

SUBDIVISION REVIEW SHEET

C14
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CASE NO.: C8-2014-0025.0A

P.C. DATE: July 22, 2014

SUBDIVISION NAME: Banister Acres, Lot 14, Block 5; Resubdivision

AREA: 0.49 acres

LOT(S): 2

OWNER/APPLICANT: LPM INVESTMENTS LLC
(Aaron Levy)

AGENT: (Hector Avila)

ADDRESS OF SUBDIVISION: 4408 Banister Lane

GRIDS: G18

COUNTY: Travis

WATERSHED: Williamson Creek

JURISDICTION: Full-Purpose

EXISTING ZONING: SF-3-NP

NEIGHBORHOOD PLAN: South Manchaca

PROPOSED LAND USE: single-family residential

VARIANCES: The applicant also requests a variance from Section 25-4-175 of the Land Development Code to resubdivide a lot with a flag lot design. Recommended, (see attached staff memorandum).

SIDEWALKS: Sidewalks will be provided on Bannister Lane.

DEPARTMENT COMMENTS: The request is for approval of the Banister Acres, Lot 14, Block 5; Resubdivision. The proposed plat is composed of 2 lots on 0.49 acres. The applicant proposes to resubdivide an existing lot into two lots, utilizing a flag lot design, for residential use. All utilities are available from the City of Austin. The developer will be responsible for all costs associated with any required improvements including any costs associated with the extension of utilities to serve the subdivision.

STAFF RECOMMENDATION: The staff recommends approval of the plat subject to the Commission's approval of the above referenced variance request. This plat otherwise meets all applicable State and City of Austin LDC requirements.

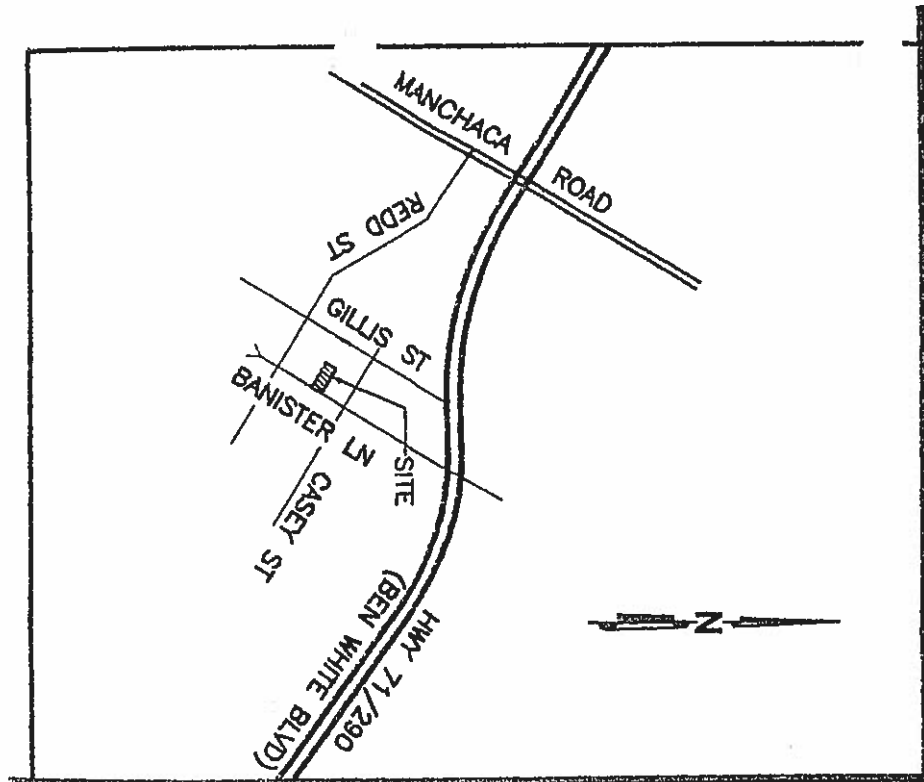
PLANNING COMMISSION ACTION:

CITY STAFF: Don Perryman

PHONE: 512-974-2786

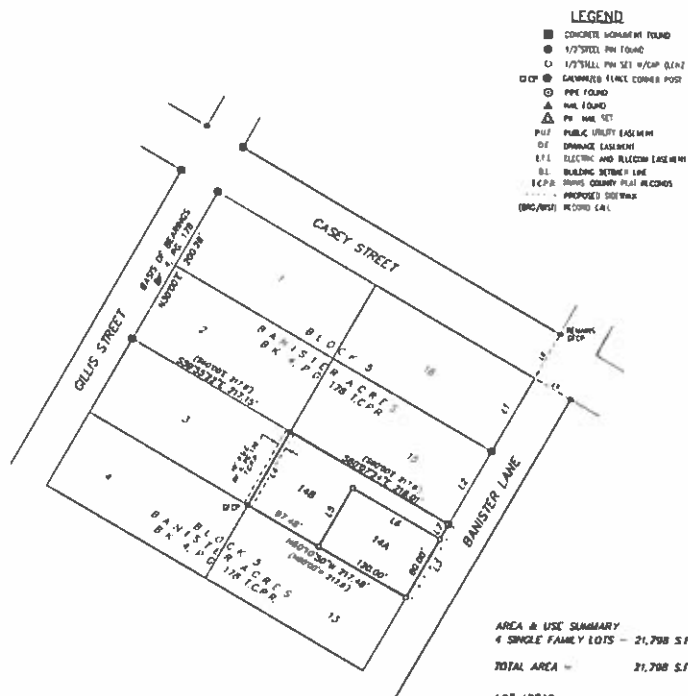
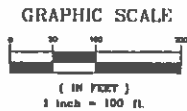
E-MAIL: don.perryman@austintexas.gov

CLP 1/2



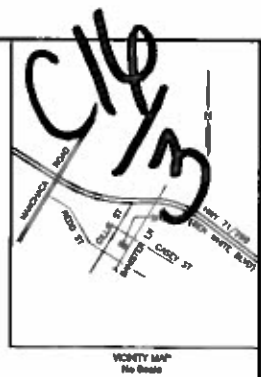
SCANNED

RESUBDIVISION OF LOT 14 BLOCK 5, BANISTER ACRES



LEGEND

- CONCRETE MONUMENT FOUND
- 1/2\"/>



LINE TABLE - MEASURED		
LINE	BEARING	DISTANCE
L-1	N 30°11'31" E	100.00
L-2	N 30°11'31" W	100.00
L-3	S 30°11'31" W	100.00
L-4	S 29°33'18" W	100.72
L-5	N 30°11'31" E	60.12
L-6	S 60°07'24" E	130.00
L-7	S 30°11'31" W	20.00
L-8	N 30°02'23" E	50.91
L-9	S 30°57'18" E	48.57

LINE TABLE (RECORD CALL)		
LINE	BEARING	DISTANCE
L-1	S30°00'W	100.00
L-2	N30°00'E	100.00
L-3	S30°30'W	100.00
L-4	S30°00'W	100.00
L-7	S30°00'W	N/A
L-8	N30°00'E	80.00
L-9	S60°00'E	50.00

AREA & USE SUMMARY
4 SINGLE FAMILY LOTS - 21,798 S.F.
TOTAL AREA = 21,798 S.F.
LOT AREAS
LOT 14A = 8,607 S.F.
LOT 14B = 12,191 S.F.

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: That LPM Investments, LLC owner of 0.50 acre of land, being Lot 14, Block 5, Banister Acres, a subdivision of record in Book 4, Page 178 of the Plat Records of Travis County, Texas, said lot being conveyed to LPM Investments, LLC by deed of record in Document Number 2012181782 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.014, of the Local Government Code, do hereby resubdivide the said Lot 14 in accordance with the attached plat, pursuant to Chapter 212 of the Texas Local Government Code to be known as the RESUBDIVISION OF LOT 14 BLOCK 5, BANISTER ACRES and do hereby dedicate to the public the use of streets and easements shown hereon, subject to any easements or restrictions heretofore granted and not released.

WITNESS MY HAND this _____ day of _____, 20____

Aaron Levy - Manager
LPM Investments, LLC
P.O. Box 90638
Austin, TX 78709

STATE OF TEXAS
COUNTY OF TRAVIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____

Notary Public in and for Travis County, Texas
My Commission Expires: _____

I, Timothy A. Lenz, am authorized under the laws of the State of Texas to practice the profession of surveying and do hereby certify that this plat complies with the survey related portions of Chapter 25, of the Austin City Code of 1999, as amended, and to the best of my knowledge is true and correct and was prepared from an actual survey of the property made on the ground under my supervision.

DATED: _____

January 21, 2014 Preliminary Only - This plat shall not be recorded for any purpose.

Timothy A. Lenz, RPLS # 4393
Lenz & Associates, Inc.
Firm #100290-00
4303 Russell Drive
Austin, Texas 78704
(512) 443-1174

This subdivision is within Zone "AE" and "X" of the 100 Year Floodplain. See also Federal Flood Insurance Administration FIRM Panel # 45453C0585H, Effective Date September 28, 2008.

This is to certify that I am authorized to practice the profession of engineering in the State of Texas, and that all information shown hereon is accurate and correct to the best of my knowledge as related to the engineering portions thereof and that said plat complies with Chapter 25 of the Austin City Code as amended, and all other applicable codes and ordinances.

Kurt Prossner
Registered Professional Engineer State of Texas
No. _____
Prossner and Associates, Inc.
13377 Pond Springs Road, Suite 104
Austin, Texas 78729
(512) 918-3343

SHEET 1 OF 2

LENZ & ASSOCIATES, INC.

COMPLETE PROFESSIONAL LAND SURVEYING SERVICES
FIRM # 100290-00



(512) 443-1174
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704

SURVEY # 2012-0012C-1 F.B.



C16
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MEMORANDUM

TO: Members of the Planning Commission

FROM: Don E. Perryman, Planner Senior
Planning and Development Review Department

DATE: July 15, 2014

SUBJECT: C8-2014-0025.0A Banister Lane

The applicant for the above referenced subdivision application has requested a variance from Section 25-4-175 of the Land Development Code to utilize a flag lot design for a resubdivision creating two single family residential lots. In reviewing the variance request, staff evaluated the request based upon the criteria below, (see criteria and staff response):

(i) has provided accessibility for emergency responders;

The applicant has met with Austin Fire Department review staff and AFD staff has determined that the flag lot configuration proposed will not inhibit accessibility for emergency responders. The AFD staff has requested a note be placed on the plat regarding increased emergency vehicle access distance for Lots 3-A and 3-B, (note #24).

(ii) has adequate room for required utilities

The applicant has provided a driveway and utility plan to reviewers for the City of Austin Water and Wastewater review and Austin Energy Departments. The reviewers have determined after review of the utility/driveway plan that there is adequate room to provide utility service to both lots and utilities will not cross the proposed new lot lines.

(iii) enhances environmental and tree protection;

The applicant has provided a tree survey to arborist staff with the City of Austin and the arborist have no objections or further recommendations.

C16/3

(iv) is otherwise compatible with the surrounding neighborhood;

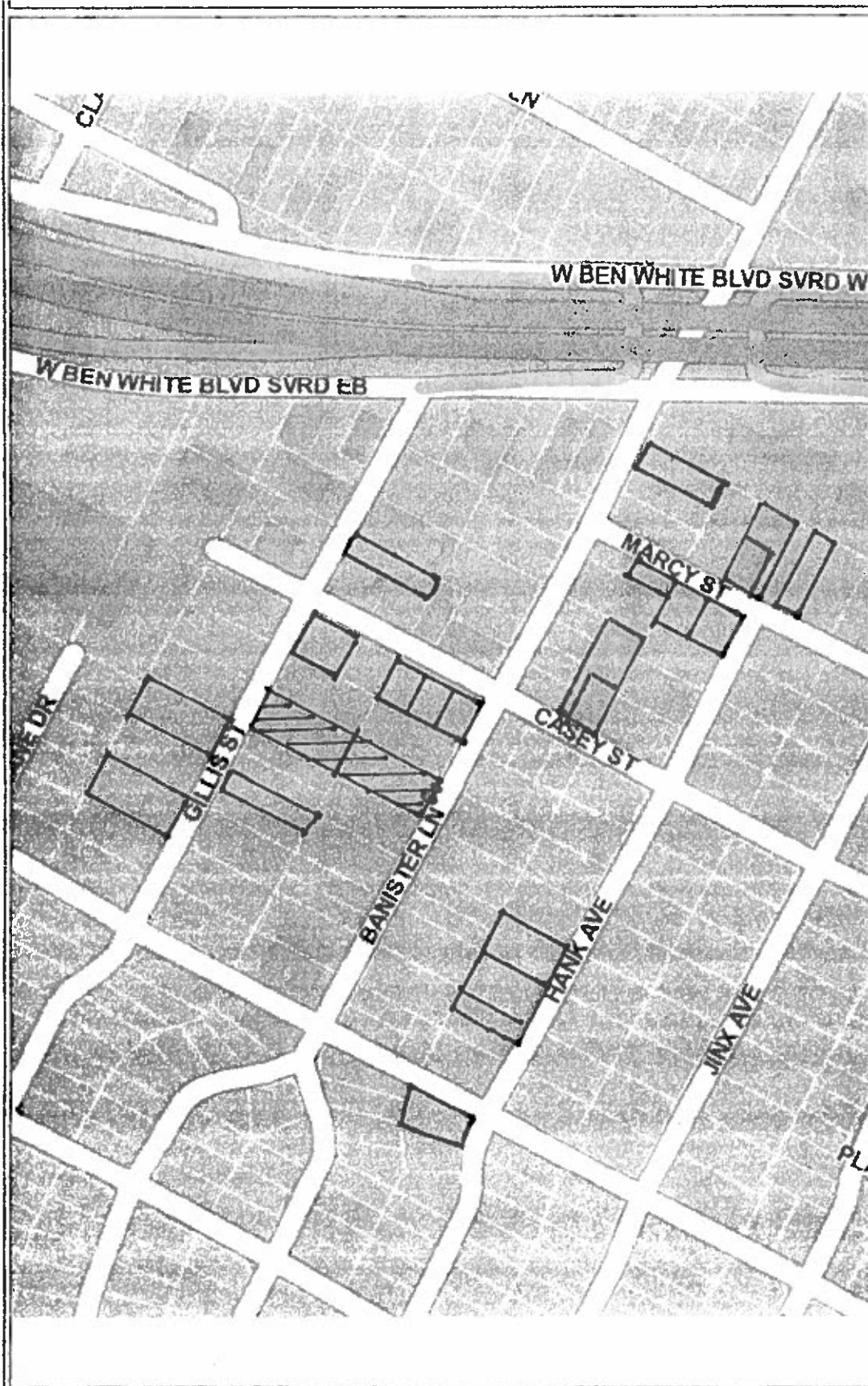
The applicant has provided an exhibit, (see attached, Flag Lot Map Exhibit) which generally shows the development pattern in the immediate vicinity. There are a few existing flag lots in the neighborhood and the area is heavily developed with duplexes and condominium uses. Based upon the map provided, staff believes that a flag lot design is compatible with the surrounding neighborhood.

(v) the applicant provides a copy of any existing private deed restrictions;

The applicant has determined that there are no existing private deed restrictions that apply to this property.

Based upon review of these criteria, staff recommends the variance request to develop a flag lot as a part of this resubdivision request.

CLB
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Legend

- Lot Lines
- Streets
- Building Footprints
- Named Creeks
- Lakes and Rivers
- Parks
- County
- LOTS 3 & 14
BANISTER ACRES
- FLAG LOTS
- PROPERTIES WITH
A/B UNITS.

DUPLEXES

- 4315 GILLIS 1301 CASEY
- 4401 GILLIS 1303 CASEY
- 4412 GILLIS 1305 CASEY
- 4414 GILLIS
- 4419 GILLIS
- 4422 GILLIS
- 4501 HANK
- 4418 HANK
- 4420 HANK
- 4422 HANK
- 4424 HANK
- 1201 MARCY
- 1203 MARCY
- 1207 MARCY
- 1118 MARCY
- 4301 BANISTER

Harmon, Cory [AWU]

To: Perryman, Don
Subject: Resubdivision Banister Acres, Lot 14, Block 5

C16/X

Don,

The proposed Resubdivision Banister Acres, Lot 14, Block 5, case #C8-2014-0025.0A, is approved from a plumbing code perspective.

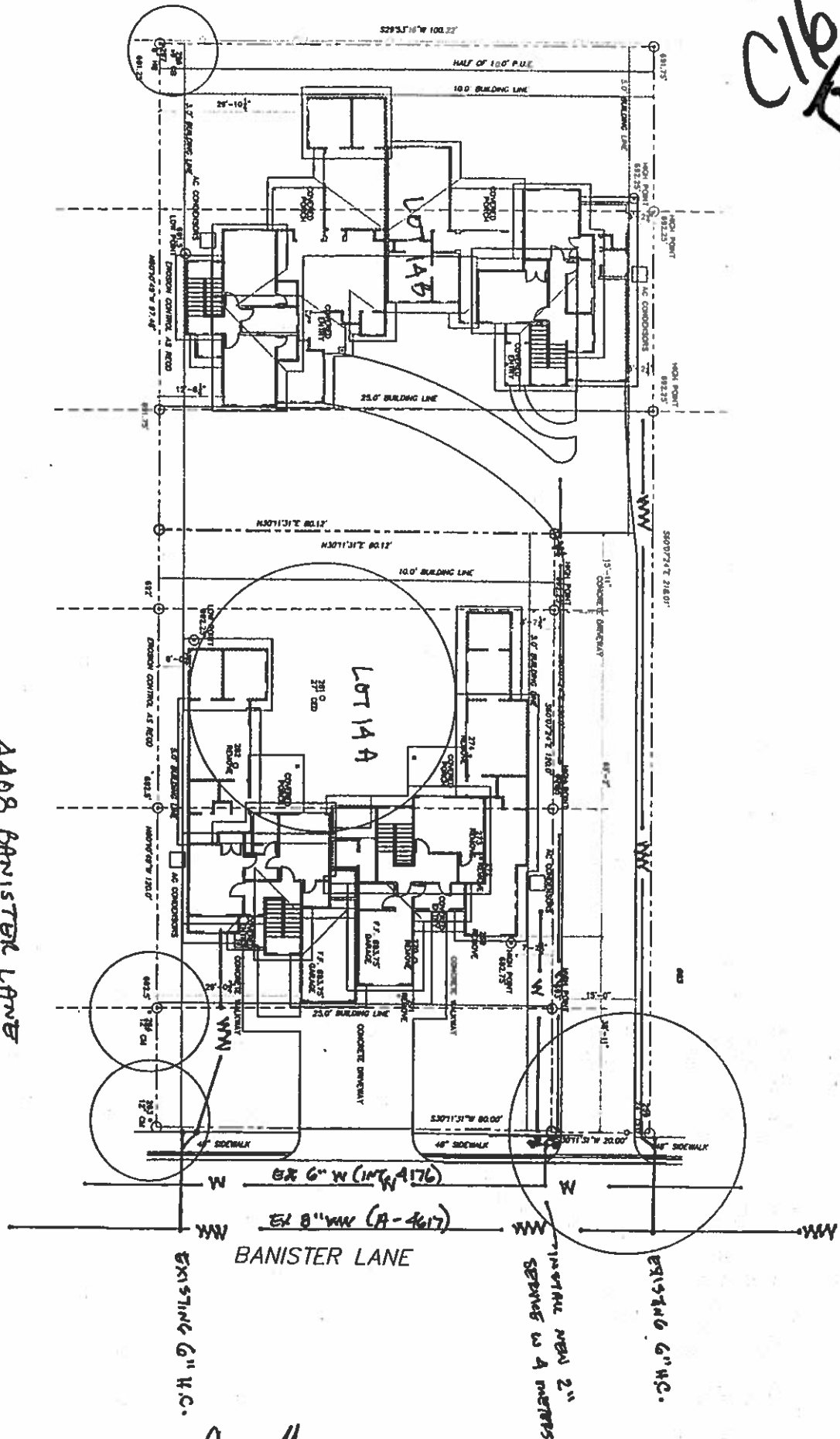
Thank you,

Cory Harmon 04/10/2014

Cory Harmon
Site Plan Plumbing Coordinator
Austin Water Utility
City of Austin
(512) 974-2882

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4408 BANISTER LANE



Cory Harmon
04/10/2014

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone, or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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

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: C8-2114-0025.04

Contact: Don Perryman, 512-974-2786

Natalia Rodriguez, 512-974-3099

Public Hearing: Jul 12, 2014, Planning Commission

Your Name (please print)

Helen Rokenbauer

☒ I am in favor
☐ I object

Your address(es) affected by this application

4419 Gellies

Signature

Date

Daytime Telephone:

512-447-5816

Comments:

I support this because
it is a public hearing

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 78767-8811

Perryman, Don

From: Aaron Levy <[REDACTED]>
nt: Thursday, July 17, 2014 8:13 AM
Subject: Perryman, Don; [REDACTED] Kurt Prossner
Banister Acres - Lots 3 & 14

C16/10

Good morning, Don,

Below is a forwarded email from the Southwood Neighborhood officers. I hope this will help provide some perspective on my efforts to engage the community and provide them the necessary information on our project.

Please let me know if there is anything else we can do.

Have a great day and I will see you at the meeting next week.

Thanks again

Aaron Levy | LEED GA
Townbridge Homes

m 512-518-3434

f 512-276-2977

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

From: Southwood NA Officers <[REDACTED]>
Date: Wed, Jul 16, 2014 at 10:15 PM
Subject: Re: Townbridge Homes - Banister and Gillis
To: Aaron Levy <[REDACTED]>
Cc: "David Foster, 2nd VP" <[REDACTED]>, Joan Owens - President
<[REDACTED]>, Josh Maxwell Past President <[REDACTED]>, Matthew
Todorow - 1st VP <[REDACTED]>, Missy Bledsoe - Treasurer <[REDACTED]>
Navvab Taylor - Secretary <[REDACTED]>, Southwood NA Officers
<[REDACTED]>

Aaron,

Southwood is a neighborhood association not an HOA, and for that reason it is more difficult for us to give a conclusive buy-in to neighborhood projects. But I am glad to provide the following information.

When you did your presentation to the officers, it was believed by the officers that you had made an effort to fit into our Southwood Neighborhood. Later, when you did a presentation at our scheduled Southwood General meeting there were 20 neighbors present and no objections were raised by the residents.

Most recently on our Yahoo listserv I posted the two City of Austin Notices. While there were several negative responses, they were more of a reaction to additional new construction within the neighborhood than a response to your specific flag lot request. We had two very favorable responses supporting you and your proposal. I have extracted portions of those two posts which you will see below.

Email #1. I would rather support a responsible builder, such as Aaron of Townbridge homes that follows the rules, gets proper permitting and comes to the Southwood meetings than others. These lots were for sale in 2009 with no takers. They have been overgrown and neglected. There is a large herd of feral cats living there. The new construction will upgrade the neighborhood.

I am well aware of the problem of taxation. It is great for home values if you are thinking about selling and tough to pay taxes if you stay.

The answer, in my mind, is to protest the tax situation not attack (all) builders. Believe me you are much better off with Aaron's company building than other builders who cut every corner, work without proper permitting and violate OSHA rules.

Email #2. I have to defend the builders here. One of the developers brother lives in our neighborhood and owns a home. They like this neighborhood and know it's a good place to raise a family. Townbridge has been very transparent in my opinion with what they want to build and have been pretty good about the style of home to be built in this neighborhood. (It's not my style, but it's not huge and ugly - hugly? And a lot of my friends when we drive by them think they are very cute.) They haven't gone overboard on the design on any of their properties and they don't sit vacant for long. They are not the ones driving up the cost of our homes. I think it's a number of things, the economy, lack of close in housing, desire to live here by everyone, a lot of those everyones with a whole lot more money than most of us are moving here and not batting an eye at the 300K price, construction prices rising, etc.

I hope this helps clarify the Southwood Neighborhood temperament on your project. If you need more information from me please feel free to call me.

Joan Owens, President

Southwood Neighborhood Association

512 447-3115