




**NOTICE OF A REGULAR MEETING
OF THE BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, APRIL 13, 2022
6:00 P.M.**

Notice is hereby given that the Board of Adjustment of the City of Sunset Valley, Texas, will hold a regular meeting on Wednesday, the 13th day of April 2022 at 6:00 P.M. in the Council Chambers, City Hall, 3205 Jones Road, Sunset Valley, Texas, at which time the following items will be discussed, to wit:

1. Call to Order
2. Consider approval of the minutes from the March 2, 2022 called meeting.
3. Consideration and possible approval of an application submitted by the Trubiana and Vasquez family, on behalf of the owner, for a variance at 6405 Brodie Lane, from Section 150.105(B)(1) the 100-foot landscape buffer regulations for the proposed botanical garden and eatery development.
4. Public Hearing on an application submitted by Jorge Haag for a variance at 1052 Sunflower Trail from Section 150.246 encroachment of an accessory structure (pool) into the PUD side and rear yard setbacks.
5. Consideration and possible approval of an application submitted by Jorge Haag for a variance at 1052 Sunflower Trail from Section 150.246 encroachment of an accessory structure (pool) into the PUD side and rear yard setbacks.
6. Adjourn

A quorum of the City Council may attend the meeting, however, no official action by the City Council shall be taken.

I certify that the above notice of meeting was posted at City Hall, 3205 Jones Road, Sunset Valley, Texas, on Friday the 8th day of April 2022 at 5:00 P.M.


Matt Lingafelter
City Secretary



MINUTES OF A CALLED MEETING
OF THE BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, MARCH 2, 2022
6:00 P.M.

Members Present:

Thomas Cedel, Chair
Susan Durso, Vice Chair
Sandy Cox
Richard Hayes

Staff Present:

Sylvia Carrillo, City Administrator
Matt Lingafelter, Assistant to the City Administrator
Barbara Boulware-Wells, City Attorney
Duncan Moore, A/V Technician

Members Absent:

Walter Jenkins

1. Call to Order

Chair Cedel called the meeting order at 6:05 P.M.

2. Citizen/Public Comments:

None

3. Consider approval of the minutes from the September 15, 2021 called meeting.

Sandy Cox made a motion to approve the minutes, seconded by Richard Hays. All voted in favor and the motion carried.

4. Public Hearing on an application submitted by Veronica Vargas for a variance at 11 Sunset Trail from Section 150.134 encroachment of an accessory structure (shed) into the 20-foot side yard setback.

Chair Cedel opened the Public Hearing at 6:07 P.M.

Presentation by Veronica Vargas, the applicant, on her variance request.

With no public comments, Chair Cedel closed the Public Hearing at 6:11 P.M.

5. Consideration and possible approval of an application submitted by Veronica Vargas for a variance at 11 Sunset Trail from Section 150.134 encroachment of an accessory structure (shed) into the 20-foot side yard setback.

Questions from the Board Members for City staff and the applicant.

Sandy Cox made a statement regarding the lots in that area of the City on Sunset Trail.

Sandy Cox made a motion to approve the variance to the setback requirement from the shed to encroach 7 feet in the front and 4 feet in the rear of the side yard setback, seconded by Chair Cedel. Susan Durso made a friendly amendment to approve the variance with the location of the shed as presented in the application, and that approval of the variance is based on the 10 findings required by the Code. The motion maker and the second agreed to the friendly amendment.

With four votes in favor, the motion carried and the variance was granted.

6. Public Hearing on an application submitted by the Trubiana and Vasquez family, on behalf of the owner, for a variance at 6405 Brodie Lane, from Section 150.105(B)(1) the 100-foot landscape buffer regulations for the proposed botanical garden and eatery development.

Discussion by the Board with staff and legal regarding the Gault property and possible future zoning change to parkland/greenspace.

Chair Cedel opened the Public Hearing at 6:50 P.M.

Michael Whelan, land use attorney, gave a presentation on behalf of the applicants to the Board.

With no public comments, Chair Cedel closed the Public Hearing at 7:05 P.M.

Comments from Blayne Stansberry, civil engineer for the project, and Tom Trubiana, applicant.

7. Consideration and possible approval of an application submitted by the Trubiana and Vasquez family, on behalf of the owner, for a variance at 6405 Brodie Lane, from Section 150.105(B)(1) the 100-foot landscape buffer

regulations for the proposed botanical garden and eatery development.

Discussion by the Board Members. Questions for applicants and city staff. Several Board Members indicated to staff they were uncomfortable taking any action on this item without more information on the situation with the neighboring property to the north, 6401 Brodie Lane (Gault Estate), which is also the property triggering the variance.

Susan Durso made a motion to table the item until the March 23rd meeting or next meeting by the Board, seconded by Richard Hayes. All voted in favor and the motion carried. The variance request was tabled.

8. Discussion and possible approval of the amended Board of Adjustment Processes document.

The Board Members discussed the document as presented with city staff. There was a discussion by the Board on the role of staff, both during meetings with a staff presentation of the variance, and staff comments with the backup materials provided to the Board.

The Board made edits to the document with advice from staff and legal.

Susan Durso made a motion to approve amendments to the Board of Adjustment processes document, seconded by Richard Hayes. All voted in favor and the motion carried.

9. Adjourn

Sandy Cox made a motion to adjourn, seconded by Susan Durso. All voted in favor, and the meeting was adjourned at 8:20 P.M.

COMMISSION MEETING DATE: APRIL 13, 2022



BOARD OF ADJUSTMENT AGENDA ITEM #3

STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, Asst. to the City Admin.
mlingafelter@sunsetvalley.org

SUBJECT: LANDSCAPE BUFFER VARIANCE

DESCRIPTION: Consideration and possible approval of an application submitted by the Trubiana and Vasquez family, on behalf of the owner, for a variance at 6405 Brodie Lane, from Section 150.105(B)(1) the 100-foot landscape buffer regulations for the proposed botanical garden and eatery development.

BACKGROUND: The subject property is 6405 Brodie Lane, the southernmost property in Sunset Valley on the east side of Brodie Lane. The 4.976-acre tract is now zoned as Neighborhood Commercial, after approval by City Council on February 1st. The property is owned by the Estate of Betty Grubbs; the applicants, the Trubiana and Vasquez families, are proposing a Botanical Garden Café and Eatery. The applicants and their representatives presented their conceptual plan to the Zoning Commission in January and the City Council in February.

The Zoning Change from SF to NC was approved by City Council with the following conditions:

- 10-foot fence along the east boundary of the property
- Limiting operating hours to 11 pm
- Dark sky lighting as presented by the applicant
- Security fence around the property
- Adding additional trees to contribute to the vegetative buffer
- Work with the Drakers between now and platting of the property
- At the platting stage, ensure adequate traffic circulation, which may or may not include installing a turning lane on Brodie
- Engaging a Traffic Engineer for a traffic study
- Ensuring that water runoff conditions from the property to 759 Oakdale Drive have improved from the current conditions

On March 8th the City Council granted the applicants a Special Use Permit to operate a restaurant within the Neighborhood Commercial District at 6405 Brodie Lane, as well as a Special Use Permit for alcoholic beverages to be sold for on-premises consumption at the property.

In addition to the Special Use Permits, on March 8th the Council granted the applicants two variances for the proposed development at 6405 Brodie. First, a variance to Section 150.332(H) for impervious cover, increasing impervious cover from 18% to 26.8%, and to exclude building eaves and water quality structures from the impervious cover calculation. Second, a variance to Section 150.593 Parking Dimension Standards

VARIANCE REQUEST: The conceptual and Appendix B site plans submitted by the applicants will require a variance to the landscape buffer regulations for adjoining zoning districts, as set forth in Section 150.105(B)(1). They are requesting a variance to the 100-foot landscape buffer for the northern setback. The property to the north is the city-owned Gault Life Estate. This property was purchased by the City in 2009 with "Green Tax" funds with the intention of being zoned as parkland, greenspace, or conservation, as shown on the City's Future Lane Use Map. However, the property is still zoned as Single Family, and so a variance is required.

The Board was presented with this variance request and held a Public Hearing on March 2nd. However, days before the meeting and Public Hearing, the City received news that Ms. Gault had passed away. Ms. Gault's children wrote a letter to the City indicating that they still supported the project and the requested landscape buffer variance. They also indicated that they wish for the city to honor her mother's wishes and rezone 6401 Brodie to parkland.

Two Council Members (Johnson and Litchfield) are sponsoring an item for the April 19th City Council meeting that would allow the City to initiate the zoning change at 6401 Brodie. However, the property still retains the Single-Family Residential zoning status, and therefore a variance is required for the applicants' project to move forward as presented and approved thus far by City Council.

§ 150.105 REGULATIONS FOR ADJOINING DISTRICTS.

(1) Effective buffering of residential districts from all other districts, except P Districts, shall include a minimum 100 feet landscaped setback. All buffering shall be fully contained within the property of the district required to provide the buffering, and all requirements for buffering shall be met within that same property. Credit for existing fences, screens, vegetation, etc. adjacent to commercially zoned land but physically located on lesser zoned land cannot be given. However, existing natural topographic changes may be considered for their buffering effect, regardless of the property on which it occurs. No roadways can be located within this setback. The applicant cannot comply with landscaping requirements of this Code in this buffer zone.

(2) Applicability. The standards and guidelines set forth in this section shall apply to O, NC, HC, GUI or other commercial or governmental zoning districts or land so conditionally zoned and located adjacent to any SF, P, or other non-commercial zoned district.

(3) Evidence of compliance. The burden of proving acceptable buffering shall be on the applicant. The use of plans, photographs, sections, elevations, scale models, etc. may be employed as methods of demonstrating compliance. All requirements for screening shall be met at the time of project (or phase) completion. Maturation of vegetative screens is anticipated and is intended to provide a continuing and greater level of screening than the initial requirements.

The site plans provided by the applicants have a 25-foot landscape buffer along the city-owned Gault property, and so are requesting a 75-foot variance to the landscape buffer requirement.

The most recent variance to the 100-foot landscape buffer granted by the Board was in 2017 for the City Facilities project. The Board has granted two variances for the 100-foot landscape buffer requirement for Neighborhood Commercial properties: in 2012 for ATS Engineering at 4910 US Highway 290 West, and in 2011 for Marcus Whitfield at 4934 US Highway 290 West.

FINDINGS FOR BOARD APPROVAL: The applicants have submitted a letter addressing the ten findings as set forth in Section 150.066(F). Staff comments on the ten findings for this variance request are as follows:

(F) Findings. Findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such action is taken. The burden of establishing such conditions is on the applicant. No variance shall be granted unless the Board of Adjustment finds that all the following criteria are met:

(1) Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.

The property, which is now zoned Neighborhood Commercial with a special permit to operate as a restaurant (commercial use), now has a landscape buffering requirement that would remove 45% of the property's developable area. Due to lot's narrow shape, the landscape buffer requirement along the north side of the property would remove just over a third of developable area. The property to the north, the Gault estate, is a city-owned property that is currently zoned Single Family Residential. However, as stated the property is currently no longer being used as a residence, and the City is considering initiating a zoning change at their April 19th meeting.

(2) Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following:

(a) Depriving the applicant of the reasonable use of his land;

(b) Significant or unreasonable disruption of the natural terrain; or

(c) Significant or unreasonable destruction of the existing flora.

The applicants argue that the landscaping buffer requirement along the north side of the property is unreasonable since the intended Future Land Use of the city-owned property is parkland/greenspace/conservation, which would not have the 100-foot landscaping buffer requirement.

(3) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

City Council, after recommendations from the Zoning Commission, have granted the applicant's both a zoning change to Neighborhood Commercial, and Special Use Permits to operate eateries and a café. To execute their proposed site plan as presented, this variance is necessary due to the special circumstance of the city-owned property to the north, which is still zoned Single Family residential.

(4) There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code;

The applicants have presented a site plan that they argue is the best use of the land to implement their project. The intended use requires a significant amount of parking, and as such, a variance to impervious cover was recently granted by City Council; however, the proposed site plan will require a variance with the current zoning of the property to the north.

(5) The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of;

The applicants are proposing a 25-foot landscaping buffer along the north side of the property. Although the intended use of the property to the north, according to the City's Future Land Use Map, is parkland/greenspace, which will require no buffer if the zoning is changed, the applicants' plan still proposed a 25-foot buffer. This buffer will protect heritage trees along the north side of the property.

(6) The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to other property or improvements in the area;

The property to the north, which is the subject of this variance, although zoned Single Family Residential is currently not being used as a residence. The 25-foot buffer that is proposed also protects heritage trees.

(7) The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code;

This variance would not affect orderly development.

(8) The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards, and policies of the City's Comprehensive Plan;

This variance is in harmony with the City's current Comprehensive Plan and Future Land Use Map (adopted 2011) which shows the property to the north as parkland/greenspace.

(9) The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property; and

The granting of the variance will not cause an unreasonable obstruction of direct sunlight to the property to the north.

(10) The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest.

The variance to the 100-foot landscape buffer is only being asked for the north side of the property, and not to the east where the property is privately owned and being used as a single-family residence.

RECOMMENDATION: If the Board agrees with the findings provided by the applicant, then a motion could be made to approve the variances as presented, based on the conceptual site plan and evidence set forth with the request.

APPLICABLE CODE SECTIONS: [150.066](#); [150.105](#)

SUPPORTING MATERIALS PROVIDED:

- VARIANCE REQUEST LETTER
- UPDATED SITE PLAN
- SUPPORT FOR PROJECT
- PRIOR ATTACHMENTS

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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April 8, 2022

Via Email

Board of Adjustment
3205 Jones Rd.
Sunset Valley, TX 78745

Re: Updated submittal package for a requested variance from Section 150.105(B)(1) landscape buffer regulations for the botanical garden café and eatery project at 6405 Brodie Ln.

Dear Board of Adjustment:

On behalf of Gary McIntosh, Independent Executor of the Estate of Betty Grubbs (the "Owner") and the Trubiana Family and Vazquez Family (the "Applicants"), please accept the updated submittal package for our requested variance from Section 150.105(B)(1) of the Sunset Valley Land Development Code.

This updated package includes:

- **Variance Request Cover Letter** (Dated February 14, 2022), which describes our hardship and requested variance in detail, including discussion of how the case meets the City of Sunset Valley's criteria for variance approval.
- **Updated Site Plan**, which now shows a second proposed rainwater cistern at the project.
- **Signatures of Community Support**, from numerous Sunset Valley residents who live near this project and signed a statement in support of it, asking the relevant City of Sunset Valley bodies to vote in favor of the approvals needed to allow this project to proceed.
- **Estate of Betty Grubbs Letter of Support** (Dated November 22, 2021), in which Gary McIntosh, the independent executor of Betty Grubbs' estate, describes how this project fulfills Betty's vision for her property and upholds Betty's values.
- **Jody Conradt Letter of Support** (Dated January 24, 2022), in which Coach Conradt describes Betty Grubbs' life and legacy, and how this project would help uphold Betty's memory.
- **Anne Gault Letter of Support** (Dated January 24, 2022), in which Anne Gault had written in support of approving this project.

- **Susan Burton Letter of Support** (Dated March 1, 2022), in which Anne Gault's daughter, Susan Burton, describes her mother's wishes that the Gault property (6401 Brodie Ln.) become parkland and her support for the requested variance at 6405 Brodie Ln.
- **Prior Attachments** included in the submittal for the March 2, 2022 Board of Adjustment meeting.

At this stage, the Applicants have received all other discretionary approvals needed to commence the subdivision in the development process. The variance before you for consideration is the final approval needed to move forward. Other approvals included:

- **Rezoning.** The Applicants needed a rezoning to the Neighborhood Commercial zoning district in order to operate the botanical garden café and eatery. Zoning Commission recommended this rezoning on January 26, 2022 and City Council approved it on February 2, 2022.
- **Special Use Permits.** The Applicants needed several special use permits in order to operate a restaurant use and to serve alcohol at that restaurant use. Zoning Commission recommended these special use permits on February 23, 2022 and City Council approved them on March 8, 2022.
- **Impervious Cover Variance.** The Applicants needed to increase the impervious cover in order to provide a feasible project. City Council approved the increase impervious cover on March 8, 2022.
- **Parking Dimension Standards Modification.** The Applicants needed to modify the general standards for parking dimensions in order to preserve on-site trees and provide a feasible project. City Council approved the requested modifications on March 8, 2022.

This requested landscape buffer variance is the last discretionary approval needed to move forward with this project and begin the subdivision process. During that process, the City of Sunset Valley will review all Applicant submittals to ensure full compliance with Sunset Valley regulations.

I am confident that the attached materials will demonstrate that the requested variance is both justified and appropriate, and respectfully ask for your approval. Thank you for your consideration.

Very truly yours,



Michael J. Whellan

ARMBRUST & BROWN, PLLC

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February 14, 2022

Via Email

Board of Adjustment
3205 Jones Rd.
Sunset Valley, TX 78745

Re: Request for a variance from Section 150.105(B)(1) landscape buffer regulations for the botanical garden café and eatery project at 6405 Brodie Ln.

Dear Board of Adjustment:

On behalf of Gary McIntosh, Independent Executor of the Estate of Betty Grubbs (the “Owner”) and the Trubiana Family and Vazquez Family (the “Applicants”), we respectfully request a variance to Section 150.105(B)(1) of the Sunset Valley Land Development Code, which establishes a 100-ft. landscaped buffer from residentially zoned tracts. Specifically, we request a variance from this section only in relation to a Sunset Valley-owned triggering lot along our northern property line.

Case Summary

Currently, the 6405 Brodie Ln. site (the “Property”) faces unique hardships related to its location and surroundings. Specifically, the Property is uniquely located adjacent to a Sunset Valley-owned lot that the City explicitly designates on its official Future Land Use Map (“FLUM”) for a future “Park, Greenbelt, or Conservation Easement” use – though at present it still retains its older Single Family Residential zoning. For reference, parkland would not trigger the landscaped buffer setback. This unique circumstance, if left unaddressed, would impact about 38 percent of the Property. Additionally, when combined with another landscaped setback requirement, it would produce a total overall impact to about 45 percent of the entire Property. This constitutes a significant hardship that would deprive the Applicants of a reasonable use and of meaningful zoning rights.

The requested variance would directly address this hardship – and would do so in a manner that is targeted and context-sensitive. It would accomplish this by reducing the landscaped buffer requirement to 25 ft., but *only* in relation to the City-owned lot designated for future non-residential use. Importantly, the resident currently living on this lot *supports* the Applicants’ request. We have also committed to installing an 8-ft. solid wooden fence and to provide additional tree plantings along the northern property line. This request would also *fully maintain* the landscaped buffer requirement in relation to another adjacent lot designated for continued single-family use to the east.

Project Background

The Applicants are in the process of seeking the approvals needed to build and operate a botanical garden café and eatery at 6405 Brodie Ln. (the “Project”).

The Project would serve as a peaceful outdoor community gathering place where Sunset Valley could relax and enjoy culturally diverse food and drinks, provided by local, women-owned businesses. This use will serve to help provide a lower-impact transition between the busier Brodie Lane corridor and more internal neighborhood areas. The Property is surrounded by a 290-unit multi-family apartment community to the south (The Park on Brodie Lane), big-box commercial to the west (Lowe’s), a City of Sunset Valley-owned parcel designated for future parkland conservation area and with a current life estate to the north, and a single-family lot to the east.

The Applicants have designed the site that goes above and beyond to integrates Sunset Valley’s natural environment directly into the Project, with extensive trees, raised garden beds, integrated water quality features, and natural habitat plantings. For instance, the tree plan we are proposing is *16 times* that which would otherwise be required under the Land Development Code. The Project will also provide superior stormwater detention and water quality than what exists on the site *today*, with a stormwater runoff rate that is 25 percent lower than existing conditions.

The Project would also honor the Property’s history as the former home of Betty Grubbs, a World War II veteran (her uniform is preserved in Fredericksburg’s Nimitz Museum) and founding resident of Sunset Valley. Many of Betty’s personal values – love for the natural environment, community, and women-led initiatives – are directly reflected in this Project. Furthermore, a significant portion of the proceeds from the sale of this Property for the Project will fund the Betty Grubbs’ Endowed Scholarship Program for the University of Texas Women’s Athletics, the largest endowment for UT Women’s Athletics ever made. The Applicants will also host an annual fundraiser for the scholarship and place a memorial plaque to pay homage to Betty’s accomplished life.

Earlier this year, the Applicants brought forward the first major approval for the Project: a request to designate the Property for Neighborhood Commercial zoning. The explicit purpose of this rezoning was to establish a zoning right by which the Applicants could request that the City Council approve a special use authorizing a botanical garden café and eatery on the Property. Ultimately, City Council will have full discretionary authority over final approval of the requested special use.

Zoning Commission recommended and City Council approved rezoning to the requested Neighborhood Commercial, thus allowing the Applicants to move forward with their special use request. Additionally, during the rezoning process, the Applicants presented both Zoning Commission and Council with a proposed concept site plan and discussed several variances that would be necessary in order to implement the Project, including the landscape buffer variance requested here.

Variance Request

Section 150.066 of the Sunset Valley Land Development Code authorizes the Board of Adjustment to provide “relief from the provisions of this Code when strict compliance would cause undue hardship due to unusual circumstances or conditions peculiar to the subject property,” which specifically includes “location or surroundings.”

As noted, Section 150.105(B)(1) of the Land Development Code establishes a 100-ft. landscaped buffer from all residentially zoned property. Two lots currently trigger this landscaped buffer requirements upon 6405 Brodie Ln. (the “Property”): a single-family lot to the east (the “Draker Lot”) and a Sunset Valley-owned lot to the north that is designated for a future non-residential use as a parkland conservation area and is currently used as a life estate (the “Gault Lot”).

The discrepancy between the Gault Lot’s non-residential future use and its present residential zoning designation is at the core of the Applicants’ variance request, since the parkland use would not otherwise trigger the landscaped buffer requirements. This unique and unusual circumstance has created a major hardship for the Property: if no action is taken, the combined area of all 150.105(B)(1) landscaped buffers will impact roughly 45 percent of the Property. An impact of this scale would effectively preclude a botanical garden café and eatery project on the Property.

The Applicants request a variance to reduce the landscaped buffer requirements for the Gault Lot (designated for future non-residential use) to 25 ft. while fully maintaining them for the Draker Lot (intended to remain residential).

Throughout this process, the botanical garden café and eatery has received meaningful community support. The Applicants engaged with residents in the surrounding area early on and have worked to incorporate their feedback directly into the Project. This outreach has included numerous meetings, phone calls, and gatherings at the Property and in the area since November 2022. At this time, 22 Sunset Valley residents on the nearest neighborhood street, Oakdale Drive, have signed in support of this Project, which includes 17 households in the area closest to the Property. Importantly, the current resident at the life estate on the Gault Lot – the lot that triggers the landscaped buffer at the center of this variance – *supports* the Project.

Variance Findings

Section 150.066 of the Sunset Valley Land Development Code establishes ten findings for Board of Adjustment approval of a variance. The Applicants’ requested variance fulfills each of these findings, as follows:

- 1. Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.**

Section 150.066 of the Sunset Valley Land Development Code provides specific examples of the types of special “circumstances or conditions” that would justify a variance, including “location or surroundings.” These are the precise conditions that justify approval of a variance from Section 150.105(B)(1) for the botanical garden café and eatery project at 6405 Brodie Ln.

The project – recently approved for Neighborhood Commercial zoning – is currently located adjacent to two residentially zoned lots:

- **The Draker Lot**, to the east, is zoned for Single Family Residential – and is intended to remain a single-family lot.

- **The Gault Lot**, to the north, is a Sunset Valley-owned lot that City policy explicitly designates for future non-residential uses: Sunset Valley’s FLUM officially identifies the site for “Park, Greenbelt, or Conservation Easement.” It is currently used as a life estate.

However, while the Gault Lot is now publicly owned and is officially designated on Sunset Valley’s FLUM for non-residential future uses, the zoning has not yet been updated to reflect this reality. As a result, the Gault Lot remains designated for Single Family Residential zoning, which, under Section 150.105(B)(1), triggers a requirement for the Property to provide a 100-ft. deep landscaped buffer across its entire northern property line. Were the zoning to match the FLUM designation for parkland, the landscaped buffer would not apply and no variance would be needed.

This unique and special circumstance is causing significant practical difficulties to the Applicants. To put this into perspective, this one requirement singlehandedly removes roughly 38 percent of the Property’s entire site area. Additionally, once the Draker Lot’s required 100-ft. buffer area is included, the total combined impact rises to roughly 45 percent of the Property area.

Thus, strict compliance with Section 150.105(B)(1) – due to its “location” and “surroundings” in relation to the Gault Lot – will directly cause “significant practical difficulties for the applicant” impacting a reasonable use of the site.

As a result, the Applicants request a variance to reduce Section 150.105(B)(1)’s requirement for a landscaped buffer in relation to the Gault Lot from 100 ft. to 25 ft.. Importantly, the resident currently living at the life estate on the Gault Lot *supports* this Project. The Project will also fully comply with all buffering requirements in relation to the Draker Lot, and additional trees have been included as set forth on the attached exhibits.

We believe this request is fully consistent with the Land Development Code’s intent, which is to provide buffering for *residential* lots (like the Draker Lot) – not for non-residential lots (as is intended for the Gault Lot).

- 2. Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following:**
 - (a) Depriving the applicant of the reasonable use of his land;**
 - (b) Significant or unreasonable disruption of the natural terrain; or**
 - (c) Significant or unreasonable destruction of the existing flora.**

As discussed above in Finding 1, the Gault Lot triggers a 100-ft. landscaped buffer requirement on the Property, even though the Gault Lot is officially designated on Sunset Valley’s FLUM to transition to a non-residential use (parkland conservation area).

Strictly applying Section 150.105(B)(1) in relation to the Gault Lot single-handedly impacts roughly 38 percent of the Property. Furthermore, applying the Gault Lot requirement in conjunction with landscaped buffers and other setback design commitments related to the Draker Lot would impact about 45 percent of the entire site – effectively “depriving the applicant of the reasonable use of his land.”

As a result, a context-sensitive variance that reduces the Section 150.105(B)(1) buffer from 100 ft. to 25 ft. for the Gault Lot but maintains the full 100-ft. buffer for the Draker Lot is both warranted and appropriate.

3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

This variance is necessary for the Applicants to exercise the zoning rights Council recently granted to allow them to seek a special use permit (subject to Council approval) to develop a botanical garden café and eatery.

At its February 1, 2022 meeting, City Council heard from the Applicants and the public regarding the Applicants' vision for the Project, including discussion of the variances that the Applicants intended to seek in order to achieve this vision. After this discussion, Council took the first step toward achieving this vision by approving a rezoning for the site to Neighborhood Commercial.

The explicit purpose of this rezoning was to establish a zoning right by which the Applicants could request that the City Council approve restaurant and alcoholic beverage sales special uses. This is a meaningful and substantial zoning right that exists in only two of Sunset Valley's zoning districts (the other being Highway Commercial, which is limited to sites fronting Highway 290).

In other words, City Council has directly granted the Property a zoning right to seek, subject to Council's final approval, the special uses needed to open a botanical garden café and eatery. However, strict application of Section 150.105(B)(1) would have a prohibitive impact on the site, thus effectively nullifying this zoning right and precluding the Applicants' ability to exercise the needed special uses, even if Council were to grant them. As a result, a variance is necessary and appropriate.

4. There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code.

Under Section 150.105(B)(1), the Gault Lot single-handedly impacts 38 percent of the Property. When considered in conjunction with the landscaped buffer area and other design setbacks from the Draker Lot, the combined total impact constitutes about 45 percent of the Property.

Given the sheer scale of this impact, no practical alternative is possible under a strict application of Section 150.105(B)(1). As a result, we believe a variance to this section in relation to the Gault Lot is justified.

5. The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of.

The requested variance is targeted to address the identified hardship while upholding the intent and spirit of the Land Development Code's landscape buffering requirements.

As discussed in Finding 1, this request is limited only to waiving Section 150.105(B)(1) in relation to the Gault Lot, which the FLUM designates for future non-residential uses ("Park, Greenbelt, or

Conservation Easement”). It will fully maintain all 100-ft. landscaped buffering requirements in relation to the Draker Lot, which the FLUM designated for “Single Family.”

We believe this request is fully consistent with the Land Development Code’s intent, which is to provide buffering for *residential* lots (like the Draker Lot) – not for non-residential lots (as is intended for the Gault Lot).

6. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other property or improvements in the area.

The requested variance will allow the Property to develop as an environmentally sensitive, lower-impact botanical garden café and eatery that will support quality of life in Sunset Valley. It will not be detrimental to public health, safety, or welfare, or damage other property or area improvements.

At its February 1, 2022 meeting, City Council rezoned the Property to Neighborhood Commercial zoning. Under Section 150.064(E)(4)(a) of the Land Development Code, an applicant must satisfactorily demonstrate that a proposed rezoning meets several conditions, including that the proposed change “is in the community’s best interest in terms of the public health, safety and welfare” and that it “will not negatively affect the value of property and improvements in the vicinity.”

Council approved the rezoning, confirming that the Project satisfactorily met these conditions.

In fact, the Project will have key benefits for improved quality of life. This includes a tree plan providing 16 times what would otherwise be required under the Land Development Code as well as drainage and water quality facilities that go above and beyond City requirements (with a stormwater runoff rate that is 25 percent lower than under *existing* conditions).

7. The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code.

This variance is limited in scope and would only reduce landscape buffer requirements in relation to the Gault Lot. The resident currently living on the Gault Lot life estate supports this Project. The variance will not impact other land in the area.

Additionally, as noted in Finding 6, Section 150.064(E)(4)(a) requires an applicant in a rezoning case to demonstrate that their proposal meets several key conditions. These conditions include determining that the proposal “will not disrupt the existing uses of land in the vicinity” and that it “will not negatively affect the value of property and improvements in the vicinity.”

After a full discussion of this proposal (which included a concept site design that specifically included the requested landscape buffer variance), Council found that the proposal met these criteria – and approved the rezoning.

Also, as noted, the Project would provide drainage and water quality facilities that go above and beyond what would otherwise be required for the Project – and provide a stormwater runoff rate that is 25 percent lower than what exists on the site today. In other words, the Project will *improve* drainage conditions, supporting the use of other land in the area.

8. The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards and policies of the City's Comprehensive Plan.

This variance will allow the Property to develop under its existing Neighborhood Commercial zoning regulations with a botanical garden café and eatery vision that the Sunset Valley City Council has decided is fully consistent with the goals, standards, and policies of the City's Comprehensive Plan.

As noted in Findings 6 and 7, applicants requesting a rezoning must demonstrate that their request meets several conditions, the first of which is that it "is consistent with the goals, standards and policies of the City's Comprehensive Plan." After a full discussion of this proposal (including a concept site design that specifically included the requested landscape buffer variance), City Council found it to be consistent with the Comprehensive Plan.

9. The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property.

The requested variance will have no impact on the Gault Lot's access to direct sunlight. In fact, approving this variance will allow the proposed botanical garden café and eatery project to move forward, thus providing a single-story design with a lower visual impact than what could have otherwise occurred on the site if it were to develop as two-story single-family residences. As noted, the resident currently living in the life estate on the Gault Lot supports the Project.

10. The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest.

This variance is necessary to the Project and is in the public interest. First, approving this variance will maintain the City's consistency with its own policies, which designate the Gault Lot for non-residential use on the official Sunset Valley FLUM.

Second, the Project offers better outcomes on key environmental and quality of life indicators, with:

- A tree planting plan that provides 16 times what is otherwise required;
- Water quality and drainage facilities that go above and beyond what Sunset Valley requires, including a stormwater runoff rate that is 25 percent lower than existing conditions; and
- Extensive vegetation preservation and a planting plan that will both support healthy biodiversity.

Finally, this Project will provide Sunset Valley with a unique amenity that offers residents a quality space where they can enjoy drinks and local food with friends and family.

We believe that this application has fully demonstrated that the requested variance is both justified and appropriate, and respectfully ask for your approval. Thank you for your consideration.

Very truly yours,

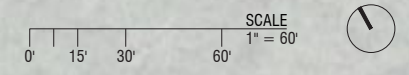
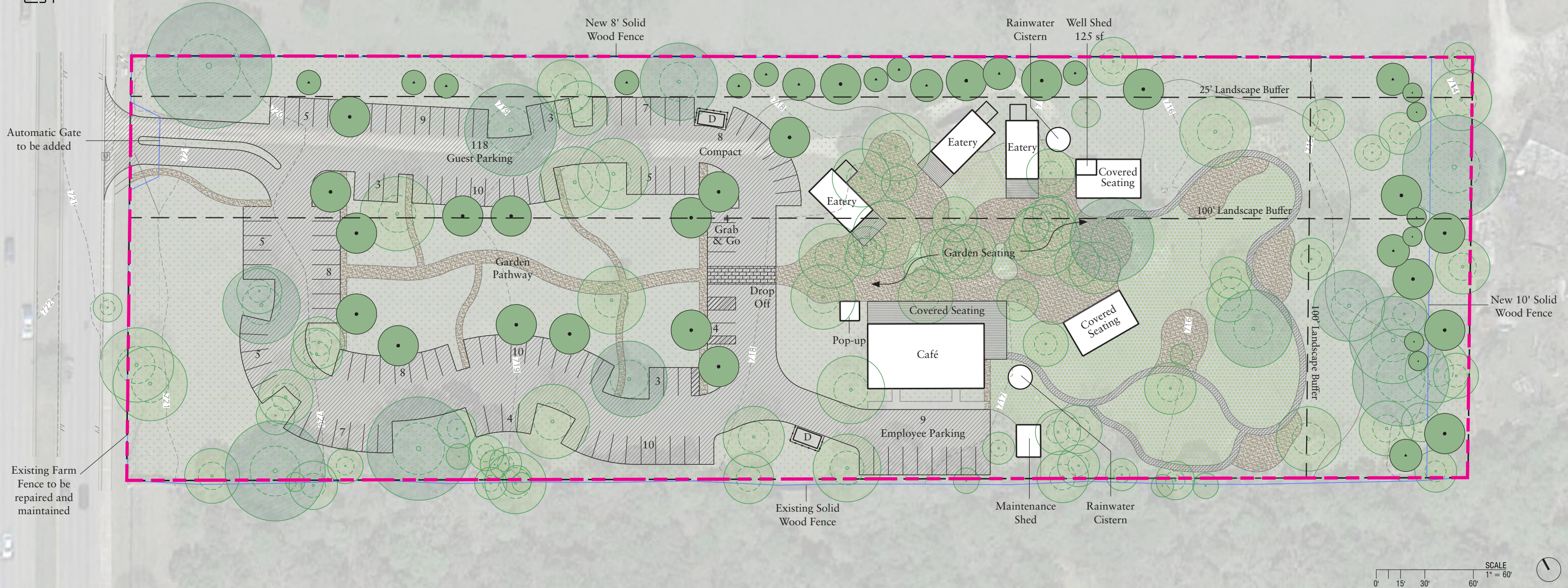
A handwritten signature in black ink, appearing to read "Michael J. Whellan". The signature is stylized and written in a cursive-like font.

Michael J. Whellan

Attachments:

- Aerial of site and surrounding uses
- Local Neighborhood Support
- Proposed Site Plan with additional trees in buffer areas
- Planting Plan with additional trees
- Visual screening from fence and trees; tree species

NEW ATTACHMENTS
(April 2022 BOA Meeting)



Proposed Site Plan

Impervious Coverage Calculations

Total Site Area	4.98 ac	
Impervious Coverage		
Buildings & Covered Porches	7,272 sf	3.4%
Covered Outdoor Seating	1,920 sf	0.9%
Parking/Paved Area	48,576 sf	22.4%
Storage/Other	444 sf	0.2%
TOTAL	58,212 sf	26.8%
Eaves	3,226 sf	1.5%
Cistern Pads	450 sf	0.2%
TOTAL	61,888 sf	28.5%

- Property Line
- Asphalt
- Decomposed Granite
- Botanical Garden
- Meadow
- Mown Meadow Path

- Proposed Tree
- Existing Trees
- Non-protected Tree (<10")
- Protected Tree (10"-23.9")
- Heritage Tree (24"+)

Michael Hsu
Office Of Architecture

CAMPBELL LANDSCAPE ARCHITECTURE

stansberry engineering co.

City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745

To the City of Sunset Valley:

Please support the application for the proposed botanical garden café and eatery at 6405 Brodie Lane.

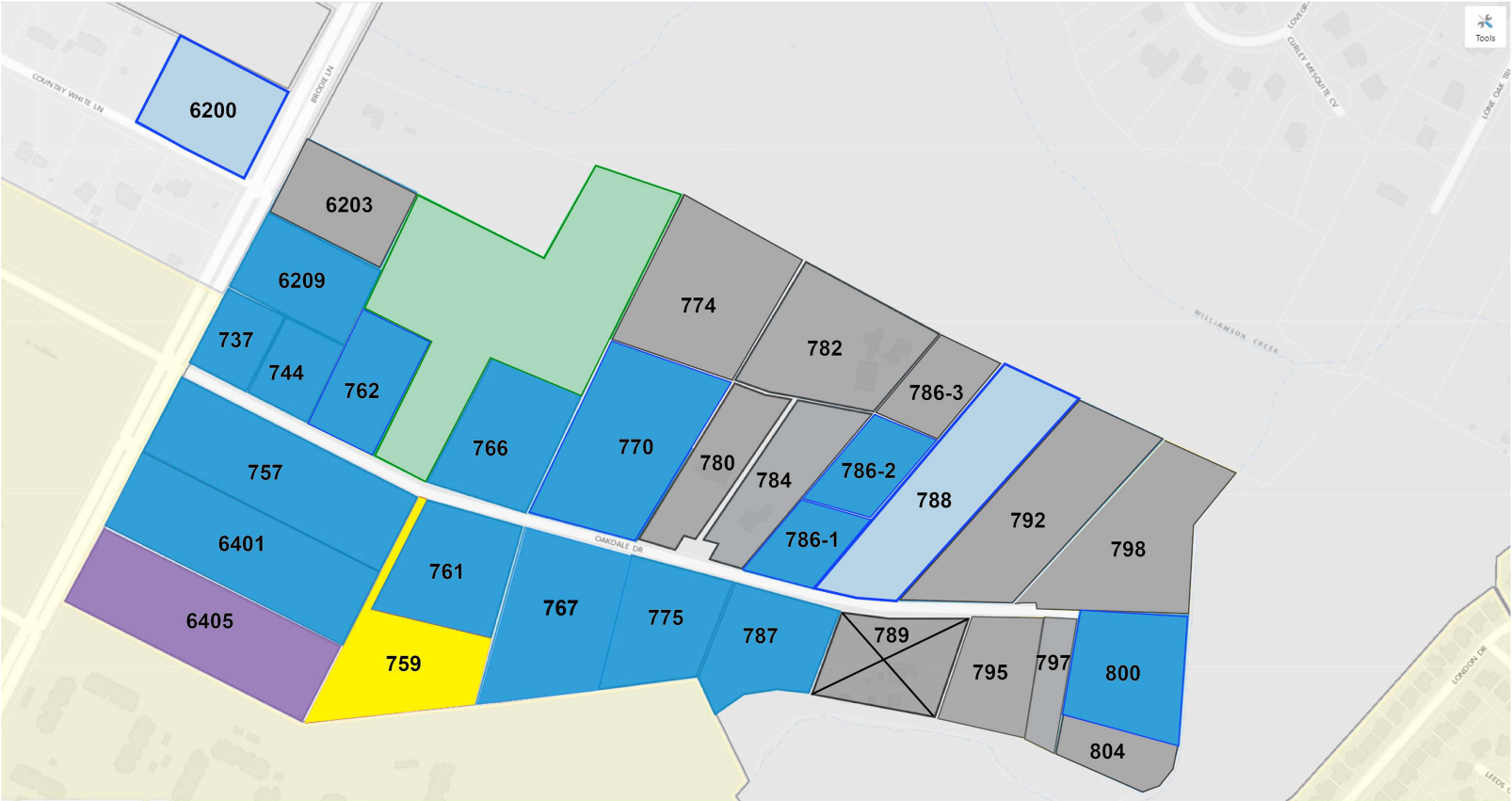
As Sunset Valley residents who live near the site, we support this request and ask that you vote in favor of the necessary approvals to allow this project to proceed as proposed.

Thank you for your consideration.

Sincerely,

Name	Address
Don Manley	766 Oakdale Dr.
Maggie Manley	766 OAKDALE DR.
Mary Jo Webster	770 Oakdale
Jay Webster	770 Oakdale
Jack Smith	761 Oakdale
Chris Smith	761 Oakdale
Alie Klatley	763 Oakdale
Bell Ashbaugh	767 Oakdale
Carla Jenkins	800 Oakdale

Local Neighborhood Support



- Supports Project - Signature / Written Post
- Supports Project - Verbal
- Currently Opposed
- Project Site
- Nature Trails
- No Response
- Vacant / Abandoned Homesite

City of Sunset Valley and Its Residents
3205 Jones Road
Sunset Valley, TX 78745
November 22, 2021

Re: Redevelopment of 6405 Brodie Lane to a Botanical Garden Café and Eatery

Dear Sunset Valley Residents,

It is absolutely my honor to serve as the independent executor for the Estate of Betty Grubbs, my dear friend, the current owner of 6405 Brodie Lane. I knew Betty and Homer Grubbs since 1975 and have cherished my relationship with these wonderful founding members of Sunset Valley. Betty and Homer loved living in Sunset Valley and relished in the value its residents place on the importance of community, sustainability, and beautiful natural outdoor settings. Homer and Betty bought this property in 1952 and owned it the rest of their lives. The people of Sunset Valley, and especially the men and women of the police department of the city, who were Betty's honorary pallbearers, have been very special to this amazing woman.

Betty particularly was loved for helping her neighbors and for being a pioneer for women's causes such as her philanthropy for women's athletics at the University of Texas. In keeping with Betty's last wishes, the proceeds from the sale of the property primarily funds the Betty Grubbs Endowed Scholarship Program for the University of Texas Women's Athletics.

Betty and I spent a lot of time over the last several years of her life, deciding what she wanted to do with the property, and what she wanted her legacy to be. We discussed these things many times. She had named me her executor back in 1997 after Homer had passed on. Her instructions to me were to maximize the value of her endowment fund from the sale of the property but to ensure that the property was not sold for an office building, a shopping center, or the expansion of the apartment complex next door. She knew in her later years that the property's value was increasing rapidly but that its value would likely be substantially higher with commercial zoning. I've tried very hard to choose a potential buyer that would honor her requests.

The proposed development of a low-density botanical garden café and eatery is uniquely in keeping with Betty's wishes and with Sunset Valley residents' core values. While it converts the property to a commercial property, it does so in a manner that Betty would be proud of. This proposal would create a place that would serve as a peaceful, environmentally sensitive outdoor community gathering place where Sunset Valley residents and their families could relax and enjoy local, culturally diverse and award-winning food and drink. The proposed development utilizes and supports women-owned businesses and is in keeping with Sunset Valley residents' core values and Betty's wishes for her home site. The proposed development owners have offered and will sponsor an annual fundraiser for the Betty Grubbs Endowed Scholarship Program for UT Women's Athletics and place a memorial plaque on site in a prominent location to pay homage to Homer and Betty's amazing, accomplished lives and legacy.

On behalf of the Betty Grubbs Estate, I wholeheartedly support this project and ask other residents of Sunset Valley to do so as well. The proposed low-density botanical garden development has been thoughtfully designed to be in keeping with Sunset Valley's core values, provides residents with a wonderful community space to share great food and drink in a beautiful natural outdoor garden habitat all while honoring the legacy of Homer and Betty Grubbs and the spirit of the founding members of this great city.

Sincerely,



Gary D McIntosh
Independent Executor of the Estate of Betty Grubbs

City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745
January 24, 2022

To the City of Sunset Valley:

I am writing in support of the application for the botanical garden café and eatery proposed for 6405 Brodie Lane, Homer and Betty Grubbs' former home, since 1952.

As someone who knew and loved Betty, I believe that the project before you would honor both her memory and the values for which she stood. Betty was a tireless advocate for women leaders, including in business, athletics, and in the community. This project will directly support those very same values, providing a venue for local women-owned businesses and helping fund scholarships for the University of Texas at Austin's women's athletics programs.

Betty and Homer became dear friends through their devotion to UT women's athletics, where I coached women's basketball for over 30 years and served as the UT women's athletic director. Betty was one of our fiercest advocates, helping raise the funds needed to support the success of UT women's athletics.

Even toward the end of her life, Betty remained focused on ways she could continue to support these programs and ultimately decided that she wanted her estate to use this property to maximize the funding for the Betty Grubbs Endowed Scholarship Program for the University of Texas Women's Athletics. Proceeds from her estate's sale of this site to build the proposed botanical garden café and eatery will largely fund these endowed scholarships – which would be the largest scholarship for UT Women's Athletics in its history. And it comes at an historic time, the 50th anniversary of Title IX's passage, substantially improving the future of women's athletics in our educational institutions.

In addition, the applicants have committed to hold annual fundraisers at the café and eatery to help financially support the Betty Grubbs Endowed Scholarship on an ongoing basis, ensuring that Betty's former home will continue to uphold her legacy for UT women's athletics for years to come.

The project will also uphold another important part of Betty's legacy by featuring local women-owned businesses, Veracruz All Natural and DEE DEE. Betty was a strong proponent of women-led enterprises and a pioneer of women's causes. It is fitting, then, that this project would choose to feature women-led businesses as an important part of its overall vision. Finally, the project's entire design as a gathering space within an outdoor garden is something Betty would have loved: an open, environmentally sensitive, community-oriented space where people can enjoy themselves and appreciate Sunset Valley's natural beauty.

I believe that this project lives up to Betty Grubbs' ideals and honors her memory – and I hope we can count on your support. Thank you for your consideration.

Sincerely,


Jody Conradt

City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745
January 24, 2022

To the City of Sunset Valley:

Please support the application for a low-density botanical garden café and eatery proposed for 6405 Brodie Ln. As a neighbor to the botanical garden site – and as a member of one of the ‘founding families’ of Sunset Valley, I believe the owners of this project are being mindful and respectful of Sunset Valley residents and the Sunset Valley community.

I have lived next door to 6405 Brodie Ln. for over 50 years, which is how I got to know its former owner, Betty Grubbs. Betty was a vibrant person, a good friend, and an excellent neighbor. Betty not only loved Sunset Valley – she encapsulated the love of community that I have felt living in Sunset Valley.

Betty also had a deep appreciation for Sunset Valley’s natural setting – as do I. It has been one of my great joys to have become a master gardener and, while much in Central Texas has changed, I still appreciate the natural beauty that we have been able to maintain in Sunset Valley.

These values – community and nature – are important to me, and the owners of the botanical garden café and eatery have promised to live up to them. As a longtime resident, I have seen a number of large projects in the area that did *not* complement Sunset Valley’s character. (such as the Lowe’s across the street from my house.) Most of these were outside of Sunset Valley’s limits and ultimately beyond our control.

In contrast, I believe this project offers an opportunity to shape the future of Betty’s property in a way that fits better with what Sunset Valley wants and needs than other projects would. It is my understanding that it would be designed as a low-density gathering place within a carefully cultivated garden, with ample trees and greenery – and it would be run by locals, who I trust would be more responsive and have a better sense of our community.

Thank you for your consideration.

Sincerely,

DocuSigned by:

40D3D84AA1BF496...

Anne Gault
6401 Brodie Ln.

March 1, 2022

City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745

To the City of Sunset Valley:

Please support the applicants' requested landscape buffer variance.

The applicants have proposed a low-density botanical garden café and eatery at 6405 Brodie Ln., the former home of Betty Grubbs. As part of this process, they are seeking a variance from landscape buffering requirements currently triggered by my family's former home, at 6401 Brodie Ln. I support their request.

I grew up at 6401 Brodie Ln. – and my mother, Anne Gault, lived there through the end of her life. She passed away last week, at the age of 89. My mother was an extraordinary woman who was deeply committed to the Sunset Valley community and loved Sunset Valley's open spaces and natural beauty. Among other accomplishments, she was a founder of the Sunset Valley community garden.

In keeping with her love for this community and its natural beauty, my mother sold our family home at 6401 Brodie Ln. over a decade ago to the City of Sunset Valley – not to be developed, but to become parkland that could serve Sunset Valley residents for years to come. Betty similarly sought to use her property to help fund the largest endowment ever made for Women's Athletics at the University of Texas at Austin, through a significant portion of the proceeds from the property's sale.

These women both sought to use their properties to support the causes they championed during their lives.

However, it is my understanding that the zoning for my mother's former home has not yet been updated to reflect its designation for parkland. While the Future Land Use Map correctly identifies my mother's former home for parkland, it still retains its outdated Single-Family zoning – which is causing it to trigger an extensive 100-ft. landscaped buffer area onto the Betty Grubbs property.

As a result, the zoning on my mother's former home now threatens the plan for Betty Grubb's former home. I ask that you please remedy this by approving the requested variance and reducing the buffer area from 100 ft. to 25 ft. For context, no buffer would be required were my mother's formerly home zoned in accordance with its parkland designation.

Over the years, my family has seen a number of projects in Sunset Valley that we believe do not complement its character, such as the Lowe's across the street from our former home. In contrast, the proposed low-density botanical garden café and eatery is much more in keeping with Sunset Valley and with Betty Grubbs' values than the alternatives that would otherwise be built here.

Please honor the parkland designation for my mother's home, support a project at Betty Grubbs' that respects Sunset Valley's character, and approve this variance. Thank you for your consideration.

Sincerely,



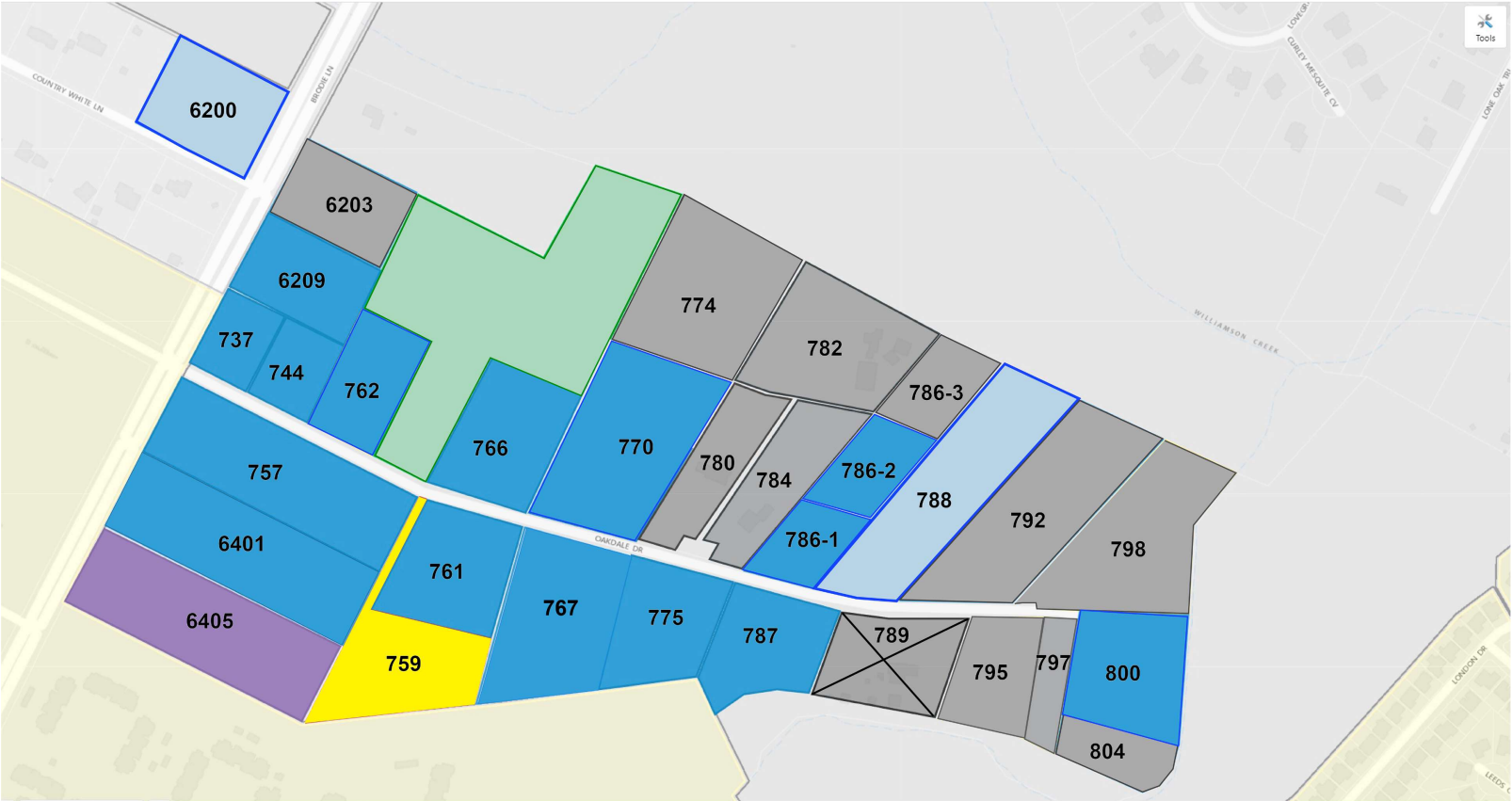
Susan Burton

PRIOR ATTACHMENTS
(March 2022 BOA Meeting)

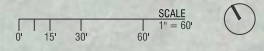
Site Context



Local Neighborhood Support



- Supports Project - Signature / Written Post
- Supports Project - Verbal
- Currently Opposed
- Project Site
- Nature Trails
- No Response
- Vacant / Abandoned Homesite



Proposed Site Plan

Impervious Coverage Calculations		
Total Site Area	4.98 ac	
Impervious Coverage		
Buildings & Covered Porches	7,272 sf	3.4%
Covered Outdoor Seating	1,920 sf	0.9%
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TOTAL	61,888 sf	28.5%

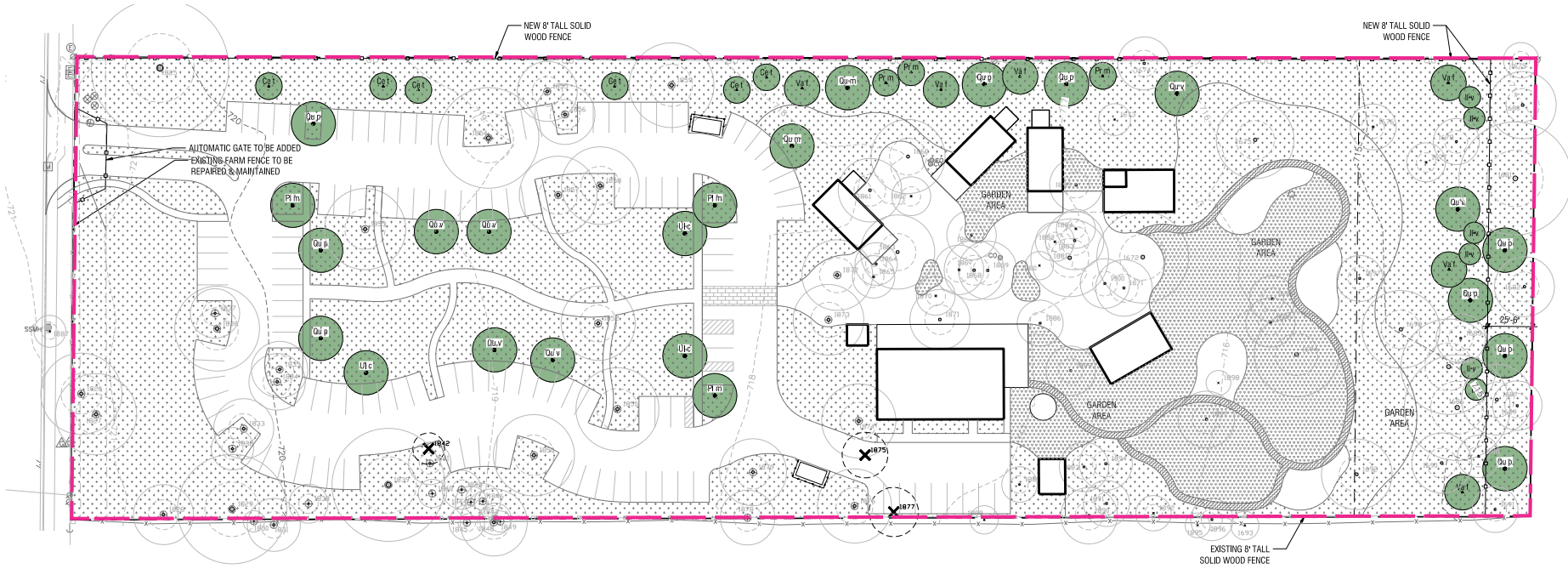
- Property Line
- Asphalt
- Decomposed Granite
- Botanical Garden
- Meadow
- Mown Meadow Path

- Proposed Tree
- Existing Trees
- Non-protected Tree (<10")
- Protected Tree (10"-23.9")
- Heritage Tree (24"+)

Michael Hsu
Office Of Architecture

CAMPBELL LANDSCAPE ARCHITECTURE

stansberry engineering co.



LEGEND - PLANTING PLAN

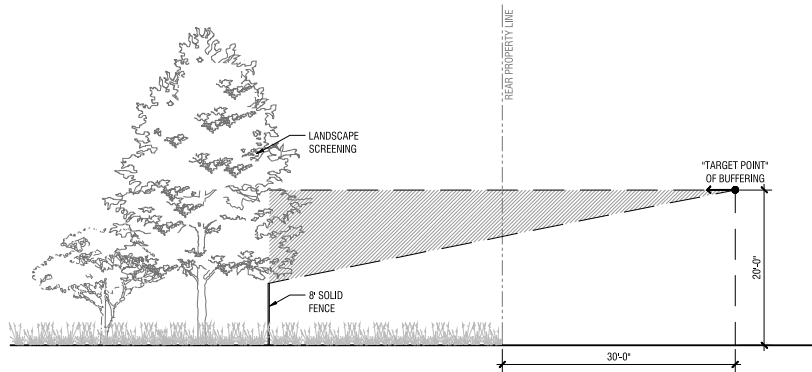
SYMBOL	ITEM
---	PROPERTY LINE
	EXISTING TREE TO PROTECT
	EXISTING TREE TO REMOVE
	PROPOSED SHADE TREE
	PROPOSED ORNAMENTAL TREE
	PROPOSED EVERGREEN SHRUB
	PROPOSED SOLID WOOD FENCE

City of Sunset Valley - Tree Mitigation Calculations [UDC Ch. 16 Sec.16.201]							
Tag #	Tree Species	Trees To Be Removed		Heritage Tree	Ancient Tree	Non-listed species	Total
		Non-protected Tree < 10"	Protected Tree 10" - 23.9"				
1842	cedar elm	9"					
1870	post oak		8.6 (4x4.5")				
1875	live oak		13"				
Caliper inches per column:		9"	24"	0	0	0	
Total Caliper Inches Removed:							33"
Tree Replacement Ratio		0	1/3	1	2	0	
Replacement inches per column:		0	8"	0	0	0	
Total Caliper Inches Required:							8"
Total Caliper Inches Proposed:							137"

PLANT LEGEND

SYM	PLANT	SIZE	QTY
	LARGE TREES		
Pl m	<i>Platanus mexicana</i> Mexican sycamore	4" CAL.	3
Qu m	<i>Quercus muhlenbergii</i> Chinquapin oak	4" CAL.	2
Qu p	<i>Quercus polymorpha</i> Monterrey oak	4" CAL.	9
Qu v	<i>Quercus virginiana</i> Live oak	4" CAL.	6
Ul c	<i>Ulmus crassifolia</i> Cedar elm	4" CAL.	3
TOTAL LARGE TREES			23
	ORNAMENTAL TREES		
Ce t	<i>Cercis canadensis</i> var. <i>texensis</i> Texas redbud	3" CAL.	6
Pr m	<i>Prunus mexicana</i> Mexican plum	3" CAL.	3
Va f	<i>Vachellia farnesiana</i> Huisache	3" CAL.	6
TOTAL ORNAMENTAL TREES			15
TOTAL TREES			38

	EVERGREEN SHRUBS		
Il v	<i>Ilex vomitoria</i> "Pride of Houston" Yaupon holly, Pride of Houston	5 GAL.	6
GROUNDCOVER/SEED MIXES			
	Meadow mix: Equal percentage mix of Lindheimer muhly, sideots grama, little bluestem, deer muhly, & gulf muhly	1 GAL @	
	Botanical garden	4" O.C.	
	Mown meadow path		



Visual Screening Sec. 2.505(b)(4)(A)

PLANT LEGEND

SYM	PLANT	SIZE	QTY
LARGE TREES			
Pl m	<i>Platanus mexicana</i> Mexican sycamore	4" CAL.	3
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Va f	<i>Vachella farnesiana</i> Huisache	3" CAL.	6
EVERGREEN SHRUBS			
Il v	<i>Ilex vomitoria</i> "Pride of Houston" Yaupon holly, Pride of Houston	5 GAL.	6

GROUNDCOVER/SEED MIXES	
	Meadow mix: 1 GAL @ 4" O.C.
	Equal percentage mix of Lindheimer muntly, sideoats grama, little bluestem, deer muntly, & gulf muntly
	Botanical garden
	Mown meadow path

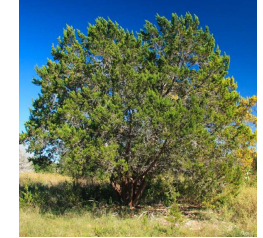
EVERGREEN SHADE TREES



Monterrey oak



Live oak



Juniper

DECIDUOUS SHADE TREES



American sycamore

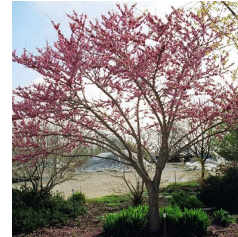


Chinquapin oak



Cedar elm

ORNAMENTAL TREES



Texas redbud



Mexican plum



Huisache

EVERGREEN SHRUBS



Yaupon holly



Mountain Laurel



Wax Myrtle

City of Sunset Valley
3205 Jones Rd
Sunset Valley, TX 78745
September 29, 2021

Re: Land Use Applications for 6405 Brodie Ln. (the "Property")

To Whom It May Concern:

I, Gary McIntosh, Independent Executor of the Estate of Betty Grubbs, hereby authorize Thomas Trubiana and Justin Trubiana to act as my agent on behalf of the Betty Grubbs Estate in connection with rezoning applications, special use permit applications, variance applications, and other related land use approvals for the above-referenced Property.

Gary McIntosh



Independent Executor, Estate of Betty Grubbs

SIGNATURE CERTIFICATE




REFERENCE NUMBER

27E96C62-9920-48D6-8687-2875A2F80DC6

TRANSACTION DETAILS	DOCUMENT DETAILS
<p>Reference Number 27E96C62-9920-48D6-8687-2875A2F80DC6</p> <p>Transaction Type Signature Request</p> <p>Sent At 09/29/2021 19:48 EDT</p> <p>Executed At 09/30/2021 08:11 EDT</p> <p>Identity Method email</p> <p>Distribution Method email</p> <p>Signed Checksum 3b9493e7caff53a9a3510481d2f3382790f13552e32bc233f5b3d7e18bdb8536</p> <p>Signer Sequencing Disabled</p> <p>Document Passcode Disabled</p>	<p>Document Name Authorization Letter</p> <p>Filename authorization_letter.pdf</p> <p>Pages 1 page</p> <p>Content Type application/pdf</p> <p>File Size 106 KB</p> <p>Original Checksum 4e08eb2fe5fdcc2a44f585f935e5b5c2e7380a8be512943aac92bbc81828229</p>

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
<p>Name Gary McIntosh</p> <p>Email gary.mcintosh@weaver.com</p> <p>Components 1</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum ab1ba6c2c39936b47aea453e2393d5cd28f751d3ea7ada67aa0088429fbf60cd</p> <p>IP Address 104.244.162.114</p> <p>Device Samsung Browser via Android</p> <p>Drawn Signature</p>  <p>Signature Reference ID 6352240E</p> <p>Signature Biometric Count 284</p>	<p>Viewed At 09/30/2021 08:11 EDT</p> <p>Identity Authenticated At 09/30/2021 08:11 EDT</p> <p>Signed At 09/30/2021 08:11 EDT</p>

AUDITS

TIMESTAMP	AUDIT
09/29/2021 19:48 EDT	Gary McIntosh (gary.mcintosh@weaver.com) was emailed a link to sign.
09/29/2021 19:48 EDT	Martha Adams (madams@abaustin.com) created document 'authorization_letter.pdf' on Chrome via Windows from 63.145.58.202.
09/29/2021 21:08 EDT	Gary McIntosh (gary.mcintosh@weaver.com) was emailed a reminder.
09/29/2021 21:46 EDT	Gary McIntosh (gary.mcintosh@weaver.com) viewed the document on Samsung Browser via Android from 104.244.162.114.
09/29/2021 21:46 EDT	Gary McIntosh (gary.mcintosh@weaver.com) viewed the document on Samsung Browser via Android from 35.170.190.110.
09/29/2021 21:46 EDT	Gary McIntosh (gary.mcintosh@weaver.com) viewed the document on Samsung Browser via

Android from 54.236.143.143.

- 09/29/2021 21:47 EDT Gary McIntosh (gary.mcintosh@weaver.com) viewed the document on Samsung Browser via Android from 104.244.162.114.
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- 09/30/2021 07:53 EDT Gary McIntosh (gary.mcintosh@weaver.com) was emailed a reminder.
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- 09/30/2021 08:11 EDT Gary McIntosh (gary.mcintosh@weaver.com) authenticated via email on Samsung Browser via Android from 104.244.162.114.
- 09/30/2021 08:11 EDT Gary McIntosh (gary.mcintosh@weaver.com) signed the document on Samsung Browser via Android from 104.244.162.114.

City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745
January 24, 2022

To the City of Sunset Valley:

Please support the application for a low-density botanical garden café and eatery proposed for 6405 Brodie Ln. As a neighbor to the botanical garden site – and as a member of one of the ‘founding families’ of Sunset Valley, I believe the owners of this project are being mindful and respectful of Sunset Valley residents and the Sunset Valley community.

I have lived next door to 6405 Brodie Ln. for over 50 years, which is how I got to know its former owner, Betty Grubbs. Betty was a vibrant person, a good friend, and an excellent neighbor. Betty not only loved Sunset Valley – she encapsulated the love of community that I have felt living in Sunset Valley.

Betty also had a deep appreciation for Sunset Valley’s natural setting – as do I. It has been one of my great joys to have become a master gardener and, while much in Central Texas has changed, I still appreciate the natural beauty that we have been able to maintain in Sunset Valley.

These values – community and nature – are important to me, and the owners of the botanical garden café and eatery have promised to live up to them. As a longtime resident, I have seen a number of large projects in the area that did *not* complement Sunset Valley’s character. (such as the Lowe’s across the street from my house.) Most of these were outside of Sunset Valley’s limits and ultimately beyond our control.

In contrast, I believe this project offers an opportunity to shape the future of Betty’s property in a way that fits better with what Sunset Valley wants and needs than other projects would. It is my understanding that it would be designed as a low-density gathering place within a carefully cultivated garden, with ample trees and greenery – and it would be run by locals, who I trust would be more responsive and have a better sense of our community.

Thank you for your consideration.

Sincerely,

DocuSigned by:

40D3D84AA1BF496...

Anne Gault
6401 Brodie Ln.

COMMISSION MEETING DATE: APRIL 13, 2022



BOARD OF ADJUSTMENT AGENDA ITEM #4-5

STAFF PREPARER/CONTACT INFORMATION: Sylvia Carrillo, City Administrator
scarrillo@sunsetvalley.org

SUBJECT: ENCROACHMENT INTO THE SIDE AND REAR SETBACK

DESCRIPTION: Consideration and possible approval of an application submitted by the Haag family for a variance at 1052 Sunflower, from *section 150.235 Planned Unit Development of Single Family Residential Zoned Land, C. Standards and Criteria, 6. Setback Requirements*, for the proposed construction of a swimming pool.

BACKGROUND: Cody Pools, on behalf of the Haag family, submitted a building permit request for an inground swimming pool. The plan was sent to our 3rd party plan review company as has been customary for more than 10 years. The plan reviewer approved the plan set and missed that the pool was in the side and rear setbacks.

As a result, the permit was revoked, and the Haag family has petitioned the Board of Adjustment for a variance of the pool location.

VILLAS PLANNED UNIT DEVELOPMENT

The subject property is in a Planned Unit Development (PUD) adjacent to Ernest Robles Way. The property was approved as a PUD in March 2005.

A PUD allows a variance from “normal” platting and subdivision requirements as allowed by Chapter 211 of the Local Government Code. PUDs are created and allowed under the chapter to provide flexibility in land use and density. PUD regulations are provided in the final ordinance creation documents approved by the City and are required to provide density and infrastructure information to show the PUD can be adequately served by water, wastewater, drainage, police, fire, traffic, etc.

The Villas PUD was created with a deviation from the normal setback requirements in the City (30 feet at the rear, 20 feet side) and from the lot size requirements (1 acre).

The setbacks in the Villas are referred to as “build lines” and vary throughout the subdivision. Lot 9, Block A, the Haag property, has 5 ft. side yard build lines, and 15 ft. “typical” rear build lines.

VARIANCE REQUEST and STAFF REPORT

To approve a variance, the Board must find that: “together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such action is taken. The burden of establishing such conditions is on the applicant. No variance shall be granted unless the Board of Adjustment finds that all of the following criteria are met:

(1) Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.

The Villas PUD was established in March of 2005. Reduced side yard and rear yard setbacks are not discussed in the PUD documents nor in the City's Land Development Code, however, are shown on the recorded plat. The setbacks shown on the recorded plat show a 5' side yard build line and a 15' build line at the rear of the property. Setbacks are commonly referred to as build lines, however, every jurisdiction has a different interpretation of what is allowed in a build line. The definition for a “BUILDING SETBACK LINE” in Sunset Valley is defined as, “the line within a property defining the minimum horizontal distance between a building and/or property boundary line and the adjacent street line or property boundary line.” Hereby interpreted to mean no building of any sort shall be in the building setback or build line.

In Sunset Valley, a structure is defined as. *“Anything, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, but not including, advertising signs, billboards, and poster boards. The word “building” includes the word “structure...”*

Similar situations exist in the Meadows Subdivision that was platted in 1999. The Meadows subdivision has required build lines and setbacks; however, included in the Plat is a note that reads, “No Buildings, Fences,(except as set forth herein) landscaping, or other such structure which would obstruct water flow shall be placed in a drainage easement or vegetative buffer except as approved by the City of Sunset Valley...”. An aerial review of the area shows multiple properties who have encroached and were granted administrative approval for such encroachment. The issue was recently discovered in a similar pool situation where an encroachment occurred into a drainage easement at the rear of the property. Precedence in the City for the Meadows has been administrative approval of such encroachment, not the Board of Adjustment.

Both subdivisions have similar issues and deserve the same level of fairness.

(2) Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following:

- (a) Depriving the applicant of the reasonable use of his land;*
- (b) Significant or unreasonable disruption of the natural terrain; or*
- (c) Significant or unreasonable destruction of the existing flora.*

A reasonable expectation is that a pool is allowed in a residential backyard. In many jurisdictions, including Austin, a pool is allowed within 5' of the property line with the coping or decking allowed to the property line because as flat work, they are not considered buildings. Additionally, pools and spas are often not considered "buildings" because they are not vertical. Chapter 2 of the International Building Code defines the following:

IBC DEFINITIONS

"Chapter 2: 202

Structure. That what is built or constructed.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Swimming Pool. A structure intended for swimming....that contains water over 24" deep."

The building element comes into play when slides, etc are placed in those setbacks. This applicant is not proposing such items.

(3) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

If any structure (that which is constructed) is defined as a building, a 15ft build line at the rear of the property renders most of the property unusable, despite having provided this lot with an increased amount of impervious cover as a part of the original subdivision allotment. This would include playgrounds and other landscaping items many residents have placed in those areas.

(4) There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code;

The applicant meets all other sections of the code, including the illusive impervious cover element that many properties in the Villas do not.

(5) The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of;

The applicant is requesting the bare minimum of the pool footprint and has reduced the pool coping in some areas to 12" or 1 foot.

(6) The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other property or improvements in the area;

No other property abuts the areas of encroachment.

(7) The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code;

It does not prevent orderly development. In recent months, to provide relief to residential areas, the impervious cover regulations were amended to allow an additional amount of impervious cover. In the in the Villas, that amounts to 100 additional sq feet. This applicant did not need to avail themselves of the additional impervios cover

(8) The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards and policies of the City's Comprehensive Plan;

The Villas PUD does not match the City's comprehensive plan of large lot, rural development. The addition of this pool will not change that.

(9) The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property; and

No, there are no other properties located where the pool is to be located on the property either at the side or rear.

(10) The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest.

The proposed variance is minimal in effect and would not affect neighbors nor surrounding property.

RECOMMENDATION: If the Board agrees with the findings provided by the applicant, then a motion could be made to approve the variances as presented.

APPLICABLE CODE SECTIONS: Land Development Code, Section 150.235

SUPPORTING MATERIALS PROVIDED:

- Variance Request Letter
- Local Neighborhood Support
- Proposed Site Plan
- Villas PUD Documents
- Meadows Plat

March 16th, 2022

**Board of Adjustment
City of Sunset Valley**

**Encroachment setback variance request for construction of a pool at 1052
Sunflower Trail, Villas Subdivision.**

We are seeking a variance approval for a swimming pool that would encroach the 5-foot side yard and 15-foot rear setback.

This project was initially approved by City Hall, and we were granted a permit. The permit was subsequently revoked when staff reviewed again and found the application to be deficient for administrative approval.

Our home is in the Villas which is known for having smaller lots than those at old town and the Meadows. Our yard backs up to the AISD football stadium and a city-owned greenspace on one side. We have situated the pool to be in the corner that maximizes distance from any resident's sight line and it will not be near any other neighbor's yard.

The pool will not impact any neighbors since there is a green belt behind our backyard and the pocket-park to the left which are the only two areas where the setbacks are being encroached. Additional landscaping will also be added between the pool and all areas of the fence line.

We have signed letters of support from both adjacent neighbors and have received support from other neighbors as well. We have not received any negative feedback from anyone in our neighborhood.

The pool does not contribute to blocking visibility, sunlight or facilitate flooding. If this rule has a place in Sunset Valley, we do wonder why as it seems to have been broken throughout all of the neighborhoods in our City? We have counted more than 15 homes that have encroaching structures in their setbacks that are visibly obtrusive and many that are likely to facilitate flooding, or that obstruct or encroach all the way to the property line and often with neighbors immediately adjacent. Examples of structures in side and back setbacks that are visible from the public streets include: playgrounds, sheds, horse stalls, fences, and fountains, decks. The variance, if approved, for our home would not have any of those negative impacts or risks

We believe we have unique circumstances in our lot that make the request of this variance necessary for the reasonable use and enjoyment of our private property. We see no development reason that justifies denying our variance. We kindly ask for your support.

Project Background

We are new residents in Sunset Valley. We moved to the United States last summer and to 1052 Sunflower Trl. in October 2021 with our three kids ages 8, 6 and 4. We love our neighbors already and truly enjoy this wonderful community. We do not want to upset our neighbors which is why we have carefully discussed this matter with our immediate neighbors and have the written support of other neighbors in the Villas.

Before buying the property, we went to City Hall and asked if building a pool was feasible on this lot and we were told that the only restriction might be the impervious cover but that it was doable. It was later confirmed that we did have sufficient impervious cover remaining for our lot. We were also willing to remove additional impervious cover if necessary. With these discussions and affirmations from City Hall, we purchased the home.

We then started the project with Cody Pools, a reputable and longstanding contractor in this area. They sent all the requested information regarding our project to City Hall and on February 7th we were informed that our project had been revised and approved both by city hall and by the outside inspector: McComis Inspections Inc; hence our permit was granted. The construction layout started days later.

We needed to remove a tree to build the pool, so it was only after inquiring about a tree removal permit some weeks later that we got a call from City Hall saying that our permit was now being revoked. We were told that the setback revision had been lacking and that we were encroaching the side and rear setbacks. Reviewing this newly received information with Cody Pools, they did not see much of an issue since the setback requirements in Austin and San Antonio only applied for structures from the ground and above and the setback for pools in those cities is only 8 in. However, we were later told of the setback requirements by Sunset Valley and realized they were different and more punitive even if not equally applied throughout the City. We were then informed that a Board of Adjustments meeting was necessary to ask for a variance.

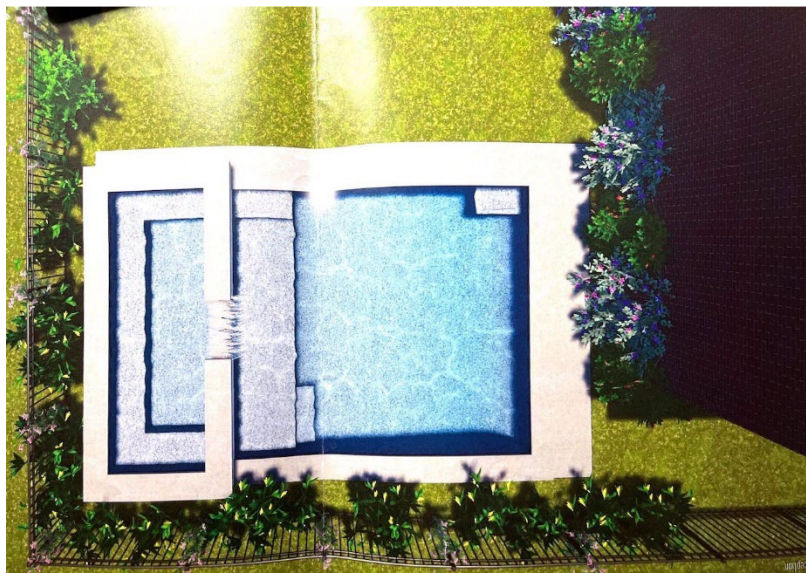
In order to find that a variance can be granted the following 10 conditions must be met:

- 1. Special circumstances or conditions exist such that requiring compliance with the provisions of the applicable zoning provisions of the Code will cause significant practical difficulties to the applicant. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute practical hardship.**

If we have a setback of 15ft on the rear and 5ft from the house, there are only 9ft left for the swimming pool including coping. This would make the pool unfeasible. The backyard as it is does not allow for a big pool (our project contemplates a pool half the size of a regular pool), we had a hard time designing a pool that would be worth building in such a small space and this is without taking into consideration the required setbacks.

We believe setback requirements in Sunset Valley were established for lots that used to be bigger than the lots being constructed today, leaving very little space to make use of it. Moreover, in many cities, setbacks are established for structures constructed above ground that could interfere or obstruct visibility and sunlight and also for flooding reasons. Sunset Valley is a place to be known for “where the yards are wide”, “large lot ownership” and lots were known to be like farmlands. However, the new developments have made lots much smaller finding it hard to fully use one’s land, especially since these setbacks that were established for much bigger lots must be applied to these smaller ones.

We had already submitted all the required information and had been granted the permit. It has been our family’s dream to have a pool and it was a requirement our family in purchasing a home; we clearly and repeatedly communicated this with City Hall before we purchased this property. We also took the time before buying to ask City Hall about the process and requirements to build a pool, and we were told we could. Initially the greatest concern was impervious cover but we do have square feet available for this project.



2. Special circumstances or conditions affecting the parcel of land exist such that requiring strict compliance with the provisions of this Code will result in one or more of the following:

- a. Depriving the applicant of the reasonable use of his land;

A pool should be a reasonable use of our land, we should be able to build one since we have sufficient impervious cover. There is no other place in our lot to build it. We believe building a pool will maximize the use we can give our backyard considering we have 3 little kids and that they love swimming.

It is also important to mention there are no neighbors at all to the north (buffer to street and stadium noise and light), nor to the west (city greenspace), and there will never be, so we would not be bothering anyone at all. We would not be impacting anyone. Moreover, a pool does not disrupt or obstructs visibility or sunlight. In fact, it improves or current back yard view which is a busy public road and a giant football stadium



- b. Significant or unreasonable disruption of the natural terrain; or
- c. Significant or unreasonable destruction of the existing flora.

3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

We feel is necessary for the wellbeing of our family to have a pool. We have 3 kids that love swimming. During summer they did not want to leave the house due to hot weather. Having a pool will allow them to spend less time inside the house and away from any sort of electronic devices. The pool will also be heated allowing the kids to use it in winter too. We believe this project will optimize the use of our backyard and improve our quality of life.

From a quick drive around the neighborhood, we see houses that have playsets, fountains, sheds, and horse stalls encroaching the setbacks. The house across the street from our house which just got sold very recently has a big pond and rock structures that encroach the setbacks; no neighbors in the Villas have an issue with this yard. There are other examples in our neighborhood of similar decks, structures and internal fences that are in these setbacks but not bothering or offending other residents.



4. There is no practical alternative to the requisite variance that will alleviate the difficulty or hardship complained of or the requisite enhances the quality of the project as a whole and would result in a better project than requiring strict compliance with the provisions of the Code;

The size of the backyard is small as it is and fitting a pool was challenging. We went to City Hall before buying the house because we saw that the patio was small and wanted to make sure that we could fit a pool there in the first place. The pool cannot be built in any other location of the house. It was very difficult to decide to use most of our backyard in a pool as it is, but we believed it would be the best way for our kids to enjoy the patio. Making it smaller would no longer

make it feasible due to the existing size of the backyard and moving it would either compromise other areas of the patio making them useless or would require demolition of other areas of the house making it more complicated. We are trying to maximize the use of our backyard.

5. The variance will be no greater than the minimum required to alleviate the difficulty or hardship complained of;

We are trying to maximize the small space available in the backyard. Pool by code is required to be 5 ft from residential structure, leaving it impossible to have the 15 ft setback on the rear of the house. If variance is not granted the pool is unfeasible and cannot be constructed. If the side setback is not removed, the areas left after building the pool in the setback will be left unusable and compromised. Having the pool in the encroachment of setbacks allows the (very little) rest of the backyard to be usable. The pool we have designed is a moderate size and appropriate for the size of the yard—it is about half the size of what would be ideal for the family and the size of the home and occupancy.

6. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to other property or improvements in the area.

It will not be detrimental. As stated before, there are no neighbors or property owners on either side of the encroachments, having no damage to anyone or anything. There is only flatwork in the project, and nothing will be built from the ground up. Between the pool and the fence there will be plants to prevent the water from spilling to the outside of the property. This will improve the immediate property value and the value and welfare of the neighborhood. The Villas needs to have more outdoor amenities for the neighbors and children to enjoy.

7. The granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this Code.

Granting this variance will not affect any other lot/land use. The structure is well within the defined property lines.

We have signed letters of support from our neighbors to the right and to the left, since they are the ones that could be impacted by the project even though they will be not. We have also talked to some other neighbors, and they all have mentioned their support and agreement.

8. The variance is in harmony with the intent of the Code's zoning provisions and with the goals, standards and policies of the City's Comprehensive Plan.

It is in harmony. It does not deviate from the City's Comprehensive Plan. We are not contrary to does goals, we would be utilizing the pool for the joy and fun of our family. There are many homes in the City with structures in similar or worse positioning to neighbors. Pools and outdoor enjoyment are in harmony with the City and its history of promoting community enjoyment and private property rights.

9. The granting of the variance will not cause an unreasonable obstruction of direct sunlight to adjacent property; and

It does not. It is flatwork only.

10. The proposed variance prescribes only conditions deemed necessary to or desirable in the public interest

Yes. It allows for the use and enjoyment of our private property in a way that is not unusual and common throughout the City. It increases the quality of life of the residents involved and for the other children and neighbors in the Villas. Sunset Valley's interest is to "preserve and protect quality of life". It will guarantee my kids spend more time outdoors, exercising and utilizing our home and yard. Who doesn't like to hear the laughter of kids playing? It also increases the value of land and eventually hopefully the neighborhood and improves the current bare sightline with nothing but a road, football stadium and highway for us to look out to from our home

We believe that our application fully demonstrates that our variance request is justified and appropriate. We kindly ask for your approval. We ask for the exemption taking also into consideration the unique circumstances about our property.

Thanks for your time and consideration,

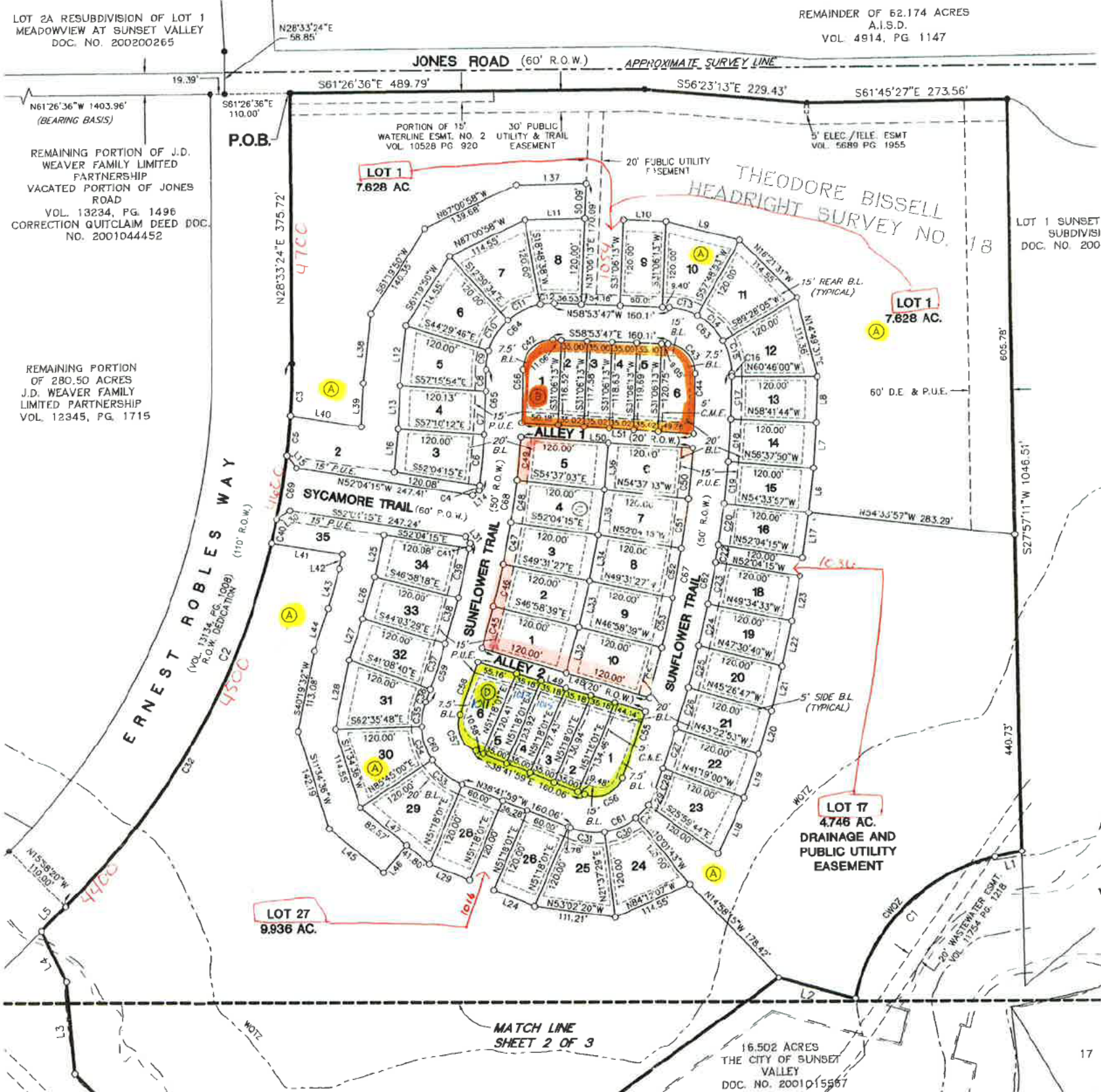
Respectfully,

Natalia J. Martinez

Jorge Hagg

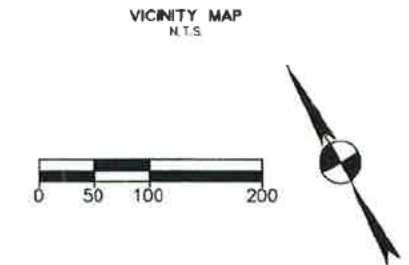
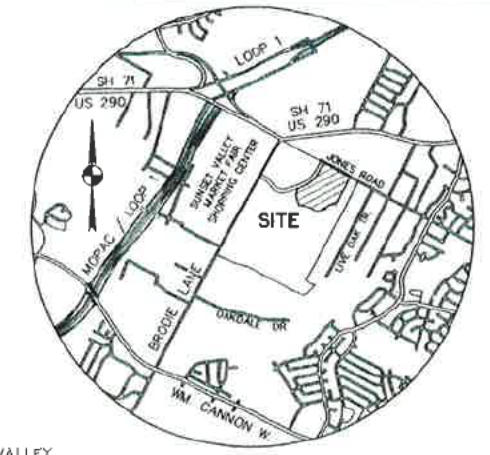
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VILLAS AT SUNSET VALLEY HOMESTEAD

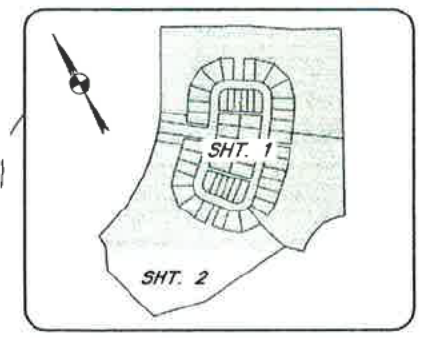


AREA TABLE

LOT	BLOCK	AREA (AC)
1	A	7.628
2	A	0.848
3	A	0.180
4	A	0.186
5	A	0.186
6	A	0.214
7	A	0.214
8	A	0.186
9	A	0.165
10	A	0.208
11	A	0.214
12	A	0.212
13	A	0.169
14	A	0.169
15	A	0.169
16	A	0.169
17	A	4.746
18	A	0.169
19	A	0.169
20	A	0.169
21	A	0.169
22	A	0.169
23	A	0.191
24	A	0.214
25	A	0.212
26	A	0.165
27	A	9.936
28	A	0.165
29	A	0.230
30	A	0.214
31	A	0.206
32	A	0.174
33	A	0.174
34	A	0.180
35	A	0.745
1	B	0.126
2	B	0.094
3	B	0.095
4	B	0.096
5	B	0.097
6	B	0.130
1	C	0.172
2	C	0.172
3	C	0.172
4	C	0.172
5	C	0.172
6	C	0.188
7	C	0.188
8	C	0.188
9	C	0.188
10	C	0.188
1	D	0.143
2	D	0.107
3	D	0.104
4	D	0.101
5	D	0.098
6	D	0.132
ROW DEDICATION		2.657
TOTAL:		35.268



- LEGEND**
- 1/2" IRON ROD FOUND
 - 1/2" IRON ROD WITH CAP SET
 - B.L. BUILDING SETBACK LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - WW WASTEWATER
 - D.E. DRAINAGE EASEMENT
 - (A) BLOCK NUMBER
 - C.W.Q.Z. CRITICAL WATER QUALITY ZONE
 - W.Q.T.Z. WATER QUALITY TRANSITION ZONE
 - C.M.E. CONSTRUCTION AND MAINTENANCE EASEMENT (TYPICAL)
 - P.O.B. POINT OF BEGINNING



FINAL PLAT
VILLAS AT SUNSET VALLEY HOMESTEAD

DATE: FEBRUARY 2005
PREPARED BY:

Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200 Austin, Texas 78746
Tel. (512)320-0011 Fax (512)320-0325
Bury+Partners, Inc. © Copyright 2004

SHEET
1
OF 3

17

Drawn by: CAG Approved by: JMM Project No.: 579-24-20 File: H:\579\24\57924PL2.dwg

VILLAS AT SUNSET VALLEY HOMESTEAD

96
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2005

STATE OF TEXAS)
COUNTY OF TRAVIS)

KNOW ALL MEN BY THESE PRESENTS)
THAT VILLAS AT SUNSET VALLEY HOMESTEAD, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH SUNSET VALLEY MEADOWS OF, INC., A TEXAS CORPORATION, ITS GENERAL PARTNER, BY AND THROUGH BLAKE J. MAGGE, ITS PRESIDENT, OWNER OF THAT CERTAIN 35,268 ACRE TRACT OF LAND SITUATED IN THE THEODORE BISSSEL HEADRIGHT SURVEY NO. 18, CITY OF SUNSET VALLEY, TRAVIS COUNTY, TEXAS, CONVEYED TO VILLAS AT SUNSET VALLEY HOMESTEAD, LTD., BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 200500096 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE SAID 35,268 ACRES IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS "VILLAS AT SUNSET VALLEY HOMESTEAD" AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ROADWAYS, EASEMENTS FOR WATER DISTRIBUTION, WASTEWATER COLLECTION AND DRAINAGE SYSTEMS SHOWN HEREON FOR THE PURPOSE EXPRESSED, SUBJECT TO ANY RESTRICTIONS AND/OR EASEMENTS AFFECTING THIS TRACT HERETOFORE GRANTED, BUT NOT RELEASED, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE.

VILLAS AT SUNSET VALLEY HOMESTEAD, LTD., A TEXAS LIMITED PARTNERSHIP

BY: SUNSET VALLEY MEADOWS OF, INC., A TEXAS CORPORATION,
ITS GENERAL PARTNER

Blake J. Magge 2/1/05
BY: BLAKE J. MAGGE, PRESIDENT DATE

STATE OF TEXAS)
COUNTY OF TRAVIS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 7th DAY OF February, 2005, BY BLAKE J. MAGGE, PRESIDENT OF SUNSET VALLEY MEADOWS OF, INC., A TEXAS CORPORATION, GENERAL PARTNER OF VILLAS AT SUNSET VALLEY HOMESTEAD, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID CORPORATION AND PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

OWN UNDER MY HAND AND SEAL OF OFFICE, THIS 7th DAY OF February, 2005 A.D.

Maria L. Karley
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS



FLOOD PLAIN NOTE:

A PORTION OF THIS TRACT LIES WITHIN THE 100 YEAR FLOODPLAIN AS IDENTIFIED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON PANEL NO. 484530255 F, DATED JUNE 5, 1997, FOR TRAVIS COUNTY, TEXAS AND ADJACENT AREAS.

ENGINEER'S CERTIFICATION:

I, KENNETH D. BOYER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAN IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF SUNSET VALLEY, TEXAS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Kenneth D. Boyer 2-1-05
KENNETH D. BOYER, P.E.
TEXAS REGISTRATION NO. 85201
BURY & PARTNERS, INC.
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746



SURVEYOR'S CERTIFICATION:

I, JOHN JEREMY MILLER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, AND HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM AN ACCURATE ON THE GROUND SURVEY OF THE PROPERTY AND THAT THE BOUNDARY MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SUNSET VALLEY, TEXAS.

John Jeremy Miller 2-07-05
JOHN JEREMY MILLER, P.L.S.
TEXAS REGISTRATION NO. 5720
BURY & PARTNERS, INC.
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746



GENERAL NOTES:

- NO LOT IN THIS SUBDIVISION, VILLAS AT SUNSET VALLEY HOMESTEAD, SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF SUNSET VALLEY WATER AND WASTEWATER SYSTEM.
- WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF SUNSET VALLEY STANDARDS, PLANS, SPECIFICATIONS, AND EASEMENTS SHALL BE SUBMITTED TO THE CITY OF SUNSET VALLEY AND THE CITY OF AUSTIN FOR REVIEW.
- ALL STREETS, DRAINAGE, SIDEWALKS, WATER AND WASTEWATER LINES, EROSION CONTROLS AND OTHER PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF SUNSET VALLEY STANDARDS.
- NO BUILDING, FENCES (EXCEPT AS SET FORTH HEREIN), LANDSCAPING OR OTHER SUCH STRUCTURES WHICH WOULD OBSTRUCT WATER FLOW SHALL BE PLACED IN URBAN/EASEMENTS OR VEGETATIVE BUFFERS EXCEPT AS APPROVED BY THE CITY OF SUNSET VALLEY. WROUGHT IRON FENCING MAY BE CONSTRUCTED ACROSS OR ALONG A DRAINAGE EASEMENT OR VEGETATIVE BUFFER PROVIDED (A) A MINIMUM 6-INCH CLEARANCE IS ALLOWED BETWEEN THE BOTTOM OF THE FENCE AND THE GROUND COVER, (B) THE FENCE DOES NOT OBSTRUCT THE NATURAL MOVEMENT OF WATER ACROSS AND WITHIN THE DRAINAGE EASEMENT OR VEGETATIVE BUFFER AND (C) THERE IS A MINIMUM HORIZONTAL CLEARANCE OF 4-INCHES BETWEEN VERTICAL WROUGHT IRON RISERS.
- THE CITY OF SUNSET VALLEY RESERVES THE RIGHT TO MAINTAIN ALL DRAINAGE EASEMENTS IF THEY ARE NOT PROPERLY MAINTAINED BY THE RESPONSIBLE PARTY, SUCH MAINTENANCE, TO BE AT THE SOLE EXPENSE OF THE RESPONSIBLE PARTY.
- PROPERTY OWNERS SHALL PERMIT NECESSARY ACCESS FOR INSPECTION AND MAINTENANCE OF DRAINAGE EASEMENTS BY DULY AUTHORIZED INSPECTORS OF THE CITY OF SUNSET VALLEY.
- THERE ARE NO SLOPES GREATER THAN 15% ON THIS SITE.
- ALL FINISHED SLAB ELEVATIONS IN THIS SUBDIVISION SHALL BE 1.0 FOOT MINIMUM ABOVE THE 100 YEAR FREQUENCY FLOOD LEVEL.
- A SITE PLAN CONTAINING DETAILED CONSTRUCTION / DEVELOPMENT DRAWINGS AND COST ESTIMATES WILL BE SUBMITTED TO THE CITY OF SUNSET VALLEY FOR REVIEW AT THE TIME OF THE WATERSHED DEVELOPMENT PERMIT APPLICATION.
- LOT 2, BLOCK A AND LOT 35, BLOCK A ARE RESTRICTED TO LANDSCAPE AND BUFFER AREAS, SUBJECT TO THE PUBLIC UTILITY EASEMENT SHOWN HEREON.
- A 15' WIDE PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED:
 - ADJACENT TO AND PARALLEL WITH THE RIGHT-OF-WAY OF SYCAMORE TRAIL AND SUNFLOWER TRAIL ALONG THE FRONTAGE OF ALL LOTS WITHIN BLOCKS A AND C ADJOINING SYCAMORE TRAIL AND SUNFLOWER TRAIL, AS SHOWN HEREON;
 - ADJACENT TO AND PARALLEL WITH THE NORTHERLY LINE OF ALLEY 1 ALONG THE SOUTHERLY LOT LINES OF BLOCK B, AS SHOWN HEREON;
 - ADJACENT TO AND PARALLEL WITH THE SOUTHERLY LINE OF ALLEY 2 ALONG THE NORTHERLY LOT LINES OF BLOCK D, AS SHOWN HEREON;
- A 5' WIDE CONSTRUCTION AND MAINTENANCE EASEMENT IS HEREBY DEDICATED ADJACENT TO AND PARALLEL WITH THE WESTERLY SIDE LOT LINE OF LOTS 2-8 (INCLUSIVE), BLOCK B, AND LOTS 1-5 (INCLUSIVE), BLOCK D, AS SHOWN HEREON.
- CONTRACTOR SHALL CONSTRUCT SIDEWALKS ON SYCAMORE TRAIL AND SUNFLOWER TRAIL THAT ARE ADJACENT TO LANDSCAPE LOTS AND OPEN SPACE LOTS.
- CONSTRUCTION OF SIDEWALKS IN FRONT OF OR ADJACENT TO ALL RESIDENTIAL LOTS IS NOT REQUIRED PRIOR TO RESIDENTIAL BUILDING CONSTRUCTION. SIDEWALKS ARE TO BE INSTALLED AT THE TIME OF RESIDENTIAL BUILDING CONSTRUCTION.
- LOTS 1, 2, 27 AND 35, BLOCK A, WILL BE CONVEYED TO THE CITY OF SUNSET VALLEY, TEXAS AT A LATER DATE.

FIELDNOTE DESCRIPTION:

OF A 35,268 ACRE TRACT OR PARCEL OF LAND OUT OF THE THEODORE BISSSEL HEADRIGHT SURVEY NO. 18, SITUATED IN THE CITY OF SUNSET VALLEY, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 280.50 ACRE TRACT OF LAND CONVEYED TO J.D. HEAVNER FAMILY LIMITED PARTNERSHIP, BY DEED OF RECORD IN VOLUME 12345, PG. 1715 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 35,268 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2 INCH IRON ROD WITH CAP SET IN THE NORTHERLY LINE OF SAID 280.50 ACRE TRACT, BEING AT THE INTERSECTION OF THE SOUTHERLY LINE OF JONES ROAD (34' R.O.W.) WITH THE EASTERLY LINE OF ERNEST ROBLES WAY (10' R.O.W.) AS DEPICTED BY DEED OF RECORD IN VOLUME 1334, PAGE 1008 OF SAID REAL PROPERTY RECORDS, FOR THE NORTHWESTERLY CORNER HEREOF;

THENCE, LEAVING THE CASTERY LINE OF ERNEST ROBLES WAY, ALONG THE SOUTHERLY LINE OF JONES ROAD, BEING THE NORTHERLY LINE OF SAID 280.50 ACRE TRACT AND HEREOF, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- S81°26'38"E, A DISTANCE OF 489.79 FEET TO A 1/2 INCH IRON ROD FOUND;
 - S88°23'13"E, A DISTANCE OF 329.43 FEET TO A FENCE POST FOUND;
 - S61°45'27"E, A DISTANCE OF 373.56 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND, BEING THE NORTHWESTERLY CORNER OF LOT 1, SUNSET VALLEY SUBDIVISION, OF RECORD IN DOCUMENT NO. 200100281 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE NORTHEASTERLY CORNER HEREOF;
- THENCE, S27°57'11"W, LEAVING THE SOUTHERLY LINE OF JONES ROAD, ALONG A PORTION OF THE WESTERLY LINE OF SAID LOT 1, SUNSET VALLEY SUBDIVISION, BEING THE EASTERLY LINE HEREOF, A DISTANCE OF 1048.51 FEET TO A 1/2 INCH IRON ROD WITH CAP SET IN THE IRREGULAR NORTHERLY LINE OF THAT CERTAIN 16,502 ACRE TRACT OF LAND CONVEYED TO THE CITY OF SUNSET VALLEY BY DEED OF RECORD IN DOCUMENT NO. 200105567 OF SAID OFFICIAL PUBLIC RECORDS FOR THE SOUTHEASTERLY CORNER HEREOF;
- THENCE, LEAVING THE WESTERLY LINE OF SAID LOT 1, SUNSET VALLEY SUBDIVISION, ALONG A PORTION OF THE IRREGULAR NORTHERLY LINE OF SAID 16,502 ACRE TRACT, BEING THE IRREGULAR SOUTHERLY LINE HEREOF, THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:
- N23°12'52"W, A DISTANCE OF 36.80 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR A POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT;
 - ALONG SAID TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 62°39'00", AN ARC LENGTH OF 287.91 FEET AND A CHORD WHICH BEARS S73°47'34"W, A DISTANCE OF 272.26 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE END OF SAID CURVE;
 - N48°09'28"W, A DISTANCE OF 106.65 FEET TO A 1/2 INCH IRON ROD WITH CAP SET;

FIELDNOTE DESCRIPTION (CONTINUED):

- S64°02'57"W, A DISTANCE OF 503.81 FEET TO A 1/2 INCH IRON ROD WITH CAP SET;
 - N78°10'56"W, A DISTANCE OF 301.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET;
 - N15°09'12"W, A DISTANCE OF 385.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET;
 - N24°03'41"E, A DISTANCE OF 125.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET;
 - N02°25'27"E, A DISTANCE OF 78.00 FEET TO A 1/2 INCH IRON ROD WITH CAP SET IN THE SOUTHERLY LINE OF ERNEST ROBLES WAY, BEING THE NORTHWESTERLY CORNER OF SAID 16,502 ACRE TRACT, FOR THE SOUTHWESTERLY CORNER HEREOF;
- THENCE, ALONG THE EASTERLY LINE OF ERNEST ROBLES WAY, BEING THE WESTERLY LINE HEREOF, THE FOLLOWING THREE (3) COURSES AND DISTANCES:
- N74°01'40"E, A DISTANCE OF 47.83 FEET TO A 1/2 INCH IRON ROD WITH CAP SET, FOR THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT;
 - ALONG SAID TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1055.00 FEET, A CENTRAL ANGLE OF 42°28'11", AN ARC LENGTH OF 837.27 FEET AND A CHORD WHICH BEARS N51°17'32"E, A DISTANCE OF 815.47 FEET TO A 1/2 INCH IRON ROD WITH CAP SET FOR THE END OF SAID CURVE;
 - N28°33'24"E, A DISTANCE OF 376.72 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA 36,268 ACRES (1,536,259 SQ. FT.) OF LAND, MORE OR LESS, WITHIN THESE METES AND BOUNDS.

CITY CERTIFICATIONS:

APPROVED AND ACCEPTED THIS 9th DAY OF MARCH, 2005 A.D.

Terry Cowan
TERRY COWAN, MAYOR
CITY OF SUNSET VALLEY, TEXAS

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 15th DAY OF April, 2005, A.D. AT 12:54 O'CLOCK P.M., AND DULY RECORDED ON THE 15th DAY OF April, 2005, A.D. AT 12:54 O'CLOCK P.M., OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. 200500096.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 15th DAY OF April, 2005, A.D.

DANA DEBEAUVOR, COUNTY CLERK
TRAVIS COUNTY, TEXAS



BY: *Y.S. Girentez*

DEPUTY

FILED FOR RECORD ON 15th DAY OF April, 2005, A.D. AT 12:54 O'CLOCK P.M.

BY: *Y.S. Girentez*

DEPUTY

FINAL PLAT
VILLAS AT SUNSET VALLEY HOMESTEAD

DATE: FEBRUARY 2005
PREPARED BY:

Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200 Austin, Texas 78746
Tel: (512)328-0011 Fax: (512)328-0305
Bury+Partners, Inc. ©Copyright 2004

Drawn by: CAD Approved by: J.M. Project No: 579-2420 File: H:\579\24\57924P2.dwg

This subdivision is within The City of Sunset Valley city Limits.

OF SHEET 2B	PLOTTING SCALE: 1" = 1'
	DATE REVISED: Apr 19, 2005
	FILE: G:\579\24\57924PLT02.DWG
	DRAWN BY: PB/KB/GF/DK/AM
	DESIGNED BY: KB/GF/DK/AM
	REVIEWED BY: KB
PROJECT NO.: 579-24.32	

VILLAS AT SUNSET VALLEY HOMESTEAD
VILLAS AT SUNSET VALLEY HOMESTEAD, LTD

FINAL PLAT

DATE	NO.	REVISION	APPROVAL

Bury+Partners
ENGINEERING SOLUTIONS
3345 Bee Caves Road, Suite 200 Austin, Texas 78746
Tel: (512)328-0011 Fax: (512)328-0305
Bury+Partners, Inc. ©Copyright 2005

ORDINANCE NO. 050309

AN ORDINANCE REZONING, BLOCK B, SUNSET VALLEY VILLAGE, TRAVIS COUNTY, TEXAS, FROM SF, SINGLE-FAMILY RESIDENTIAL, TO THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, a 35.275 acre tract or parcel of land out of the Theodore Bissell Survey No. 18, situated in the City of Sunset Valley, Travis County, Texas, being a portion of that certain 280.5 acre tract of land conveyed to the J.D. Weaver Family Limited Partnership by deed of record in volume 12345, page 1715 of the Real Property Records of Travis County, Texas ("the Property") is currently zoned as SF Single-Family Residential, pursuant to the City's zoning ordinance;

WHEREAS, the owner of the Property requested that the City Council rezone the Property to the Planned Unit Development District as allowed by the City's zoning ordinance;

WHEREAS, after giving 15 days written notice to the owners of land within two hundred feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council; and

WHEREAS, after publishing notice of the public hearing at least 15 days prior to the date of such hearing, the City Council at a public hearing has reviewed the circumstances of the Property and the request of the owner of Block B and finds that a substantial change in circumstances of Block B, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY:

SECTION 1. Findings. The foregoing and following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact:

A. The Property includes areas with environmental constraints that may require special design considerations for the preservation of environmental features not adequately protected under current ordinances.

B. The Property includes areas of special concern to proposed residential neighborhoods where standard zoning may not adequately address concerns of at least one of the following: land use intensity, buffering and screening, open spaces, tree preservation, cluster development, infill areas, undesirable activities or design features, access and transportation impacts, landscaping, lighting, signage, noise, air

quality, protection of water resources, type of construction, type of building materials, allowable uses, design concept, architectural diversity, maintenance, height of improvements, building mass, square footage of residential units, setbacks, recreational amenities, covered parking, view preservation, historical preservation, public safety and welfare, and other features for which special site conditions or other considerations may warrant innovative or custom design.

C. The Development Plan for the Property includes innovative subdivision or site plan design and promotes superior development.

D. The Property is a larger than thirty (30) acre tract of vacant or substantially vacant land, and standard zoning classification may be inappropriate for the Property.

E. The development in the Development Plan for the Property is equal to or superior to development that would occur under the standard ordinance requirements.

F. The Development Plan is in harmony with the general purposes, goals, objectives, and standards of Sunset Valley's Comprehensive Plan.

G. The Development Plan will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

H. The Development Plan will be adequately served by essential public facilities and services including streets, parking, drainage, water, wastewater facilities and other necessary utilities.

I. The Development Plan will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

J. The Development Plan provides for adequate buffers to assure compatibility with adjacent developments inside and outside of the PUD.

K. The Development Plan preserves natural features on the site to the extent reasonably feasible.

L. The Development Plan will complement and enhance, not degrade, the visual quality of the land and buildings in the surrounding area.

SECTION 2. Amendment of Zoning Ordinance. Chapter 2 of the Sunset Valley Code of Ordinances is hereby modified and amended by rezoning the Property as set forth in Sections 3 and 4.

SECTION 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property being a 35.275 acre tract or parcel of land out of the Theodore Bissell Survey No. 18, situated in the City of Sunset Valley, Travis County, Texas, being a portion of that certain 280.5 acre tract of land conveyed to the J.D. Weaver Family Limited Partnership by deed of record in volume 12345, page 1715 of the Real Property Records of Travis County, Texas (the "Property"), from the current zoning district "SF" Single Family Residential to zoning district "PUD" – Planned Unit Development District, according to the Development Plan, attached hereto as Exhibit "A" (the "Development Plan"). The Property is accordingly hereby rezoned to zoning district "PUD," Planned Unit Development District. The Property shall be developed and occupied in compliance with the Development Plan attached as Exhibit "A" and the applicable provisions of the City's zoning ordinance, including this ordinance. The City Council directs the City Secretary to record this zoning classification on the Official Zoning Map with the official notation as prescribed by the City's zoning ordinance.

SECTION 4. Zoning Requirements. The zoning requirements established herein shall apply to the Property. Unless provided below, the comprehensive zoning requirements of Chapter 2 of the Sunset Valley Code of Ordinances, as amended, shall apply to the Property. Provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the Property set forth herein, the requirements set forth herein shall control. Provided that should any conflict appear between the requirements set forth herein and the requirements set forth in the Development Plan attached hereto as Exhibit "A," the requirements set forth herein shall control.

A. The Property shall be single-family residential lots and shall comply with the zoning requirements of the SF district except as herein after modified or shown in the Development Plan.

B. The maximum density on the Property shall be no greater than 1.5 times the density allowed without PUD zoning based on gross site acreage.

C. There shall be no more than fifty-two (52) lots on the Property with each lot containing not more than one residential structure.

D. The height limitation for structures on the Property shall be thirty-three (33) feet.

E. The maximum impervious cover allowed in the Property is 225,635 square feet, including roadways and alleys. Prior to entering into a contract to sell any lot with improvements, the owner of the lot ("Seller") shall provide notice to the purchaser of the total impervious cover allowed on the lot and the proposed amount, if any, that remains available. On or before closing a transaction to transfer ownership of a lot, the Seller shall file in the Deed Records of Travis County, Texas, a restrictive covenant that provides the total impervious cover allowed on the lot and the actual amount, if any, that remains available. Such restrictive covenant shall include Sunset Valley's definition of impervious cover in effect at the time of closing a transaction to transfer ownership of a lot and shall provide that the City of Sunset Valley is authorized to enforce the restrictive covenant. The aggregate total of impervious cover

assigned to all lots within the Property shall not exceed the total impervious cover allowed in the Property of 225,635 square feet including roadways and alleys.

F. Developments on the Property, including setbacks, minimum lot sizes, water quality features, public street pavement widths and curve radii, and landscaping, must comply with the Development Plan and all other applicable ordinances not specifically waived by this section.

G. The facades of developments on the Property must be consistent with the specifications in the attached, "Declarations of Covenants, Conditions and Restrictions for the Villas at Sunset Valley."

H. The Owner's Development Plan is hereby supplemented to include the provision that the current Property Owner will provide \$25,000 to the City of Sunset Valley within thirty days of the effective date of the last approval for final plat, site development, or watershed. The City of Sunset Valley shall use these funds for the purposes of constructing landscaping buffers on the Property and along Ernest Robles Way and Jones Road.

I. The Land Development Code requirements regarding infrastructure to serve the property are not waived. However, if the Developer does not post the required fiscal security as required by Code and amend the Development Plan as shown to reflect the changes as indicated in Exhibit "B" attached within thirty (30) days from approval of this Ordinance, then the action by the City Council to rezone the Property becomes null and void.

J. The Developer will relocate the entry sign shown on the Development Plan or seek a separate variance.

K. The initial installation of yards and landscaping requirements on each Lot within the Property shall include only buffalo grass sod and plants, trees and shrubs as identified on the City of Sunset Valley plant list attached in Exhibit "C."

L. The Declaration of Covenants, Conditions and Restrictions for Villas at Sunset Valley shall be amended so that Article 8.02(B) states that two thirds (2/3) rather than seventy-five percent (75%) of the votes entitled to be cast will be required of the owners of lots on the Property to amend said covenants, conditions and restrictions.

M. The Declaration of Covenants, Conditions and Restrictions for Villas at Sunset Valley shall be amended so that all residential irrigations systems constructed on any Lot within the Property shall be required to install rain gauges and provides language that the use of Bermuda grass is prohibited.

SECTION 5. Transfer of Common Areas to the City of Sunset Valley. The owner will grant, by deed, to the City of Sunset Valley Lots 1, 2, 17, 27, and 35, of the Property, as more specifically described in the Final Plat submitted by the Property Owner, and referred to herein as "Common Areas," not before all the following events have occurred:

- (1) Owner has provided certification of an environmental inspection conducted by an independent third-party on the Common Areas that indicates no significant environmental hazards are present on the Common Areas;
- (2) the City of Sunset Valley has returned the Owner's fiscal posting following inspection by the City;
- (3) all obstructions, including fences, have been removed from the Common Areas; and
- (4) Owner has amended any restrictive covenants on the Common Areas.

It is the Owner's responsibility to maintain the Common Areas prior to transfer to the City.

SECTION 6. Severability

In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions had never formed a part of this Ordinance.

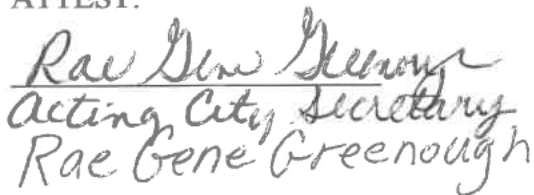
SECTION 7. This Ordinance shall take effect on the date indicated it is passed and approved below.

APPROVED this 9th day of March, 2005.



Terrence Cowan, Mayor

ATTEST:



Rae Gene Greenough
Acting City Secretary

EXHIBIT "B"

CHANGES TO DEVELOPMENT PLAN DOCUMENTS REQUIRED AS A CONDITION OF REZONING CHANGE FOR VILLAS AT SUNSET VALLEY

1) GENERAL COMMENTS

- a) Callout on Sheet 18 crosswalk and stop sign markings at ER Way and Sunflower.
- b) All easements within the documents need to be called out as either existing or proposed.
- c) Add addition clarification to notes that ADA ramps at the access drives and the sidewalks at along the side property of the corner lots will be constructed with the street, curb and gutter construction.
- d) Provide an updated tree list and tree survey for all trees located within the Limits of Construction.
- e) Notes to documents that the Street Trees located along the east side of Ernest Robles Way will be replanted by the Developer and warranted for one (1) year or be replaced by the Developer on an inch per inch basis. The Developer will work with the City on the placement of the replanted/replaced trees.
- f) Add notes to documents to address replacement of all existing plant material (not just trees) and hardscape being removed as a result of the median improvements in ER Way. If the City agrees to the relocation any of this plant material, it should be addressed as 'replanting' rather than 'placing', plans should be submitted for the City's review & approval, and the plant material should be warranted
- g) Remove word "Perimeter" from all references in documents for the wrought iron fence.

2) DRAINAGE REVIEW

- a) Correct inconsistency with inlet numbers in Addendum No. 1 to the Engineering Report that do not match inlet names located on the plans
- b) Correct inconsistency in the roughness coefficient per TR55 Time of Concentration calculations for sheet flow (Manning's $n = 0.15$) in proposed undeveloped drainage area 2, being less than the coefficient in the developed drainage area 1 (Manning's $n = 0.20$).
- c) Correct inconsistency in the areas for the detention pond located in the table on page 11.01 in Addendum No. 1 to the Engineering Report, the table on page 13.01 in Addendum No. 1 to the Engineering Report, and the table on page 36 of the construction plans.

- d) Provide structural sections and details for concrete headwalls of outfall structure when designed and as soon as available.
- e) Provide structural sections and details for splitter box when designed and as soon as available.
- f) Provide structural sections and details for ramps into ponds when designed and as soon as available.
- g) Ponding at the corner of Jones Road and ER Way currently occurs and is not being addressed, as the ponding does not negatively impact this project. If Lot 1 (Open Space) does not transfer to City ownership, the City will require a drainage easement from this corner across Lot 1 to address ponding problem in the future.

3) TRANSPORTATION REVIEW

- a) Provide documentation that demonstrates the curb radii at alleyways are adequate for service vehicles and if not, increase radii accordingly.
- b) Add note that streetlights will be installed per manufacturer's recommendations or provide sufficient detail for installation. Also add a note to Sheet 18 that the contractor will be required to provide submittals for details and specifications prior to construction.
- c) Show "No Parking" signs and striping on the outside curb of Sunflower Trail since no parking will be allowed on this side of the street. Also indicate no parking on the inside curb at locations within the 5' of the start/end of the curves, at the 4 corners of the street, and within 25' of the start/end of the curve between Sunflower Trail and Sycamore trail per Austin Fire Department comments.
- d) Add "One Way" signs on Sycamore Trail at alley exits.
- e) Alleys need to be designated as one way. Alley No. 1, the south alley, shall be one way traffic to the east and Alley No. 2, the north alley, shall be one way traffic to the west. Provide "One Way" signs at alley entrances and exits.
- f) Add additional "One Way" signs or street markings on Sunflower Trail.

4) WATER SYSTEM REVIEW

- a) Provide construction plans and details to construct the 42" and 48" interconnect to meet the approval of City of Sunset Valley and City of Austin. Including all associated valves and other operational appurtenances necessary for the complete operation of the interconnect.
- b) Provide construction plans and details for proposed developer provided master meter at ER Way Jones and removal of existing master meter.
- c) Show WTRMH in profile for 16" waterline in ERW. Verify that there is no conflict with proposed 16" waterline. It appears that there is approximately 2 ft between pipeline centerline and this feature.

- d) Add all applicable COA Series 1100 details for Trench and Street Repair.
- e) Show lengths and starting/ending stations of pipe restraint in water pipeline profiles.
- f) On wastewater profile sheets, where the wastewater pipeline crosses water pipeline in street, the indicated water pipeline minimum from subgrade is 36" but should be 48" as stated in notes.
- g) Add note on Sheets 24 and 34 that any damage to any part of the stamped decorative concrete will result in the entire areas, on both sides of ERW, to be replaced with new stamped decorative concrete at the contractor's expense and approved by the COSV

5) DRY UTILITIES

- a) Submit detailed plans on the construction and installation of all dry utilities and their proposed locations in order to verify no conflicts with COSV utilities within six (6) weeks of rezoning approval.
- b) The COSV reserves the right to comment on dry utility locations, placements, and plans.

6) WASTEWATER SYSTEM REVIEW

- a) The request for a waiver from Section 2.9.3 (Wastewater Systems) of the COA Utility criteria appears to be justified; however, formal approval by COSV is contingent on approval by the City of Austin.
- b) Connection to existing wastewater manhole will require City of Austin approval.
- c) Remove extra wastewater service connection at Lot 32 on Sheet 23.
- d) Provide on Sheet 26 proposed detention outlet structure and pipe in profile, where wastewater pipeline crosses underneath

7) LANDSCAPE REVIEW

- a) Add protected Sumacs along Jones to all applicable sheets in submittal. Also, include in plans all existing 'Landscape Improvements' (Trees, Shrubs, etc.) in Ernest Robles Way median.
- b) Add tree protection for existing trees located at the end of the water line to be constructed on Block A.
- c) Add note that in the event Tree # 5045 does not survive after one (1) year from construction of the water quality facilities, replacement inches will be provided by the Developer on an inch per inch basis.
- d) Add all landscape related demolition information to Sheet 17-Demolition Plan.

- e) Modify fence detail to eliminate the vertical projections of the pickets and posts to avoid impaling deer.
- f) Add note concerning lateral lines to bubblers on all Irrigation Sheets that show bubbler zones.
- g) Add note contractor responsible for removal of those portions of fence along Jones Road that is affected by construction related activities to this development.
- h) In order to eliminate dead end of trail into curb & gutter on both sides of entry drive (Sunflower Trail) the existing trail around the entry drive will need to be demolished and the trail reconstructed to curve into an intersection with the proposed sidewalks on both sides of the drive. Existing trail is a Hike and Bike Trail, therefore where the trail and the concrete sidewalk are merged the minimum width shall be six (6') feet. Include concrete bevel into granite gravel (City of Sunset Valley standards and specifications) at the intersection of granite gravel and concrete surfacing.
- i) Change all references on sheets from 'Existing Sidewalk' to 'Existing Trail'.
- j) Add a note the Contractor is responsible for the repair of any damages to the existing trail at all proposed utility crossings.
- k) Delete note indicating temporary watering of median and add note that the Contractor is responsible for ensuring the modifications to the irrigation system serving ER Way will be functional with the existing system.

7) WATER QUALITY REVIEW

- a) Change note on Sheet 36 of 35 that the sand layer must be a minimum of 18 inches deep to correspond with dimension shown in the drawing.
- b) Provide minimum three (3) inch cover in the gravel bed around the collection pipe and minimum two (2) inches below the pipe on Sheet 36 of 35.
- c) Engineers must resolve/reconcile the following flow rates and calculations provided in the documents with Dr. Lauren Ross:
 - (1) Sheet 36 of 36. Calculations demonstrate that the splitter box will convey the 25-year design storm into the sedimentation basin based on a 25-year flow of 70.09 cubic feet per second. Hydrologic calculations on Sheet 10 of 36, however, describe the 25-year flow as 159 cubic feet per second. Design calculations for the splitter box must be based on flow to the pond. Furthermore, the splitter box weir flow calculations are based on a 100-year flow of 97.37 cubic feet per second, where Sheet 10 of 36 describes the 100-year flow as 207 cubic feet per second.
 - (2) The estimated flow rates on Sheets 10 and Sheets 36 of 36 must be reconciled. Flow estimates for the 25-year and 100-year storms must be based on a HEC-1 analysis, and not on Rational Method estimates. The applicant must use the appropriate flow rates to

determine the head over the weir to discharge the design flow, and the depth of freeboard at the design discharge.

- d) Provide amendments to the maintenance plan for the water quality controls to include the following elements:
 - A requirement for removing accumulated sediment that clogs filter media; and
 - A recommended form for recording the date, observations and activities of each inspection.
- e) Provide an addendum to the Engineering Report that analyzes the impact of the project on creek sedimentation, ground and surface water quality, recharge, and alteration of natural drainage patterns.
- f) Provide a fence to meet the requirements of the City of Austin Drainage Criteria Manual Section 1.2.4.E.1 for the interior concrete wall between the sedimentation and filtration basin.
- g) Construction plans must show a standard City of Austin residential concrete driveway approach and curb cut to the stormwater facility maintenance access drive. A pipe gate must be provided at the end of the driveway at the right-of-way limits. (City of Austin Drainage Criteria Manual Section 1.2.4.E.9).
- h) Provide a welded wire lid to the trash rack for the riser pipe.
- i) Construction plans must designate an 800-foot maintenance staging area for the sedimentation, filtration, and detention basins. The area must meet the minimum requirements of the City of Austin Drainage Criteria Manual Section 1.2.4.E.10.
- j) The construction plans must require signs on all four sides of the water quality and detention ponds that read as follows: "Stormwater Facility — No Vehicles Allowed. No Dumping. Violators Will Be Prosecuted. For information call City of Sunset Valley."

EXHIBIT "C"

CITY OF SUNSET VALLEY RECOMMENDED PLANT LIST

This list is a guide and is not meant to be exclusive. Some listed plants may be susceptible to severe freeze.

EVERGREEN TREES

SIZE CATEGORY

Afghan Pine Pinus eldarica	Large 25'-50'
Arizona Cypress Cupressus arizonica	Large 30'-50'
Cherry Laurel Prunus caroliniana	Small 25'-30'
Deodar Cedar Cedrus deodara	Large 40'-50'
Live Oak Quercus virginiana	Large 30'-50'
Monterrey Oak Quercus polymorpha	Large 30'-50'
Texas Mountain Laurel Sophora secundiflora	Small 6'-12'
Yaupon Holly Ilex vomitoria	Small 15'-20'

DECIDUOUS TREES

American Smoketree Colinus obovatus	Small 15'-25'
Bald Cypress Taxodium distichum	Large 60'-70'
Big Tooth Maple Acer grandidentatum	Large 20'-30'
Bradford Pear Pyrus calleryana "Bradford"	Small 30'-40'
Bur Oak Quercus macrocarpa	Large 50'-60'
Carolina Buckthorn Rhamnus caroliniana	Small 25'-35'
Cedar Elm Ulmus crassifolia	Large 50'-60'
Chinese Pistache Pistacia chinensis	Large 30'-40'
Chinquapin Oak Quercus muhlenbergii	Large 30'-50'
Crape Myrtle Lagerstroemia indica	Small 25'-30'
Desert Willow Chilopsis linearis	Small 15'-25'

Drake Elm <i>Ulmus parvifolia</i> "Drake"	Small 20'-30'
Escarpment Cherry <i>Prunus serotina</i>	Small 20'-30'
Eve's Necklace <i>Sophora affinis</i>	Small 15'-25'
Flameleaf Sumac <i>Rhus copallina</i> and <i>glabra</i>	Small 15'-20'
Goldenball Lead-tree <i>Leucaena retresa</i>	Small 15'-25'
Honey Mesquite <i>Prosopis glandulosa</i>	Small 25'-30'
Kidneywood <i>Eysenhardtia texana</i>	Small 10'-15'
Lacey Oak <i>Quercus glaucoides</i>	Small 20'-30'
Little Walnut <i>Juglans microcarpa</i>	Large 40'-50'
Mexican Buckeye <i>Ungnadia speciosa</i>	Small 10'-15'
Mexican Plum <i>Prunus mexicana</i>	Small 15'-25'
Orchid Tree <i>Bauhinia</i> spp.	Small 6'-12'
Pecan <i>Carya illinoensis</i>	Large 60'-80'
Possumhaw <i>Ilex decidua</i>	Small 12'-15'
Red Buckeye <i>Aesculus pavia</i>	Small 10'-20'
Rusty Blackhaw <i>Viburnum rufidulum</i>	Small 12'-15'
Texas Ash <i>Fraxinus texensis</i>	Large 40'-50'
Texas Persimmon <i>Diospyros texana</i>	Small 15'-20'
Texas Pistache <i>Pistacia texana</i>	Small 12'-20'
Texas Redbud <i>Cercis canadensis</i> var. "Texensis"	Small 20'-25'
Texas Sycamore <i>Platanus occidentalis glabrata</i>	Large 130'-140'
Vitex, Lilac Tree <i>Vitex agnus-castus</i>	Small 15'-20'
Western Soapberry <i>Sapindus drummondii</i>	Large 30'-40'
Wright Acacia <i>Acacia wrightii</i>	Small 6'-10'

EVERGREEN SHRUBS:

Agarita -	Medium
Berberis trifoliolata	
Barbados Cherry	Medium
Malpighia glabra	
Burford Holly	Large
Ilex comuta "Burfordii"	
Dwarf Burford Holly	Medium
Ilex comuta "Burfordii Nana"	
Dwarf Chinese Holly	Medium
Ilex comuta "Rotunda"	
Dwarf Yaupon Holly	Medium
Ilex vomitoria "Nana"	
Elaeagnus	Large
Elaeagnus pungens	
Evergreen Sumac	Large
Rhus virens	
Indian Hawthorn	Small to medium
Raphiolepis indica	
Lindheimer silktassel	Large
Garrya lindheimeri	
Nandina	Medium
Nandina domestica	
Oleander	Large
Nerium oleander	
Red Yucca	Medium
Hesperaloe parviflora	
Rock Cotoneaster	Medium
Cotoneaster horizontalis	
Rosemary	Small
Rosmarinus officinalis	
Sacahuista, Bear Grass	Medium
Nolina texana	
Shore Juniper	Small
Juniperus conferta	
Silverleaf Cotoneaster	Medium
Cotoneaster glaucophyllus	
Texas Sage	Large
Leucophyllum frutescens	
Texas Sotol	Medium
Dasyllirion texanum	
Winter Honeysuckle	Large
Lonicera albiflora	
Yucca	Medium
Yucca species	

SEMI-EVERGREEN SHRUBS

Cast Iron Plant	Small
Aspidistra elatior	
Cherry Sage	Small
Salvia greggii	

Glossy Abelia	Medium
<i>Abelia grandiflora</i>	
Mexican Oregano	Small
<i>Poliomintha longiflora</i>	
Muhly Grass	Medium
<i>Muhlenbergia lindheimeri</i>	
Pineapple Guava	Large
<i>Feijoa Sellowiana</i>	
Pomegranate	Large
<i>Punica Granatum</i>	
Primrose Jasmine	Large
<i>Jasminum Mesnyi</i>	
Rose Mallow	Small
<i>Pavonia lasiopetala</i>	

DECIDUOUS SHRUBS/ORNAMENTAL GRASSES

Althaea	Large
<i>Hibiscus syriacus</i>	
American Beautyberry	Large
<i>Callicarpa americana</i>	
Aromatic Sumac	Large
<i>Rhus aromatica</i>	
Arrowwood	Large
<i>Viburnum dentatum</i>	
Big Bluestem	Medium
<i>Andropogon gerardii</i>	
Black Dalea	Small
<i>Dalea frutescens</i>	
Bushy Bluestem	Medium
<i>Andropogon glomeratus</i>	
Butterfly Bush	Medium
<i>Buddleia Davidii</i>	
Flame Acanthus	Medium
<i>Anisacanthus Wrightii</i>	
Fragrant Mimosa	Medium
<i>Mimosa borealis</i>	
Gulf Cordgrass	Small
<i>Spartina spartinae</i>	
Indiangrass	Medium
<i>Sorghastrum nutans</i>	
Inland Sea Oats	Medium
<i>Chasmanthium latifolium</i>	
Kidneywood	Large
<i>Eysenhardtia texana</i>	
Switchgrass	Medium
<i>Panicum virgatum</i>	
Texas Lantana	Medium
<i>Lantana horrida and Lantana camara</i>	
Trailing Lantana	Small
<i>Lantana montevidensis</i>	

EVERGREEN VINES AND GROUNDCOVERS

Asian Jasmine

Trachelospermum asiaticum

Bigleaf Periwinkle

Vinca major

Carolina Jessamine

Gelsemium sempervirens

Coral Honeysuckle

Lonicera sempervirens

Cross Vine

Bignonia capreolata

Damianita

Chrysactinia mexicana

English Ivy

Hedera helix

Fig Vine

Ficus pumila

Lady Banksia Rose

Rosa banksiae

Liriope

Liriope muscari

Littleleaf Periwinkle

Vinca minor

Monkey Grass

Ophiopogon japonicus

Oregano

Origanum vulgare

Santolina

Santolina chamaecyparissus

Stonecrop

Sedum spp.

DECIDUOUS VINES & GROUNDCOVERS

Boston Ivy

Parthenocissus tricuspidata "Veitchii"

Coralberry

Symphoricarpos orbiculatus

Coral Vine

Antigonon leptopus

Cypress Vine

Ipomoea quamoclit

Gregg Dalea

Dalea greggii

Mustang Grape

Vitis mustangensis

Old Man's Beard

Clematis drummondii

Passion Vine

Passiflora incarnata

Sweet Autumn Clematis
Clematis paniculata
Trumpet Vine
Campsis radicans
Virginia Creeper
Parthenocissus quinquefolia

FLOWERING PERENNIALS

Artemisia
Artemisia ludoviciana
Black-eyed Susan
Rudbeckia hirta
Blackfoot Daisy
Melampodium leucanthum
Butterfly Weed
Asclepias tuberosa
Canna Lily
Canna x generalis
Cedar Sage
Salvia roemeriana
Cigar Plant
Cuphea micropetala
Coreopsis
Coreopsis lanceolata
Daylily
Hemerocallis fulva
Fall Aster
Aster frikartii
Firebush
Hamelia patens
Gayfeather
Liatris spp.
Heartleaf Hibiscus
Hibiscus cardiophyllus
Hinckley's Columbine
Aquilegia hinckleyana
Hymenoxys
Hymenoxys scaposa
Lamb's Ears
Stachys byzantina
Limestone Penstemon
Penstemon baccharifolius
Maximillian Sunflower
Helianthus maximiliana
Mealy Blue Sage
Salvia farinacea
Mexican Bush Sage
Salvia leucantha
Mexican Heather
Cuphea hyssopifolia

Mexican Marigold Mint

Tagetes lucida

Oxeye Daisy

Chrysanthemum leucanthemum

Peruvian Verbena

Verbena peruviana

Pink Skullcap

Scutellaria suffrutescens

Plumbago

Plumbago auriculata

Purple Coneflower

Echinacea purpurea

Scarlet Sage

Salvia coccinea

Spiderwort

Tradescantia x andersoniana

Turk's Cap

Malvaviscus arboreus "Drummondii"

White Mistflower

Eupatorium wrightii

Wild Petunia

Ruellia nudiflora

Yarrow

Achillea millefolium

Zexmenia

Zexmenia hispida

TURF & LOW GRASSES

Blue Grama

Bouteloua gracilis

Buffalo Grass

Buchloe dactyloides

Common Curly Mesquite

Hilaria belangeri

Little Bluestem

Schizachyrium scoparium

Side Oats Gramma

Bouteloua curtipendula

8-22-95

City of Sunset Valley
3205 Jones Road
Sunset Valley, Texas 78745
PH: (512) 892-1383
FAX: (512) 892-6108

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Plat

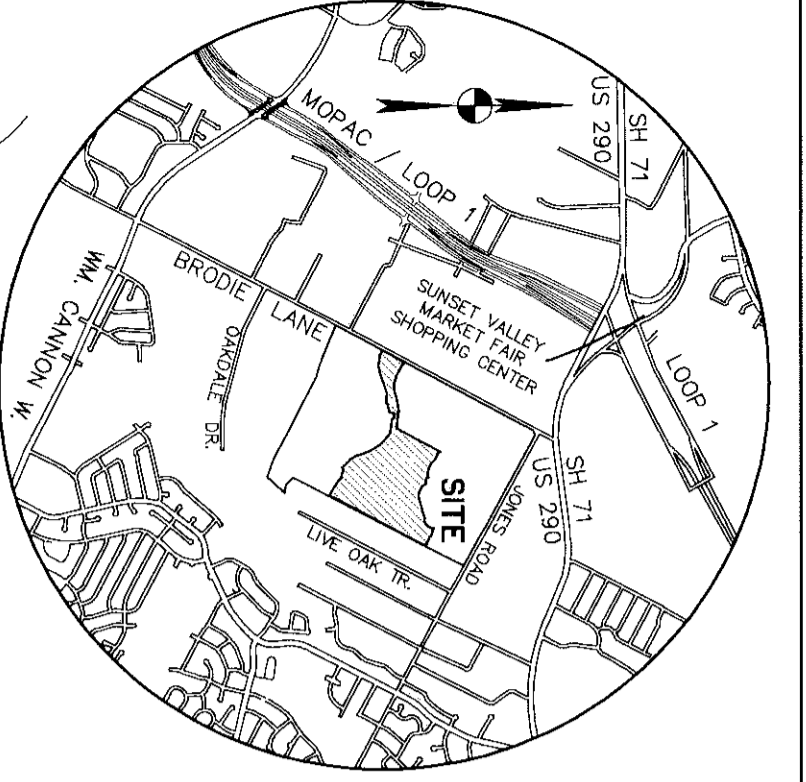
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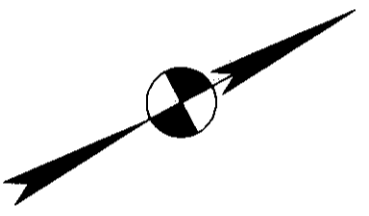
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FINAL PLAT

SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E" SECTION ONE



- LEGEND**
- 1/2" IRON ROD FOUND
 - 1/2" IRON ROD SET
 - B.L. BUILDING LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - WW WASTEWATER
 - D.E. DRAINAGE EASEMENT
 - S.E. SLOPE EASEMENT

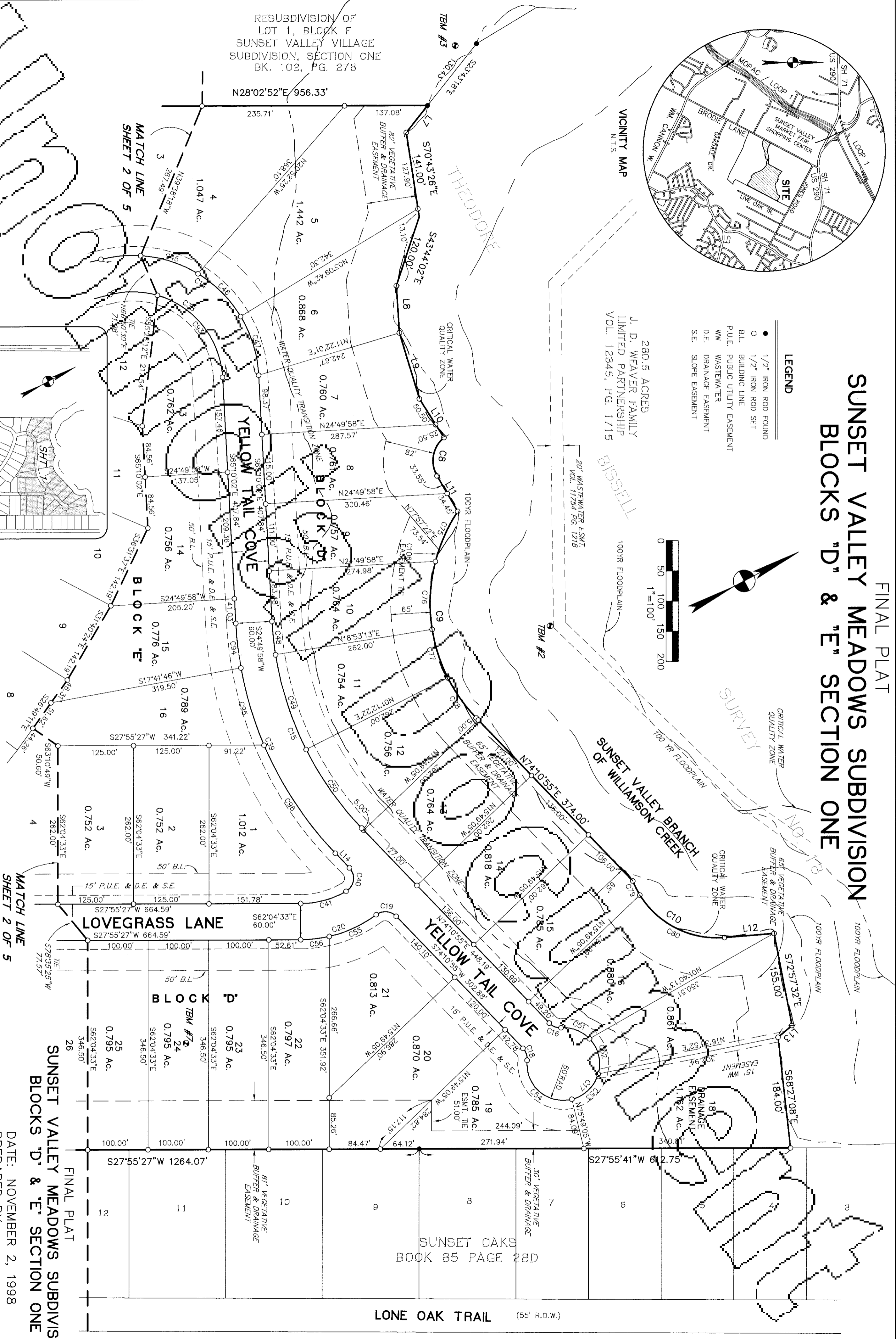
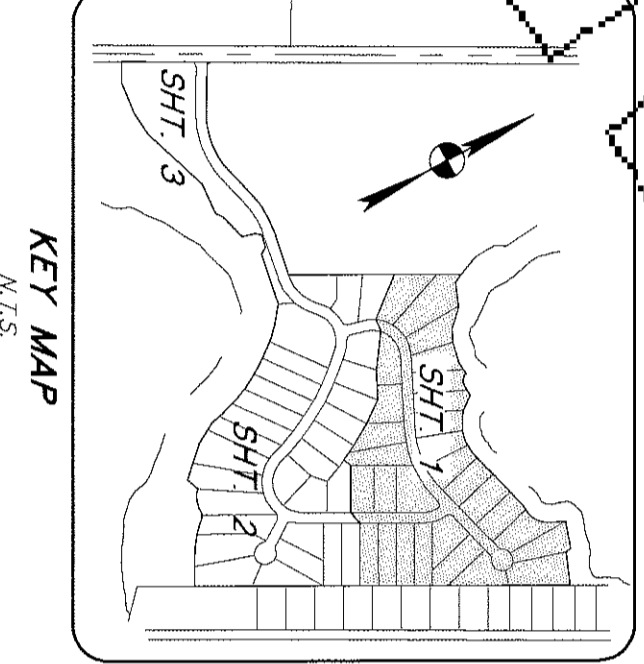


280.5 ACRES
J. D. WEAVER FAMILY
LIMITED PARTNERSHIP
VOL. 12345, PG. 1715

RESUBDIVISION OF
LOT 1, BLOCK F
SUNSET VALLEY VILLAGE
SUBDIVISION, SECTION ONE
BK. 102, PG. 278

SHEET 1
OF 5

13100



MATCH LINE
SHEET 2 OF 5

MATCH LINE
SHEET 2 OF 5

SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E" SECTION ONE

DATE: NOVEMBER 2, 1998
PREPARED BY:

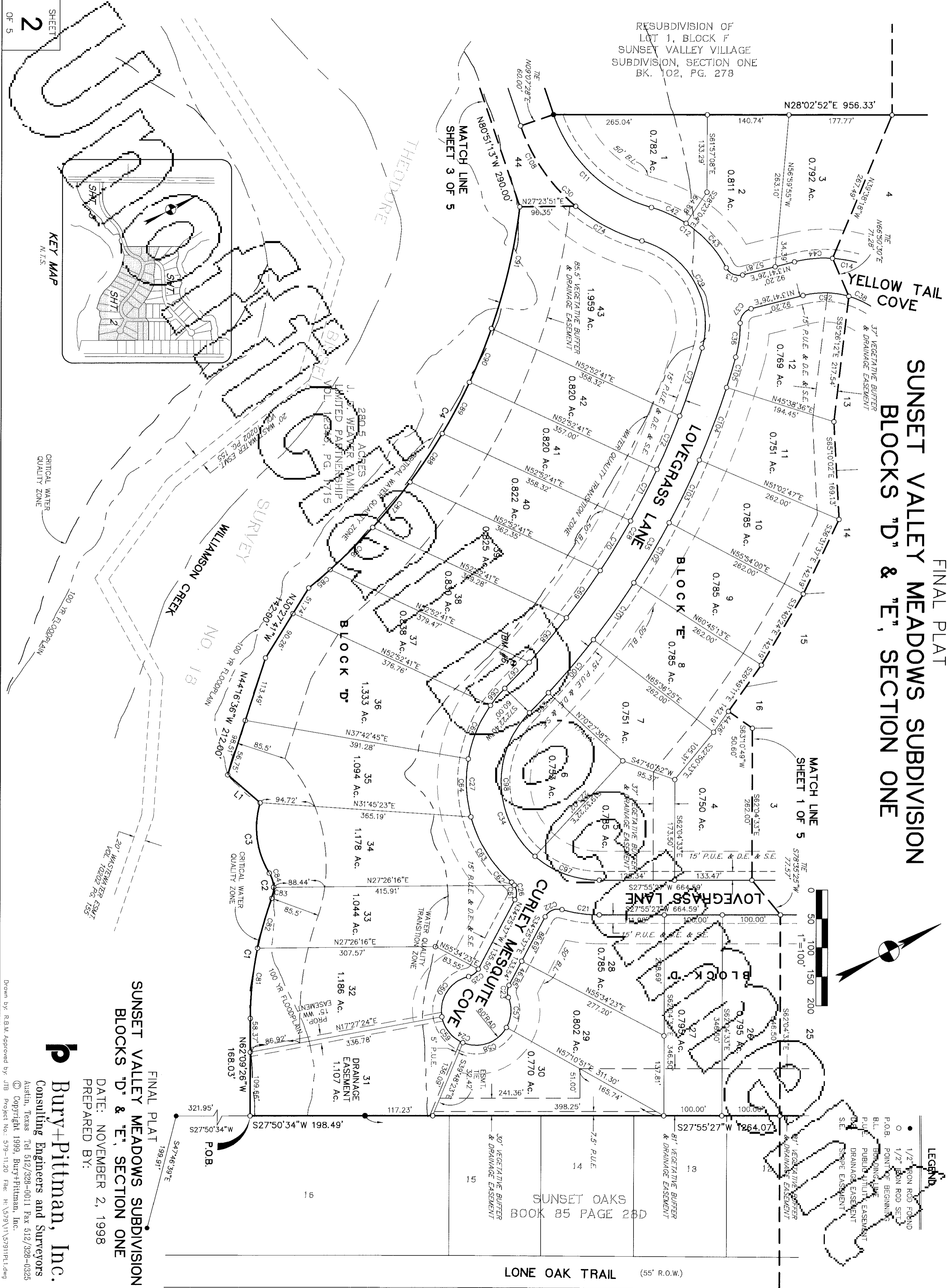
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Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
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LONE OAK TRAIL (55' R.O.W.)

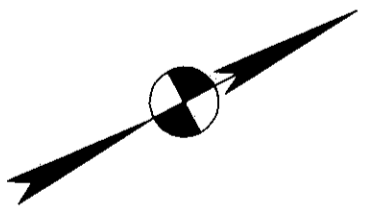
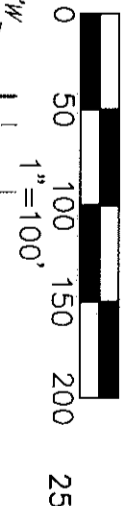
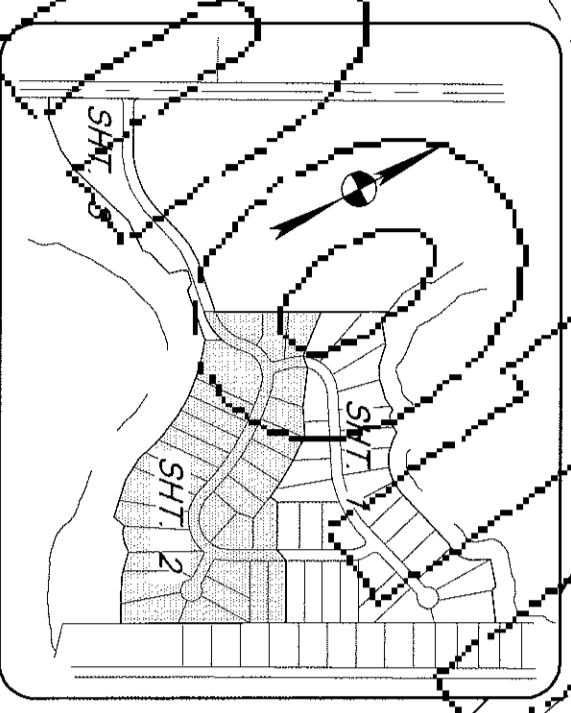
SUNSET OAKS
BOOK 85 PAGE 28D

RESUBDIVISION OF
LOT 1, BLOCK F
SUNSET VALLEY VILLAGE
SUBDIVISION, SECTION ONE
BK. 102, PG. 278

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE



SHEET
2
OF 5



- LEGEND
- 1/2" IRON ROD FOUND
 - 1/2" IRON ROD SET
 - P.O.B. POINT OF BEGINNING
 - B.L. BOUNDING-LINE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - S.E. SLOPE EASEMENT

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE
DATE: NOVEMBER 2, 1998
PREPARED BY:

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Drawn by: RBM, Approved by: JIB

199900116

SHEET 3 OF 5

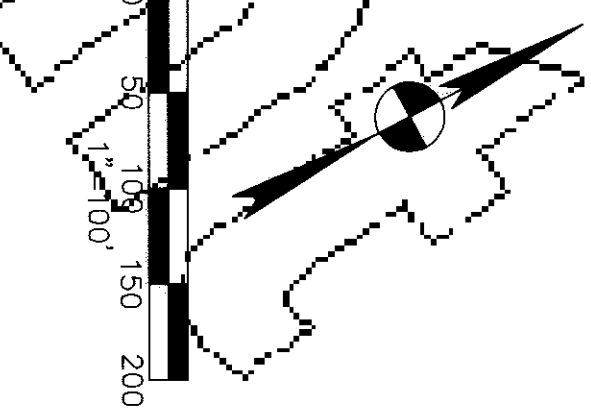
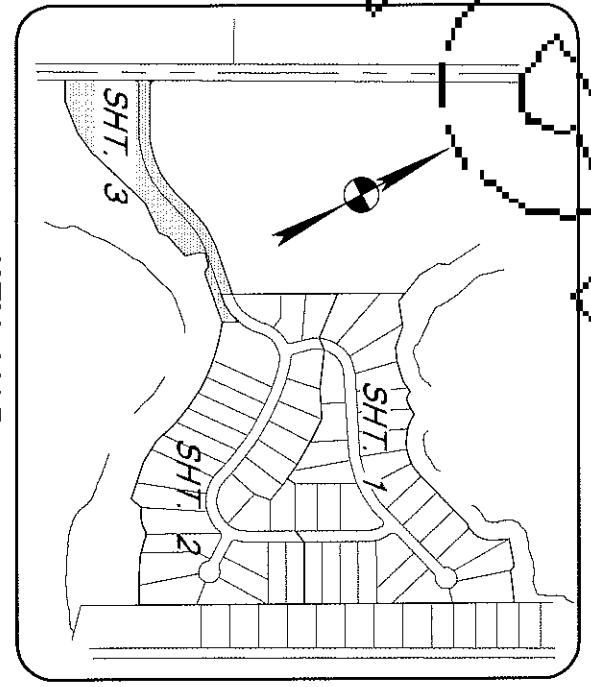
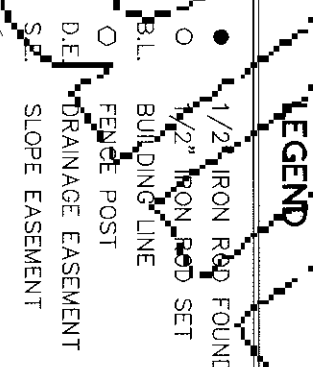
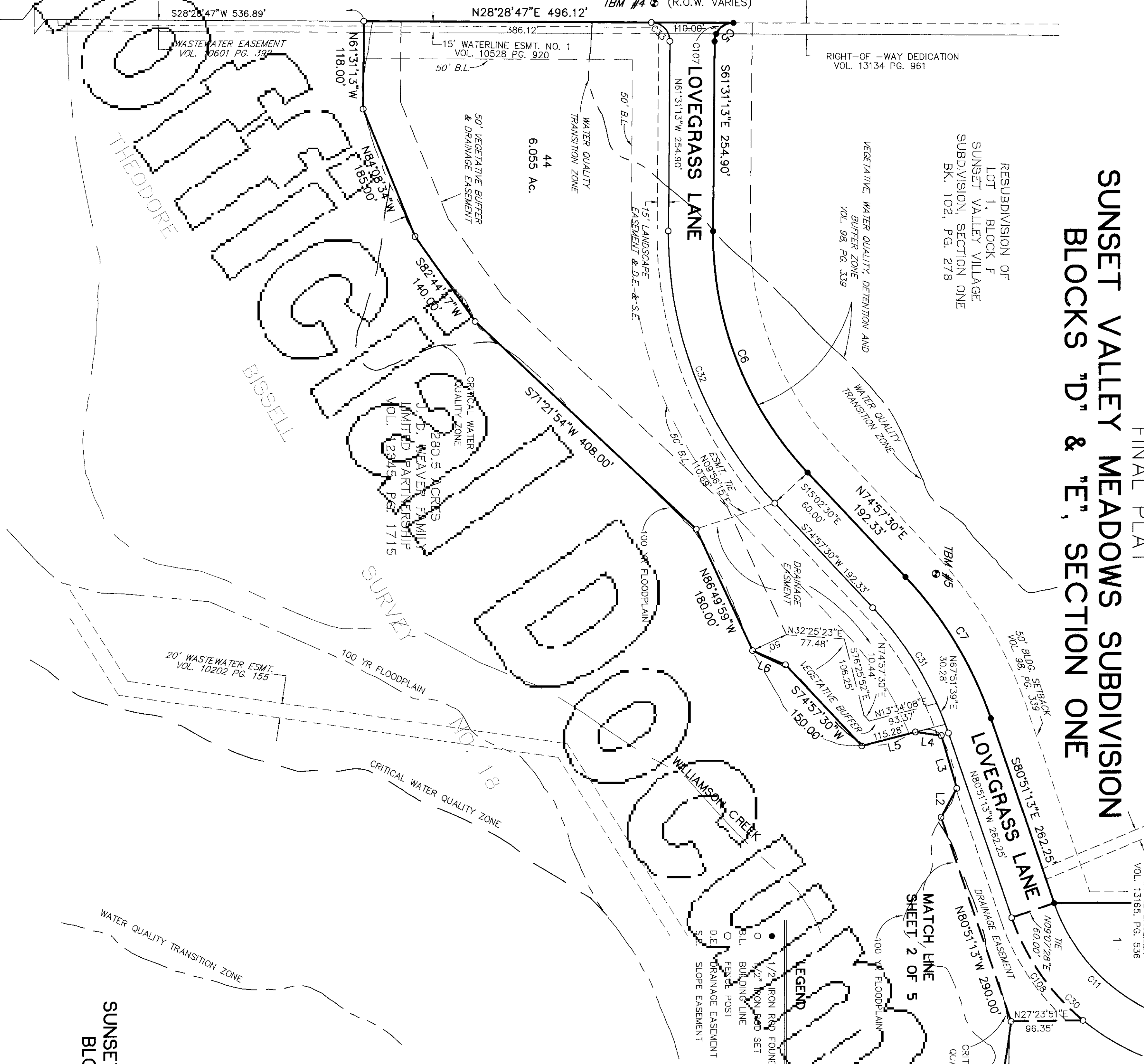
JEFFERSON AT SUNSET VALLEY, L.P.
VOL. 12415, PG. 1116

THOMAS ANDERSON SURVEY

BRODIE LANE

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE

RESUBDIVISION OF
LOT 1, BLOCK F
SUNSET VALLEY VILLAGE
SUBDIVISION, SECTION ONE
BK. 102, PG. 278



BENCHMARKS

BM - SQUARE CUT INTO EAST CURB AT P.R.C. NORTHBOUND
BRODIE LANE, ±110' SOUTH OF CENTERLINE U.S. HWY.
290 E. ACCESS ROAD
ELEV.=706.21

TBM#1 - RAILROAD SPIKE IN SOUTHWEST SIDE OF POWER
POLE NEAR NORTHEAST CORNER OF 280.5 ACRE
TRACT, BEING ON THE EAST SIDE OF BRODIE LANE
AND 125± SOUTH OF U.S. 290
ELEV.=684.11

TBM#2 - COTTON SPINDLE SET IN 28" LIVE OAK TREE #4870
AT ANGLE POINT IN 20' WASTEWATER EASEMENT
±190' NORTH OF COMMON LINE OF LOTS 11 & 12
BLOCK "D"
ELEV.=681.82

TBM#3 - COTTON SPINDLE SET IN TWIN ELM TREE #4254
AT ±110' NORTHWEST OF NORTHERN MOST CORNER
OF LOT 5 BLOCK "D"
ELEV.=690.73

TBM#4 - SQUARE CUT IN THE NORTH END CURB INLET
50± SOUTHWEST FROM CENTERLINE OF INSIGNIA DRIVE,
EAST SIDE OF BRODIE LANE
ELEV.=709.51

TBM#5 - COTTON SPINDLE SET IN 16" LIVE OAK TAG # 5349
800± EAST OF BRODIE LANE, 30± NORTH OF NORTH
R.O.W. OF INSIGNIA DRIVE
ELEV.=700.58

TBM#6 - COTTON SPINDLE SET IN 64" LIVE OAK 27± SOUTH OF
THE NORTHWEST CORNER OF LOT 37, BLOCK "D"
ELEV.=697.78

TBM#7 - COTTON SPINDLE SET IN 9" CHINA BERRY 170' SOUTHEAST
OF THE NORTHWEST CORNER LOT 24, BLOCK "D" AND
40± SOUTH OF COMMON LINE OF LOTS 23 & 24 BLOCK "D"
ELEV.=697.78

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE
DATE: NOVEMBER 2, 1998
PREPARED BY:

Bury+Pitman, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
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Drawn by: RBM, Approved by: JTB, Project No.: 579-1120 File: H:\579\11579\11P2.dwg

DESCRIPTION

OF A 65,984 ACRE TRACT OR PARCEL OF LAND OUT OF THE THEODORE BISS... SURVEY NO. 18, SITUATED IN THE CITY OF SUNSET VALLEY, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 280.5 ACRE TRACT OF LAND CONVEYED TO THE J. D. WEAVER FAMILY LIMITED PARTNERSHIP BY DEED OF TRAVIS COUNTY, TEXAS, PAGE 1715 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 65,984 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- 1) BEGINNING, AT A 1/2 INCH IRON ROD SET IN THE EASTERLY LINE OF SAID J.D. WEAVER FAMILY TRACT, BEING THE WESTERLY LINE OF LOT 16, SUNSET VALLEY SUBDIVISION, BEING FROM WHICH A 1/2 INCH IRON ROD BEING THE SOUTHWESTERLY CORNER OF SAID LOT 16, SAME BEING AN ANGLE POINT IN THE EASTERLY LINE OF SAID J.D. WEAVER FAMILY TRACT, BEARS S27°50'34"W, A DISTANCE OF 321.95 FEET;
2) ALONG SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 201°31'16", AN ARC DISTANCE OF 211.75 FEET AND A CHORD WHICH BEARS N52°02'48"W, A DISTANCE OF 210.66 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT;
3) ALONG SAID REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 51°51'53", AN ARC DISTANCE OF 45.26 FEET AND A CHORD WHICH BEARS N67°52'07"W, A DISTANCE OF 43.73 FEET AND A 1/2 INCH IRON ROD SET FOR THE POINT OF REVERSE CURVATURE OF A NON-RADIAL CURVE TO THE RIGHT;
4) ALONG SAID NON-RADIAL REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 48°12'20", AN ARC DISTANCE OF 122.51 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF TANGENCY;
5) S88°34'17"W, A DISTANCE OF 74.00 FEET TO A 1/2 INCH IRON ROD SET;
6) N44°16'36"W, A DISTANCE OF 212.00 FEET TO A 1/2 INCH IRON ROD SET;
7) N30°22'41"W, A DISTANCE OF 142.00 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;
8) ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 44°07'57", AN ARC DISTANCE OF 770.16 FEET AND A CHORD WHICH BEARS N33°10'09"W, A DISTANCE OF 751.27 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF TANGENCY;
9) N80°51'13"W, A DISTANCE OF 290.00 FEET TO A 1/2 INCH IRON ROD SET;
10) N33°32'29"W, A DISTANCE OF 44.00 FEET TO A 1/2 INCH IRON ROD SET;
11) N78°14'13"W, A DISTANCE OF 74.00 FEET TO A 1/2 INCH IRON ROD SET;
12) S30°06'46"W, A DISTANCE OF 35.00 FEET TO A 1/2 INCH IRON ROD SET;
13) S13°34'08"W, A DISTANCE OF 74.00 FEET TO A 1/2 INCH IRON ROD SET;
14) S74°57'30"W, A DISTANCE OF 150.00 FEET TO A 1/2 INCH IRON ROD SET;
15) S81°34'01"W, A DISTANCE OF 48.00 FEET TO A 1/2 INCH IRON ROD SET;
16) N86°49'59"W, A DISTANCE OF 180.00 FEET TO A 1/2 INCH IRON ROD SET;
17) S71°21'54"W, A DISTANCE OF 408.00 FEET TO A 1/2 INCH IRON ROD SET;
18) S82°44'47"W, A DISTANCE OF 140.00 FEET TO A 1/2 INCH IRON ROD SET;
19) N84°08'34"W, A DISTANCE OF 185.00 FEET TO A 1/2 INCH IRON ROD SET;
20) N61°31'13"W, A DISTANCE OF 118.00 FEET TO A 1/2 INCH IRON ROD SET IN THE EASTERLY RIGHT-OF-WAY LINE OF BRODIE LANE, ROW, METES AND BOUNDS BEING THE WESTERLY LINE OF SAID J.D. WEAVER FAMILY TRACT FOR THE SOUTHWESTERLY CORNER HEREOF, FROM WHICH A CHORD BEARS S82°28'47"W, A DISTANCE OF 536.89 FEET;

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE

- 1) S81°31'13"E, A DISTANCE OF 254.90 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT;
2) ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 43°31'17", AN ARC DISTANCE OF 357.01 FEET AND A CHORD WHICH BEARS S83°16'52"E, A DISTANCE OF 348.49 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE POINT OF TANGENCY OF SAID CURVE;
3) N74°57'30"E, A DISTANCE OF 192.33 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;
4) ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 24°11'17", AN ARC DISTANCE OF 223.75 FEET AND A CHORD WHICH BEARS N87°03'08"E, A DISTANCE OF 225.09 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE POINT OF TANGENCY OF SAID CURVE TO THE RIGHT;
5) S80°51'13"E, A DISTANCE OF 262.25 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE MOST SOUTHEASTERLY CORNER OF SAID RESUBDIVISION OF LOT 1, BLOCK "E";
6) N28°02'52"E, A DISTANCE OF 956.33 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE NORTHEASTERLY CORNER OF SAID RESUBDIVISION OF LOT 1, BLOCK "E";
7) THENCE, LEAVING THE NORTHEASTERLY CORNER OF SAID RESUBDIVISION OF LOT 1, BLOCK "E", OVER AND ACROSS SAID J.D. WEAVER FAMILY TRACT, ALONG THE NORTHERLY LINE HEREOF, THE FOLLOWING FIFTEEN (15) COURSES AND DISTANCES:
1) S23°43'18"E, A DISTANCE OF 56.57 FEET TO A 1/2 INCH IRON ROD SET;
2) S70°43'26"E, A DISTANCE OF 141.00 FEET TO A 1/2 INCH IRON ROD SET;
3) S43°44'02"E, A DISTANCE OF 120.00 FEET TO A 1/2 INCH IRON ROD SET;
4) S65°49'35"E, A DISTANCE OF 78.00 FEET TO A 1/2 INCH IRON ROD SET;
5) S78°52'22"E, A DISTANCE OF 114.00 FEET TO A 1/2 INCH IRON ROD SET;
6) N85°43'31"E, A DISTANCE OF 78.00 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;
7) ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 80°22'25", AN ARC DISTANCE OF 70.4 FEET AND A CHORD WHICH BEARS S51°57'40"E, A DISTANCE OF 64.53 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF TANGENCY OF SAID NON-TANGENT CURVE TO THE LEFT;
8) N87°51'07"E, A DISTANCE OF 68.00 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;
9) ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 7°27'07", AN ARC DISTANCE OF 370.54 FEET AND A CHORD WHICH BEARS S67°13'01"E, A DISTANCE OF 343.14 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF TANGENCY OF SAID NON-TANGENT CURVE TO THE LEFT;
10) N74°10'55"E, A DISTANCE OF 300.00 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;
11) ALONG SAID NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 7°27'07", AN ARC DISTANCE OF 191.19 FEET AND A CHORD WHICH BEARS N59°42'22"E, A DISTANCE OF 178.51 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF TANGENCY OF SAID NON-TANGENT CURVE TO THE LEFT;
12) N23°16'31"E, A DISTANCE OF 82.00 FEET TO A 1/2 INCH IRON ROD SET;
13) S72°57'30"E, A DISTANCE OF 453.00 FEET TO A 1/2 INCH IRON ROD SET;
14) S82°37'38"E, A DISTANCE OF 30.00 FEET TO A 1/2 INCH IRON ROD SET;
15) S88°24'09"E, A DISTANCE OF 184.00 FEET TO A 1/2 INCH IRON ROD SET IN THE WESTERLY LINE OF LOT 4 OF SAID SUNSET OAKS SUBDIVISION, SAID BEING THE EASTERLY LINE OF SAID J.D. WEAVER FAMILY TRACT FOR THE NORTHEASTERLY CORNER HEREOF;
16) THENCE, ALONG THE WESTERLY LINE OF SAID SUNSET OAKS, SAME BEING THE EASTERLY LINE OF SAID J.D. WEAVER FAMILY TRACT, THE FOLLOWING THREE COURSES AND DISTANCES:
1) S27°55'41"W, A DISTANCE OF 612.75 FEET TO A 1/2 INCH IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF LOT 8 OF SAID SUNSET OAKS;
2) S27°55'22"W, A DISTANCE OF 1284.07 FEET TO A 1/2 INCH IRON ROD FOUND AT THE ANGLE POINT IN THE WESTERLY LINE OF LOT 16 OF SAID SUNSET OAKS;
3) S27°50'34"W, A DISTANCE OF 198.49 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 65,984 ACRES (2,874,275 SQ. FT.) OF LAND, MORE OR LESS, WITHIN THESE METES AND BOUNDS.

CURVE TABLE

Table with columns: No., Delta, Radius, Arc Length, Chord Length, Chord Bearing. Contains 53 rows of curve data.

CURVE TABLE

Table with columns: No., Delta, Radius, Arc Length, Chord Length, Chord Bearing. Contains 53 rows of curve data.

LINE TABLE

Table with columns: No., Bearing, Distance. Contains 14 rows of line data.

FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E", SECTION ONE

DATE: NOVEMBER 2, 1998
PREPARED BY:



Bury+Pitman, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
Copyright 1999, Bury+Pitman, Inc.

19900116

SUNSET VALLEY MEADOWS SUBDIVISION BLOCKS "D" & "E" SECTION ONE

FINAL PLAT

STATE OF TEXAS)
COUNTY OF TRAVIS)

KNOW ALL MEN BY THESE PRESENTS)
THAT J. D. WEAVER FAMILY LIMITED PARTNERSHIP, REPRESENTED HEREIN BY BRODIE WEAVER, INC., GENERAL PARTNER, BY AND THROUGH, WILLIAM S. WALTERS, III, ATTORNEY-IN-FACT FOR BRODIE WEAVER, INC., OWNER OF THAT 65.984 ACRES OF LAND SITUATED IN THE MEADOWS BRISSELL HEADRIGHT TRACT BEING A PORTION OF THE 29003 DEED OF RECORD IN VOLUME 12345, WEAVER FAMILY LIMITED PARTNERSHIP RECORD OF RECORD IN VOLUME 12345, PAGE 1715 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, HEREBY SUBDUDE SAID 65.984 ACRES IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS "SUNSET VALLEY MEADOWS SUBDIVISION BLOCKS 'D' & 'E' SECTION ONE" AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ROADWAYS, EASEMENTS FOR WATER DISTRIBUTION, WASTEWATER COLLECTION AND DRAINAGE SYSTEMS SHOWN HEREON FOR THE PURPOSES EXPRESSED, SUBJECT TO ANY RESTRICTIONS AND/OR EASEMENTS AFFECTING THIS TRACT HERETOFORE GRANTED, BUT NOT RELEASED, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE.

J.D. WEAVER FAMILY PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP
BY: BRODIE WEAVER, INC. GENERAL PARTNER
BY: *W.S. Walters III*
WILLIAM S. WALTERS, III, ATTORNEY IN-FACT FOR BRODIE WEAVER, INC.

STATE OF TEXAS)
COUNTY OF TRAVIS)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 12 DAY OF APRIL, 1999, BY WILLIAM S. WALTERS, III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 12 DAY OF APRIL, 1999 A.D.



NOTARY PUBLIC
NANCY PARR
My Commission Expires
MARCH 18, 2000

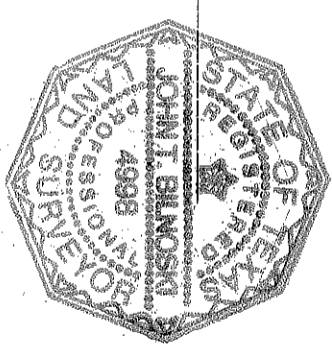
ENGINEER'S CERTIFICATION:
I, GLENN A. BARTON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLETES WITH THIS ENGINEERING RELATED PORTIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF SUNSET VALLEY, TEXAS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

GLENN A. BARTON, P.E.
TEXAS REGISTRATION NO. 52143
BURY & PITTMAN, INC.
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

CITY CERTIFICATIONS:
APPROVED AND ACCEPTED THIS 13 DAY OF April, 1999 A.D.
CITY CLERK
CITY OF SUNSET VALLEY, TEXAS

SURVEYOR'S CERTIFICATION:
I, JOHN T. BILUSKI, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY OF THE PROPERTY AND THAT THE BOUNDARY MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SUNSET VALLEY, TEXAS.

JOHN T. BILUSKI, R.P.L.S.
TEXAS REGISTRATION NO. 4998
BURY & PITTMAN, INC.
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746



IMPERVIOUS COVER TABLE:

Block No.	Lot No.	Area (ac)	Area (sf)	Allowable IC (sf)	% IC	Allowable IC in WOTZ (sf)	Comments
D	1	0.782	34,067	5,000	14.7%		By CC on 11-19-96
D	2	0.811	35,311	5,880	16.7%		< or = 18% by code
D	3	0.792	34,501	5,880	17.0%		< or = 18% by code
D	4	1.047	45,625	5,880	12.9%		< or = 18% by code
D	5	1.442	62,812	5,000	8.0%	2,500	By CC on 11-19-96
D	6	0.888	37,831	5,000	13.2%		By CC on 11-19-96
D	7	0.760	33,111	5,000	15.1%		By CC on 11-19-96
D	8	0.760	33,111	5,000	15.1%		By CC on 11-19-96
D	9	0.757	32,917	5,000	15.2%		By CC on 11-19-96
D	10	0.764	33,267	5,000	15.0%		By CC on 11-19-96
D	11	0.754	32,826	5,000	15.2%		By CC on 11-19-96
D	12	0.756	32,916	5,000	15.0%		By CC on 11-19-96
D	13	0.764	33,274	5,000	14.0%		By CC on 11-19-96
D	14	0.818	35,632	5,000	14.6%		By CC on 11-19-96
D	15	0.785	34,244	5,000	14.6%		By CC on 11-19-96
D	16	0.880	38,351	5,000	13.0%		By CC on 11-19-96
D	17	1.162	50,612	2,500	4.9%	2,500	Water Quality Pond Site
D	18	0.785	34,213	2,880	17.2%		< or = 18% by code
D	19	0.870	37,904	5,880	15.5%		< or = 18% by code
D	20	0.813	35,404	5,880	16.6%		< or = 18% by code
D	21	0.813	35,404	5,880	16.6%		< or = 18% by code
D	22	0.795	34,735	5,880	17.0%		< or = 18% by code
D	23	0.795	34,735	5,880	17.0%		< or = 18% by code
D	24	0.795	34,735	5,880	17.0%		< or = 18% by code
D	25	0.795	34,735	5,880	17.0%		< or = 18% by code
D	26	0.795	34,735	5,880	17.0%		< or = 18% by code
D	27	0.795	34,735	5,880	17.0%		< or = 18% by code
D	28	0.785	34,175	5,880	17.2%		< or = 18% by code
D	29	0.776	34,444	5,880	16.8%		< or = 18% by code
D	30	0.776	34,444	5,880	16.8%		< or = 18% by code
D	31	1.107	48,121	2,500	5.2%		< or = 18% by code
D	32	1.107	48,121	2,500	5.2%		< or = 18% by code
D	33	1.107	48,121	2,500	5.2%		< or = 18% by code
D	34	1.107	48,121	2,500	5.2%		< or = 18% by code
D	35	1.094	47,533	5,000	10.5%		By CC on 11-19-96
D	36	1.333	58,053	5,000	8.6%		By CC on 11-19-96
D	37	0.838	36,487	5,000	13.7%		By CC on 11-19-96
D	38	0.830	36,169	5,000	13.8%		By CC on 11-19-96
D	39	0.822	35,936	5,000	13.9%		By CC on 11-19-96
D	40	0.822	35,936	5,000	14.0%		By CC on 11-19-96
D	41	0.820	35,720	5,000	14.0%		By CC on 11-19-96
D	42	1.189	52,352	5,000	5.9%		By CC on 11-19-96
D	43	1.189	52,352	5,000	5.9%		By CC on 11-19-96
D	44	6.035	263,737	5,000	1.1%		Water Quality Pond Site
D	Block D Total	45,073	1,963,369	226,200	11.5%		
E	1	1.012	44,080	5,880	13.3%		By CC on 11-19-96
E	2	0.752	32,750	5,880	18.0%		By CC on 11-19-96
E	3	0.752	32,750	5,880	18.0%		By CC on 11-19-96
E	4	0.750	32,880	5,880	18.0%		By CC on 11-19-96
E	5	0.785	34,200	5,880	17.2%		By CC on 11-19-96
E	6	0.753	32,809	5,880	17.9%		By CC on 11-19-96
E	7	0.751	32,706	5,880	18.0%		By CC on 11-19-96
E	8	0.785	34,214	5,880	17.2%		By CC on 11-19-96
E	9	0.785	34,214	5,880	17.2%		By CC on 11-19-96
E	10	0.785	34,214	5,880	17.2%		By CC on 11-19-96
E	11	0.751	32,710	5,880	18.0%		By CC on 11-19-96
E	12	0.769	33,479	5,880	17.7%		By CC on 11-19-96
E	13	0.762	33,193	5,880	17.7%		By CC on 11-19-96
E	14	0.756	32,944	5,880	17.8%		By CC on 11-19-96
E	15	0.776	33,813	5,880	17.4%		By CC on 11-19-96
E	16	0.789	34,372	5,880	17.1%		By CC on 11-19-96
E	Block E Total	12,514	545,128	94,090	17.3%		
E	60' ROW	8,397	365,780	121,914	33.3%		
E	Subd. Totals	65,984	2,874,277	442,194	15.38%		

NOTE:
IC = IMPERVIOUS COVER
WOTZ = WATER QUALITY TRANSITION ZONE
CC = CITY COUNCIL

SHEET
5
OF 5

GENERAL NOTES:

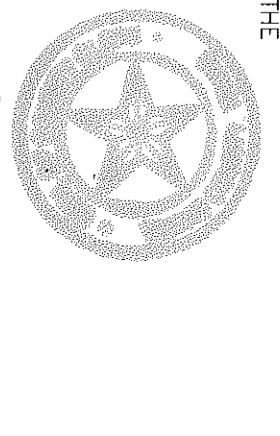
- NO LOT IN THIS SUBDIVISION, EXCEPT LOT 44, BLOCK "D", SHALL BE GROUPED UNDER THE CITY OF SUNSET VALLEY WATER AND WASTEWATER SYSTEM.
- WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF SUNSET VALLEY STANDARDS, PLANS, SPECIFICATIONS, AND EASEMENTS SHALL BE SUBMITTED TO THE CITY OF SUNSET VALLEY AND THE CITY OF AUSTIN FOR REVIEW.
- ALL STREETS, DRAINAGE, SIDEWALKS, WATER AND WASTE WATER LINES, EROSION CONTROLS AND OTHER PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF SUNSET VALLEY STANDARDS.
- NO BUILDING, FENCES (EXCEPT AS SET FORTH HEREIN), LANDSCAPING OR OTHER SUCH STRUCTURES WHICH WOULD OBSTRUCT WATER FLOW SHALL BE PLACED IN DRAINAGE EASEMENTS OR VEGETATIVE BUFFERS EXCEPT AS APPROVED BY THE CITY OF SUNSET VALLEY THROUGH A WRITTEN FENCING MAY BE CONSTRUCTED ACROSS OR ALONG A DRAINAGE EASEMENT OR VEGETATIVE BUFFER PROVIDED (A) A MINIMUM 4-INCH CLEARANCE IS ALLOWED BETWEEN THE BOTTOM OF THE FENCE AND THE GROUND COVER, (B) THE FENCE DOES NOT OBSTRUCT THE NATURAL MOVEMENT OF WATER ACROSS AND WITHIN THE DRAINAGE EASEMENT FOR VEGETATIVE BUFFER AND (C) THERE IS A MINIMUM HORIZONTAL CLEARANCE OF 4-INCHES BETWEEN VERTICAL WOOD POSTS.
- THE PROPERTY OWNERS (OR HOMEOWNERS ASSOCIATION) SHALL MAINTAIN VEGETATIVE BUFFERS IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS: (A) VEGETATIVE COVER WITHIN THE BUFFER AREA SHALL BE MAINTAINED TO CONTINUOUSLY COVER SURFACE WATER RUNOFF OVER THE FULL LENGTH AND WIDTH OF THE BUFFER AREA. (B) THE BUFFER AREA SHALL BE MAINTAINED TO PREVENT THE CHANNELIZATION OF SURFACE WATER RUNOFF AND TO PROMOTE LAMINAR OR SHEET FLOW OVER THE BUFFER AREA AND (C) THE VEGETATIVE BUFFER SHALL BE MAINTAINED IN ACCORDANCE WITH THE SPECIFICATIONS SET FORTH IN THE CITY OF SUNSET VALLEY'S ORGANIC FIRST PROGRAM DATED APRIL 15, 1998.
- THE CITY OF SUNSET VALLEY RESERVES THE RIGHT TO MAINTAIN ALL DRAINAGE EASEMENTS AND VEGETATIVE BUFFERS IF THEY ARE NOT PROPERLY MAINTAINED BY THE RESPONSIBLE PARTY, SUCH MAINTENANCE TO BE AT THE SOLE EXPENSE OF THE RESPONSIBLE PARTY.
- PROPERTY OWNERS SHALL PERMIT NECESSARY ACCESS FOR INSPECTION AND MAINTENANCE OF THE DRAINAGE EASEMENTS AND VEGETATIVE BUFFERS BY DULY AUTHORIZED INSPECTORS OF THE CITY OF SUNSET VALLEY.
- THE HOMEOWNERS ASSOCIATION SHALL MAINTAIN, AT ITS SOLE COST, ALL ENTRANCE LANDSCAPING IMPROVEMENTS AND FEATURES LOCATED IN AND ALONG LOVERGASS DRIVE FROM BRODIE LANE TO THE SOUTHWEST CORNER OF LOT 1, BLOCK D, UNLESS SUCH MAINTENANCE IS ACCEPTED IN WRITING BY THE CITY OF SUNSET VALLEY.
- THERE ARE NO SLOPES GREATER THAN 15% ON THIS SITE.
- ALL FINISHED SLAB ELEVATIONS IN THIS SUBDIVISION SHALL BE 1.0 FOOT MINIMUM ABOVE THE 100 YEAR FREQUENTLY FLOOD LEVEL.
- A SITE PLAN CONTAINING DETAILED CONSTRUCTION / DEVELOPMENT DRAWINGS AND COST ESTIMATES WILL BE SUBMITTED TO THE CITY OF SUNSET VALLEY FOR REVIEW AT THE TIME OF THE WATERSHED DEVELOPMENT PERMIT APPLICATION.
- ALL LOTS EXCEPT LOTS 18, 31 AND 44 IN BLOCK "D" SHALL HAVE A MINIMUM SIDE SETBACK OF 20' AND A REAR SETBACK OF 50'.
- LOTS 18, 31 AND 44 IN BLOCK "D" SHALL BE DEDICATED TO THE CITY OF SUNSET VALLEY, BY SPECIAL WARRANTY DEED.

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN ITS CERTIFICATE OF AUTHENTICATION IN MY OFFICE ON THE 15 DAY OF APRIL, 1999 AT 4:43 O'CLOCK P.M., AND DULY RECORDED ON THE 15 DAY OF APRIL, 1999 AT 4:43 O'CLOCK P.M., PLAT 199900116 RECORDS OF SAID COUNTY AND STATE IN PLAT BOOK 199900116 PAGE(S) 1

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE DAY OF April, 1999 A.D.
DANA DEBEAUVOR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

BY: *Dana Debeauvoir*
DEPUTY



FILED FOR RECORD AT 4:43 O'CLOCK P.M. THIS THE 15 DAY OF APRIL, 1999 A.D.
DANA DEBEAUVOR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

BY: *Dana Debeauvoir*
DEPUTY



FINAL PLAT
SUNSET VALLEY MEADOWS SUBDIVISION
BLOCKS "D" & "E" SECTION ONE
DATE: NOVEMBER 2, 1998
PREPARED BY:

Bury+Pittman, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
© Copyright 1999, Bury+Pittman, Inc.

From: [REDACTED]
To: [REDACTED] [Sylvia Carrillo](#); [Sylvia Carrillo](#)
Subject: 1052 Sunflower
Date: Sunday, March 13, 2022 4:14:48 PM

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or give critical information unless you recognize the sender and know the content is safe.

Hi Sylvia, we got the mailer about the variance for 1052. We'd like to vote in favor of it but I noticed the paper requested responses by March 1 but I think it was postmarked on the 8th. Was there a mistake?

Let us know if you need anything else from us.

Thank you,

Sarah

--

Sarah Ponder
Wife, Mama, Financial Planner
[REDACTED]

(Please note that I treat email as "mail". For time sensitive or complex requests, please call. I have 3 small kids, so I also frequently use voice to text and write emails very quickly, therefore typos are likely. Email/text brevity also allows me more time for face-to-face and voice interactions with clients and family. Thank you for understanding!)

March 13, 2022

Board of Adjustments

City of Sunset Valley

I live at 1046 Sunflower Trail and have been made aware of Jorge and Natalia Hagg's desire to have a small pool in their backyard at 1052 Sunflower Trail. As a neighbor I have no objection to their project and see no reason they should not be granted their variance. Their lot has greenbelt on the two sides on which the pool will be located and should present no issues with their neighbors. Additionally, in my opinion, I believe the setbacks are much too restrictive for the Villas, especially for a pool. With a 15 foot setback, there are few houses in the Villas that would be able to have a pool or anything else without getting a variance.

Respectfully,

A handwritten signature in cursive script that reads "Michael Moore". The signature is written in black ink and is positioned above the printed name.

Michael Moore

1046 Sunflower Trail

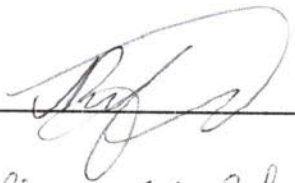
March 2022

Board of Adjustments

City of Sunset Valley

I live in Sunset Valley at 1050 Sunflower Trl. I am aware of the pool project that my neighbors, Jorge and Natalia, at 1052 Sunflower Trl. are planning to do. I wanted to let you know that I have no inconvenience of them encroaching the setbacks in their backyard to accomplish their project. I am supportive of them getting the respective variance and building their pool.

Respectfully,



Rifka Abusheitler

1050 Sunflower Trl

March 2022

Board of Adjustments

City of Sunset Valley

This letter is to let you know that I am ok with the project that my neighbor at 1052 Sunflower Trl is working on in its current form. The project at the writing of this has the pool equipment slated for the east side of the property away from my fence. The pool itself is on the west side of the yard closer to my yard but as long as the spa features are not loud, I'm ok with the variance for the encroachment of the setback. Should any of the currently planned features change I will need to reconsider.

Sincerely,



Ryan Afonso

1056 Sunflower Trl



NOTICE OF PUBLIC HEARING OF THE BOARD OF ADJUSTMENT

HEARING DATE: APRIL 13, 2022

TIME: 6:00 P.M.

The Board of Adjustment of the City of Sunset Valley, Texas will hold a Public Hearing at the above stated dates and time at CITY HALL, 3205 Jones Road, Sunset Valley, Texas to consider a Variance Request to the Zoning Section of the Land Development Code. You are not required to attend, but if you care to attend, you will be given an opportunity to be heard. If additional information is required, please contact City Hall at 512-892-1383 or visit the City's website at www.sunsetvalley.org. This Public Hearing was originally scheduled for March 23rd but was postponed until April 13th.

APPLICANT: JORGE HAAG

ADDRESS OF PROPERTY: 1052 SUNFLOWER TRAIL
SUNSET VALLEY, TEXAS 78745

VARIANCE REQUESTED: 150.246, PUD SIDE & REAR YARD SETBACK

ADDITIONAL INFORMATION ABOUT THIS REQUEST IS AVAILABLE ON THE CITY'S WEBSITE AT WWW.SUNSETVALLEY.ORG OR YOU MAY REQUEST THE INFORMATION FROM THE CITY SECRETARY BY CALLING 512-892-1383 OR EMAIL MLINGAFELTER@SUNSETVALLEY.ORG.

PLEASE DETACH BELOW AND RETURN BY MAIL OR IN-PERSON TO THE CITY OFFICES

SEND YOUR WRITTEN COMMENTS TO THE CITY SECRETARY, CITY OF SUNSET VALLEY, 3205 JONES ROAD, SUNSET VALLEY, TEXAS 78745. (FILE: 1052 SUNFLOWER POOL)

WRITTEN COMMENTS MUST BE RECEIVED BY 5:00 P.M. TUESDAY, APRIL 12, 2022

NAME: Robert BAKER I AM IN FAVOR

ADDRESS: 1067 Sunflower TR I OBJECT

ADDITIONAL COMMENTS:



NOTICE OF PUBLIC HEARING OF THE BOARD OF ADJUSTMENT

HEARING DATE: APRIL 13, 2022

TIME: 6:00 P.M.

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NAME: ZIGA & DUNYA TRETJAK WE ARE
LAIN FAVOR

ADDRESS: 1037 SUNFLOWER TRL. I OBJECT

ADDITIONAL COMMENTS: *City made a mistake -
It should the pool forsake.*



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WRITTEN COMMENTS MUST BE RECEIVED BY 5:00 P.M. TUESDAY, APRIL 12, 2022

NAME: Virginia Morris

I AM IN FAVOR

ADDRESS: 1048 Sunflower Trail

I OBJECT

ADDITIONAL COMMENTS: