAPCO meeting on Wednesday, or is it too late to do so?

Thanks,

— Tim Olson
903 Westlake Drive

Anjali Naini

From: Tim Olson [REDACTED] >
Sent: Wednesday, March 17, 2021 10:23 AM
To: Anjali Naini
Cc: Wm. Kevin Coleman; Ann Morris; Jeff Morris; Jack Downing
Subject: Re: Comments on the subdivision application of 803 Westlake Drive

Follow Up Flag: Follow up
Flag Status: Flagged

> On Mar 16, 2021, at 6:01 PM, Anjali Naini <planner@westlakehills.gov> wrote:

>

> Hi Tim,

>

> If you have additional comments, please send them to me no later than 12:30pm tomorrow so I can forward them to the ZAPCO Commissioners. It is too late to add anything to the agenda packet.

Hi, Anjali — thank you for giving us the opportunity to add our comments.

The petition to not approve the subdivision, included in the public comments (exhibit Q), matches the concerns I have about the proposal, so I would like my name to be added to it.

In addition, the proposed revised plat (exhibit K) shows the property divided into 8 lots, most of which are less than 1 acre. Lots 5, 6, 7, and 8 are very narrow, constraining the building sites on the lots, and, in particular with lot 8, will likely force it to be very close to the existing boundary of my lot and the Morris'. This goes against the purpose of the larger lots that West Lake Hills requires, which is to give its residents ample green space to enjoy, without requiring fences for privacy.

— Tim Olson
903 Westlake Drive

Anjali Naini

From: Jack Downing <[REDACTED]>
Sent: Wednesday, March 17, 2021 11:04 AM
To: Anjali Naini
Cc: Ann Morris; Tim Olson; Wm. Kevin Coleman; Karen Downing [REDACTED]
Subject: Subdivision plan for 803 Westlake Drive

Mr. Naini:

We request that our names be added to the petition opposing the subdivision plan for 803 Westlake Drive.

Our home is very close to the property and would be severely impacted by the density and the degradation of the natural habitat that will result. There are regular inhabitants that include foxes, coyotes, skunks, raccoons, and rare ring tail cats, among other critters. We can't imagine the negative effect resulting from this disturbance and loss of wildlife habitat that will certainly result from this development. The subdivision will also have an adverse effect on the value of properties in the neighborhood for the reasons that other concerned citizens have already described.

Lastly, in regard to safety, there are many blind curves on WestLake Drive including one at our Brushy Bottom common entrance. Many times, we have narrowly avoided collisions while trying to exit the entrance. The proposed development to West Lake Drive is even more hazardous since there will be two entrances with two approaching curves, one in either direction.

We urge the Commission not to approve this proposal!

Thank you.

Jack and Karen Downing
905 Westlake Drive

Anjali Naini

From: Jeff Morris <[REDACTED]>
Sent: Wednesday, March 17, 2021 9:50 AM
To: Anjali Naini
Cc: Ann Morris [REDACTED]; Tim Olson; Jack Downing; Wm. Kevin Coleman
Subject: Subdivision application of 803 Westlake Drive

To Whom It May Concern:

My wife and I request that our names be added to the petition opposing the subdivision plan for 803 Westlake Drive. Our home is adjacent to the property and would be severely impacted by the density proposed. Please confirm receipt of this e-mail.

Thanks for your assistance.

Jeff and Ann Morris
907 Westlake Drive

Anjali Naini

From: [REDACTED]
Sent: Wednesday, March 17, 2021 12:47 PM
To: Anjali Naini
Cc: Jack Downing; Ann Morris; Tim Olson
Subject: Petition 803 Westlake Drive

Dear Mr Naomi,

I would like to have my name on the Petition for 803 Westlake Drive. I have lived next-door to this property since 1992. I am proud of Westlake Hills and all it stands for. The protection of trees is a great concern if this property is going to be over developed I would like to let all know that I want to be placed on the petition against it .

sincerely
Wm. Kevin Coleman
901 Westlake Drive
West Lake Hills , Texas. 78746
512 327 5566

Sent from my iPhone

SNEED, VINE & PERRY
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
ESTABLISHED 1926

2705 BEE CAVE ROAD, SUITE 160
AUSTIN, TEXAS 78746

TELEPHONE (512) 476-6955

FACSIMILE (512) 476-1825

Writer's Direct Dial:
(512) 494-3135

Writer's e-mail address:
[REDACTED]

March 17, 2021

Via email only planner@westlakehills.org

Anjali Naini, City Planner Director
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Re: 801 Westlake Drive; Moore Estates Subdivision ("Plat Application") of 8.423 Acres
("Property"); Chapter 245, Texas Local Government Code

Dear Ms. Naini;

This firm represents Randy Lee and George Payton with respect to the above referenced pending subdivision plat application. Our clients asked me to review and comment on the Plat Application as well as the applicants' claims that the pending subdivision application as well as all other City permits required for the development of property have vested rights to be reviewed and approved under 1972 City regulations.

City staff denied the applicants' request to grandfather the development of the Property to 1972 City regulations, as stated in your September 23, 2020 letter to Mr. Irion ("Denial Letter"). Nonetheless, the proposed Plat contains multiple statements that would create new grandfathering rights for the Property under the Texas Vested Rights statute, Chapter 245, Texas Local Government Code ("Chapter 245").

Proposed Plat

The subdivision dedication statement on the proposed plat is unusual because it includes two recital statements ("Recitals"). Section 212.004(b), Texas Local Government Code sets out the information that must be included on a plat, including the contents of the dedication statement: the names of the owner, identification of the deeds to the owners, a general description of the land, acreage of the land being subdivided, and a statement dedicating roads and easements shown on the plat to the public. The first Recital states the title history of the Property.

The second Recital merely restates applicants' claim to Vested Rights to 1972 regulations, as stated in Mr. Irion's letters dated August 26, 2020 and September 9, 2020

The second recital states:

“WHEREAS, in consideration of the conveyance of certain right-of-way deeds to the City of West Lake Hills for the widening and improvement of Westlake Drive, the City of West Lake Hills, City Council passed and adopted Ordinance No. 55B (1) approving the division of said Property containing 7.875 acres of land more or less (2) *after the conveyance of said right of way deeds* into eight single family residential lots (3) with variances to build a single family home on each lot (4) in accordance with then applicable building and zoning regulations.” (Numbering added for clarity).

The second recital contains statements that either conflict with the findings of the Denial Letter or are not supported by the documentary evidence the City provided to Mr. Lee pursuant to his Public Information Request for all documents relating to the Plat Application. For the reasons provided below, the second Recital should be deleted.

Ordinance No. 55B makes no reference to the Moore Property, and, therefore, could not possibly approve “the division of said Property containing 7.875 acres” into eight single-family residential lots. The assertion Ordinance No. 55B approved the division of the land is contradicted by Section 1 of Ordinance No. 55B which clearly states that the division of land into two or more parts requires a subdivision plat approved by the City Council. It is my understanding the City has no records of any applications (subdivision or otherwise) relating to the Property except for the Plat Application.

The dates of the pertinent documents do not support the narrative that the City guaranteed eight single- family lots in exchange for the donation of land for Westlake Dr. Mr. Doyle Moore and the City executed a Contract to Convey Right of Way Deed on October 24, 1972 (“Contract”).

Under the Contract, the City had to deliver to Mr. Moore a “written Variance” before Mr. Moore would be obligated to deliver the Right-of Way deeds to the City:

“[Moore] will deliver to the [City] the aforesaid Right-of-Way Deeds which are attached hereto and expressly made a part hereof and marked as Exhibits “A” and “B” if, as and when, the [City] delivers to [Moore] **a written Variance from the restriction of building a house on less than One (1) acre with the Variance to include authorization to [Moore] to build homes on each of the aforesaid Eight (8) One (1) acre tracts** less the amount of land which is being given to the [City] by the delivery of the aforesaid Right-of-Way Deeds attached hereto.” (Emphasis added)

One Right-of-Way deed was executed on October 24, 1972 and the other was executed on October 26, 1972. Both deeds were recorded on November 1, 1972. So far, I have not seen any documentary evidence that the City ever granted or delivered a “written Variance,” as described in the Contract. The City adopted Ordinance No. 55B on November 7, 1972.

The adoption of Ordinance No. 55B is a legislative action applicable to all land within the City’s zoning jurisdiction. Have the applicants provided any citation to Texas statutory law or

case law recognizing or upholding that the adoption of an amendment to a city code can be consideration for a contract? How is the alleged contract for granting a variance different than, prohibition of contract zoning?

Ordinance No. 55B does not grant any variances, authorize the granting of any variances or even contain the word “variance.” The caption to Ordinance No. 55B states the ordinance amends the City’s **subdivision regulations** by “defining the status of lots, tracts, or parcels of land reduced to less than the one acre minimum lot size by certain dedications or condemnations of a portion of such lots, tracts, or parcels for widening existing public streets or highways.”

There is no language in Ordinance No. 55B or the Contract regarding “variances to build a single family home on each lot in accordance with then applicable building and zoning regulations.” If the second Recital is not deleted before approval, then the Property is grandfathered to 1972 zoning, development, and subdivision regulation.

The dedication statement also includes a reference to Ordinance No. 55B. Based on staff review comments, the City is applying current City Code requirements to the Plat Application. The reference to Ordinance No. 55B in the dedication statement should be deleted because it is not an accurate statement of applicable City subdivision regulations.

The second recital is a bootstrap attempt to create Vested Rights pursuant to Chapter 245, Texas Local Government Code (“Chapter 245”). Likewise, the second sentence of Plat Note 13 would also create Vesting Rights under Chapter 245: “The project initiation date for the development of these Lots is October 24, 1972.” The second recital and the second sentence of Plat Note 13 would negate the City’s determination of no Chapter 245 vested rights, as set forth in your September 23, 2020 letter to Mr. Irion.

City staff made the correct decision to deny recognition of the claimed Vested Rights, as explained in your September 23, 2020 letter to Mr. Irion. No project, as defined by Chapter 245, was initiated in 1972. Even if a project had been initiated in 1972, that project would have expired years ago under Section 245.005 (Dormant Projects). Given the City’s decision to not recognize vested rights to 1972 regulations, I do not understand why staff has not required the deletion of the second Recital, the reference to Ordinance No 55B in the dedication statement, the second sentence of Plat Note 13, and the reference to Ordinance No. 55B in Plat Note 15. If the statements and plat notes described in the preceding remain on the recorded plat, then the applicants and future lot owners could make vested rights arguments under Section 245.002(d), Texas Local Government Code (“...a permit holder may take advantage of recorded subdivision plat notes, ...”).

I generally agree with the February 17, 2021 Staff Report, however, I disagree with the following statements:

1. a variance was approved in 1972 (unless documentary evidence of this variance is made public);

2. 1972 lot size regulations apply to the subdivision plat. Since the plat is now subdividing 8.423 acres, the subdivision should be able to comply with the current one acre requirement; and
3. 1972 density regulations apply to the plat. I understand the term “density” to refer to houses rather than lots. Is that correct?

If the City is going to enforce regulations in effect on the date of submitting the present subdivision application, then a plat note stating such should be added. The mish-mash of ordinances and project dates appearing on the proposed plat will confuse consumers and result in a multitude a variance requests to allow construction of houses proportionate to the price of the lots.

Please distribute this letter to members of the Commission.

Also, I intend to speak at tonight’s public hearing

Please let me know if you have any questions.

Very truly yours,

SNEED, VINE & PERRY,
A PROFESSIONAL CORPORATION

By: 
Robert J. Kleeman

RJK/mb

Cc: Randy Lee
George Payton
Terry Irion