

SUBDIVISION REVIEW SHEET

C 17
1

CASE NO.: C8-2011-0155.0A

P.C. DATE: April 10, 2012

SUBDIVISION NAME: Freewater Addition, Block 5, Lot 10 & Part of Lot 1, Resub.

AREA: 0.832

LOT(S): 5

OWNER/APPLICANT: MX3 Investment, LLC
(Sal Martinez)

AGENT: (Hector L. Avila)

ADDRESS OF SUBDIVISION: 907 Cardinal Lane

GRIDS: MH19

COUNTY: Travis

WATERSHED: West Bouldin Creek

JURISDICTION: Full-Purpose

EXISTING ZONING: SF-3

MUD: N/A

NEIGHBORHOOD PLAN: Galindo

PROPOSED LAND USE: Single-family, duplex

ADMINISTRATIVE WAIVERS: None

VARIANCES: None

SIDEWALKS: Sidewalks will be provided on both sides of all internal streets and the subdivision side of boundary streets.

DEPARTMENT COMMENTS: The request is for approval of the Freewater Addition, Block 5, Lot 10 & Part of Lot 1, Resubdivision. The proposed plat is composed of 5 lots on 0.832 acres. The applicant proposes to resubdivide an existing 3 legal lots into 5 lots for residential use. Currently there are 3 detached single-family homes under construction on lots 2AA, 3AA and 3AB. Lots 3BB and 1AA are proposed for future residential development. All lots will take access to Cardinal Lane and will utilize joint use access driveways using shared driveways. The City of Austin will provide all utilities. Parkland dedication requirements have been satisfied by payment of fees in lieu of land dedication. . The applicant will be responsible for all costs associated with any required improvements.

STAFF RECOMMENDATION: The staff recommends approval of the plat. This plat meets all applicable State and City of Austin LDC requirements.

PLANNING COMMISSION ACTION:

CITY STAFF: Don Perryman

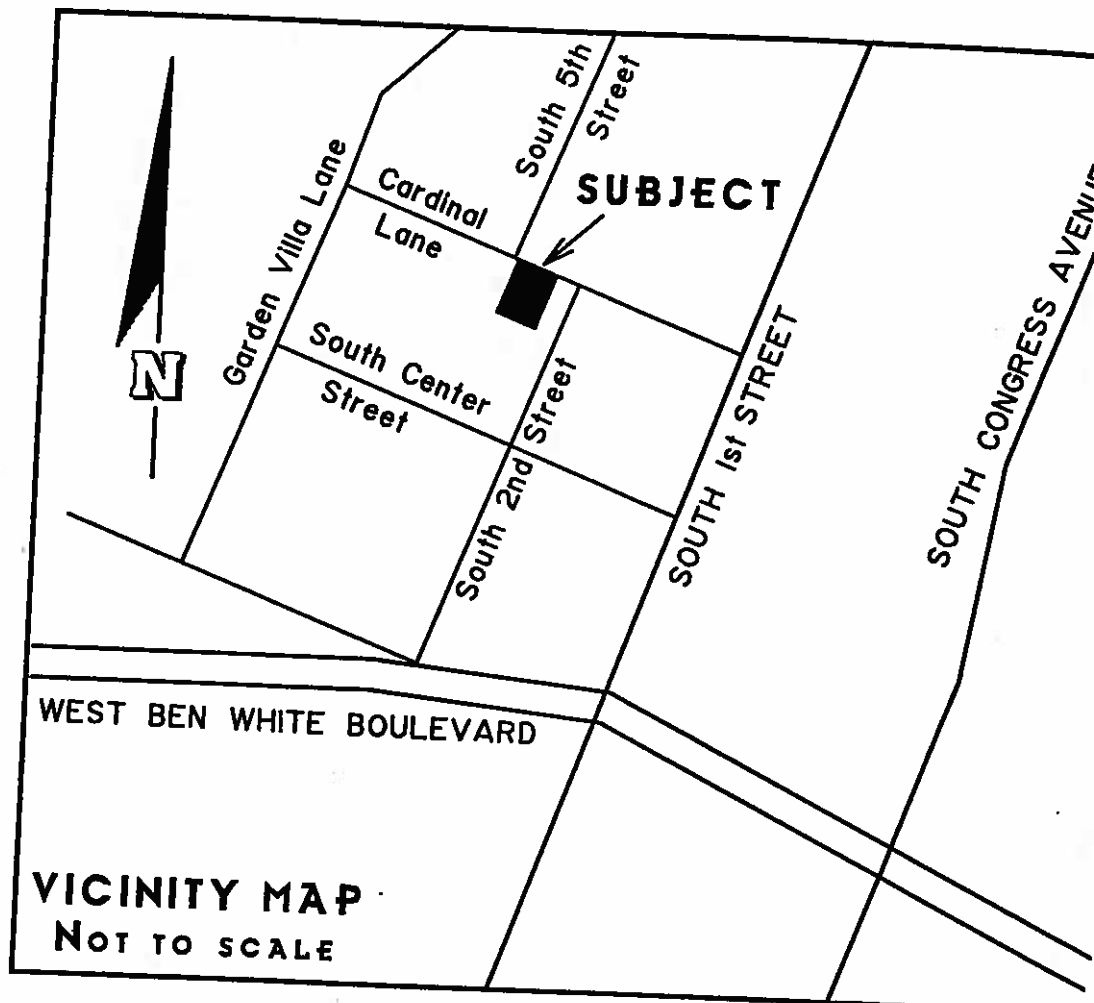
PHONE: 974-2786

E-MAIL: don.perryman@austintexas.gov

C17
2



C17
3

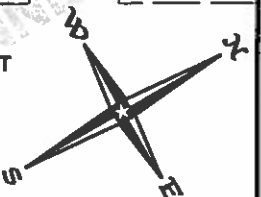
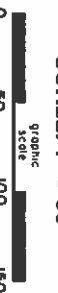


VICINITY MAP
NOT TO SCALE

RESUBDIVISION OF LOTS 1A, 2A, AND 3A OF THE RESUBDIVISION OF LOT 10 AND PART OF LOT 1 BLOCK 5 FREEWATER ADDITION

CIT

SCALE: 1" = 50'



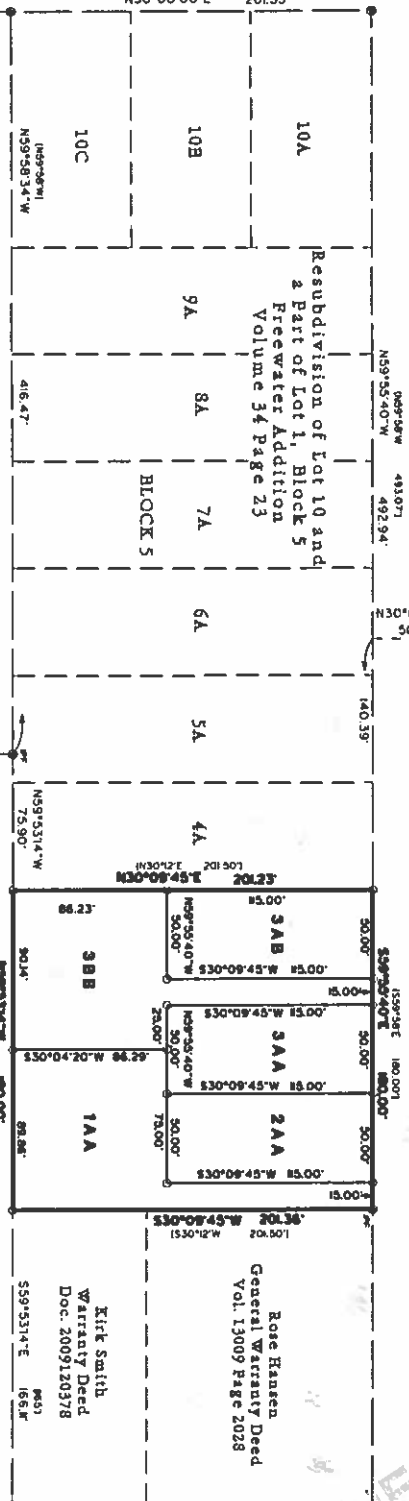
GARDEN VILLA LANE

BEARING BASIS
1050°00'E 201.50'
N30°00'00"E 201.53'

Sycamore Court Subdivision
Document No. 200800138

Legend

- 1/2" Iron Rod Found
- 3/4" Iron Pipe Found
- Metal Bolt Found
- 3/4" Iron Rod Set with plastic cap
- Imprinted with "Steel Corrosion, Inc."
- Proposed Concrete Sidewalk
- E.T.E. = Electric and Telecommunications Easement



Lot 1, Block A
A Resubdivision of 1.4355 Acres of
Lot 2, Block 5 Freewater Addition
Document No. 201000134

LOT SUMMARY	
Total Number of Lots	5
Lot 1A	9,488 Square Feet
Lot 2A	5,730 Square Feet
Lot 3A	5,730 Square Feet
Lot 3B	5,730 Square Feet
Lot 3C	9,494 Square Feet
Total Area	36,232 Square Feet = 0.832 Acre
Lot 1A	Residential Use
Lot 2A	Residential Use
Lot 3A	Residential Use
Lot 3B	Residential Use
Lot 3C	Residential Use

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, 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 _____ day of _____, 2011, A.D., at _____ o'clock _____ M. and duly recorded on the _____ day of _____, A.D. at _____ o'clock _____ M. in the Official Public Records of said County and State in Document No. _____.

RESUBDIVISION OF LOTS 1A, 2A, AND 3A
OF THE RESUBDIVISION OF LOT 10
AND PART OF LOT 1 BLOCK 5
FREEWATER ADDITION

WITNESS MY HAND this the _____ day of _____, A.D. 20____

Sai Martinez
President
M23 Investments, LLC

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, the undersigned authority, on this the _____ day of _____, A.D., 20____, did personally appear Sai Martinez, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC _____

Printed Name _____

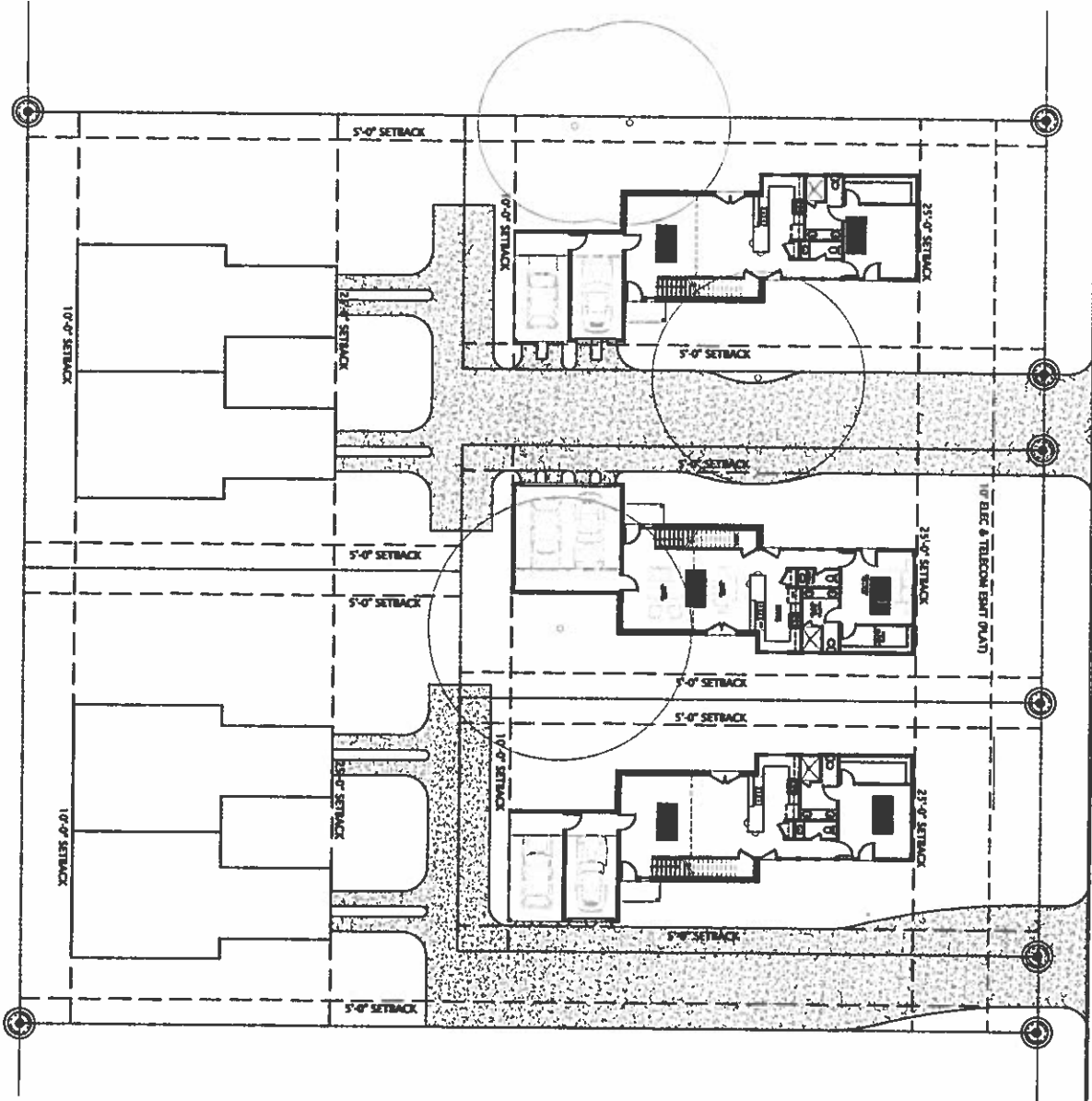
Commission Expires _____

APPROVED, ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development Review Department, City of Austin, County of Travis, this the _____ day of _____, 2011, A.D.

Greg Guernsey, Director, Planning and Development Review Department

NOTE: THE WATER AND/OR WASTEWATER EASEMENTS NOTICED ON THIS PLAN ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APURTENANCES, NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

C17
5



CARDINAL LANE

ARCHITECTURAL SITE PLAN
SCALE: 3/32" = 1'-0"

NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

<p>AS1.0</p>	<p>DATE</p> <p>06/13</p>	<p>MX3 INVESTMENT, LLC</p> <p>901 CARDINAL LANE</p> <p>AUSTIN, TEXAS 78704</p>	<p>FAZIO</p> <p>architects</p> <p>2244 HENRIE BL. SUITE 200 AUSTIN, TX 78701</p> <p>www.fazioarchitects.com</p>
	<p>PROJECT</p>	<p>PROJECT</p>	<p>PROJECT</p>

C17
16

Galindo Neighborhood Association

Elementary www.gena.org

Dear Mr. Perryman,

As you requested, following our meeting some weeks ago, here is a letter summarizing the Neighborhood's concerns about the project at 907 Cardinal Lane. I will be happy to go into more detail with you, or any of the other reviewers, should that become necessary.

Primarily, we object to the Developer's attempt to characterize this project as multiple separate projects in order to avoid complying with existing code and ordinance, especially with respect to detention and water quality. In spite of his aggressive efforts to the contrary, it is clear to anyone making a physical inspection of the site that this is a single project. It should be reviewed and permitted as such.

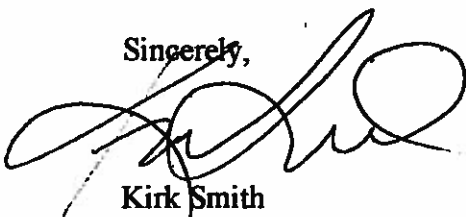
Instead, the Developer chose to pursue the re-subdivision and the construction of the first three houses (roughly 7,000 sq/ft) simultaneously. While this may be legal, strictly speaking, it is obviously a violation of the spirit of the law. As you pointed out, they have provided misleading documentation to support this strategy and created, what seems to us, an impossible condition to adequately review.

To wit: the as-built survey supplied with the re-subdivision application does not account for what is currently under construction. Therefore, there is no way to verify that the finished buildings will be compliant following re-subdivision. Furthermore, because the engineer certified that roughly 7000 sq/ft (of 14,000 sq/ft planned new construction) already existed at the time of application, despite the fact that the building permits for the same were issued more than a month later, the reviewer has no way to hold them accountable for the impervious cover they are adding to the site.

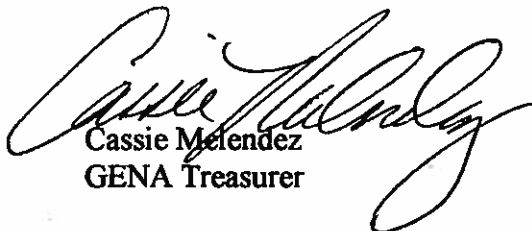
We believe that the best way to account for the new development on this site is to complete it prior to the re-subdivision. Only then, following final inspections, can an accurate as-built survey be obtained and reviewed. Additionally, at that time it will be possible for the water quality and/or drainage reviewer to make an accurate assessment of the total impervious cover on the site and request that the developer comply with the appropriate requirements.

Please feel free to contact me if I can be of any further assistance. We appreciate your confirmation of receipt of this letter, and your future correspondence informing us as to your proposed course of action.

Sincerely,



Kirk Smith
GENA President
PO Box 41232
Austin, TX 78704



Cassie Melendez
GENA Treasurer

C17
11

Case Number: C8-2011-0155.0A
Public Hearing: 4/10/2012, Planning Commission
COA Case Manager: Don Perryman, (512) 974-2786

3/30/2012

Mr. Perryman,

I am a homeowner that lives at 3505 Villa Ct #8 in the Galindo Neighborhood of South Austin. I received the Notice of Public Hearing for a Proposed Subdivision in March in regards to the development 907 Cardinal Lane. Speaking to other neighbors about this re-subdivision, several concerns over this developer and development have been raised. Primarily, what appears to be the purposeful mis-representation of existing impervious cover and existing site conditions, the creation of potentially non-conforming structures and the general approach to the City of Austin's permitting process in a less than straight forward manner.

As a neighbor who looks at my back windows everyday to see this construction I am concerned that I will be directly or indirectly adversely impacted by lack of detention requirements imposed on this project. While no one likes to have houses built behind them I want to ensure that this re-subdivision is meeting all of the City's codes, which from my understanding is currently not.

I encourage the City staff to perform a site inspection to determine conditions on the ground and for the Planning Commission to delay any action on this case until this situation has been clarified.

Please feel to contact me if I can be of any future assistance. I plan on attending the Public Hearing on April 10th.

Sincerely,

Joe Goessling

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2011-0155.0A

Contact: Don Perryman, (512) 974-2786

Yolanda Parada, (512) 974-2784

Public Hearing: April 10, 2012, Planning Commission

Hick Smith

Your Name (please print)

3102 S. 2nd St.

Your address(es) affected by this application

[Signature]

Signature

4/12/12

Date

Daytime Telephone: 512-669-4833

Comments: I am concerned that the

1400 South of New Supercenter

Center is going to create a drainage

problem for the neighbors and

it is not being adequately addressed

during the review process due to

the absence of an accurate as-

built survey and the strategy of

the developer to propose the construction

as several separate projects rather

as one project. I am concerned that the

City of Austin - Planning & Development Review Dept. /4th Fl

Don Perryman
P. O. Box 1088
Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2011-0155.0A

Contact: Don Perryman, (512) 974-2786

Yolanda Parada, (512) 974-2784

Public Hearing: April 10, 2012, Planning Commission

Hick Smith on Behalf of

Your Name (please print)

Carroll Neighborhood Assoc.

Your address(es) affected by this application

[Signature]

Signature

4/12/12

Date

Daytime Telephone: 512-669-4833

Comments: THE CARROLL NEIGHBORHOOD ASSOC. IS

OPPOSED A RESOLUTION TO OPPOSE THIS

DEVELOPMENT DUE TO THE 'BOX-CUT' THE

FEATURES AND MISLEADING NATURE OF

THE APPLICATION, I.E. THE LOT FEATURES

NO MASON FOR LEAK DRAINAGE, BUT

FOR THE LEAKAGE, IN A SENSITIVE ENVIRONMENT,

THE DEVELOPER'S PROPOSED CONSTRUCTION

IS A CONCERN, AND I AM CONCERNED THAT THE

SURVEY, ETC.

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

City of Austin - Planning & Development Review Dept. /4th Fl

Don Perryman
P. O. Box 1088
Austin, TX 78767-8810

C17/9

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2011-0155.0A

Contact: Don Perryman, (512) 974-2786

Yolanda Parada, (512) 974-2784

Public Hearing: April 10, 2012, Planning Commission

ROSE HANSEN

Your Name (please print)

805 CARDINAL LN, 78704

Your address(es) affected by this application

Rose Hansen

Signature

3/31/12

Date

Daytime Telephone: 512 762 9083

Comments:

Because there is ongoing construction at this site which is permitted for a much larger area, I don't see how a reviewer can verify that the proposed subdivision will not create non-conforming buildings. What they are currently building may be illegal following the proposed subdivision.

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

City of Austin - Planning & Development Review Dept. /4th Fl

Don Perryman

P. O. Box 1088

Austin, TX 78767-8810

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object