

SUBDIVISION REVIEW SHEET

C8
1

CASE NO.: C8-2014-0232.0A

ZAP DATE: May 5, 2015

SUBDIVISION NAME: Cedar Paw Ranch

AREA: 30.03 acres

LOTS: 2

APPLICANT: Kathy and Joel McColl

AGENT: Thompson Land Eng.
(Mark Roeder)

ADDRESS OF SUBDIVISION: 10570 Signal Hill Rd

GRIDS: WX15

COUNTY: Hays

WATERSHED: Bear Creek

JURISDICTION: 2 mile ETJ

EXISTING ZONING: none

DISTRICT: n/a

LAND USE: residential

NEIGHBORHOOD PLAN: none

ADMINISTRATIVE WAIVERS: none

VARIANCE: Section 25-4-171(A): Each lot in a subdivision shall abut a dedicated public street.

SIDEWALKS: Sidewalks are not required.

DEPARTMENT COMMENTS: The request is for the approval of a variance from Section 25-4-171(A). The Commission is only reviewing the variance request. If the variance is approved, the plat will be reviewed and approved by the Director.

STAFF RECOMMENDATION: The staff recommends approval of the variance. See attached memo.

ZONING AND PLATTING COMMISSION ACTION:

CASE MANAGER: Steve Hopkins

PHONE: 512-974-3175

E-mail: steve.hopkins@aubintexas.gov



SH
5/12

MEMORANDUM

TO: Members of the Zoning and Platting Commission
FROM: Steve Hopkins, Subdivision Review
DATE: May 5, 2015
SUBJECT: Variance Request for Cedar Paw Ranch
Case Number – C8-2014-0232.0A
Recommendation: To approve the variance

The applicant for the above referenced subdivision is requesting a variance to Title 25 of the Land Development Code (LDC) Section 25-4-171(A): "Each lot in a subdivision shall abut a dedicated public street." The site is located in the City of Austin's 2-mile ETJ in Hays County, and consists of one house on 30.3 acres.

The applicant previously submitted an amended plat application, but during staff review, it was determined the amended plat could not be approved because the city does not recognize the original plat. In 1984, the City of Austin had annexed the adjacent area (Ordinance No. 841115-RR) which had the effect of extending the ETJ to include the subject property. In 1992, the original Cedar Paw Ranch plat was recorded (Vol 5, pg 358). Because the land was in the ETJ, the plat required approval by Hays County and the City of Austin. The plat only received approval from Hays County, not the City of Austin as required (then & now) by Chapter 212 of the Local Government Code. Because of this, the city does not recognize the original plat. In addition, the property does not have frontage to a public road. It is only accessed by a 50' easement that was dedicated on the face of the plat.

To remedy this situation, the applicant is requesting a variance to the frontage requirement. If approved, he will submit a two-lot final plat that can be approved administratively. One lot will contain 5 acres. The other lot will contain 25 acres and the existing dwelling. It is the Staff's opinion that the 50' access easement will function and provide access in the same manner as if the property abutted a public street, and recommends approval of the variance.

Staff recommends approval of the variance for the following reasons:

- With the 50' access easement, the driveway will function and provide access in the same manner as if the property abutted a public street.
- Emergency services will have access to the property.
- Approval of the variance will not have a negative impact on the health, safety, or welfare of the community.

If you have any further questions or required additional information, please contact me at 974-3175.
Steve.hopkins@austintexas.gov

Steve Hopkins,
Subdivision Review



THOMPSON LAND ENGINEERING, LLC
Land Planning, Site Design, Subdivision Engineering

April 8, 2015

Mr. Greg Guemsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

**RE: Request for Variance from 25-4-171(A) (lots abutting a dedicated public street)
Amended Plat of Lot 2 and 3 Cedar Paw Ranch
TLE Job No. 1239**

Dear Mr. Guemsey,

This letter is to request a variance to 25-4-171(A). This application is to only amend the line between two lots in an existing three lot plat in Hays County that has existed since 1992. The original plat created 10 and 15 acre lots and the owner desires to amend the line between two lots to make one only 5 acres instead with the other lot increasing to 25 acres. The current owners of the lots to be amended purchased the lots in 2012; they were not a party to the original plat.

When the lots were platted, the land did not have direct access to a public road but rather access through a joint use easement (see the attached original plat). At the time, those who prepared the plat apparently believed the tract was outside the ETJ of any city (including the City of Austin). This is evidenced by the specific statement to this effect found in the lower left of the first page of the plat. From current appearances, it would seem that the area to be platted was within 5 miles of portions within the City limits in 1992. The subject tract appears to measure to be approximately 4 miles from areas annexed around Covered Bridge in the middle to late 1980s. We expect that the ability to understand what was annexed and the ability to measure the proximity to those areas has greatly improved with computer technology that was not readily available in 1992.

The owner cannot resolve the method of ownership of access to the lots. The joint easement is used by, and crosses over tracts owned by, several other parties. They already own and occupy the property, have electric service, and use a water well and septic system for utilities. The desire is only to move a lot line. Therefore, approval of this variance will not change (or make worse) the existing situation. The approval of this variance will only allow the change in shape of two existing and arguably very large lots (or tracts of land).

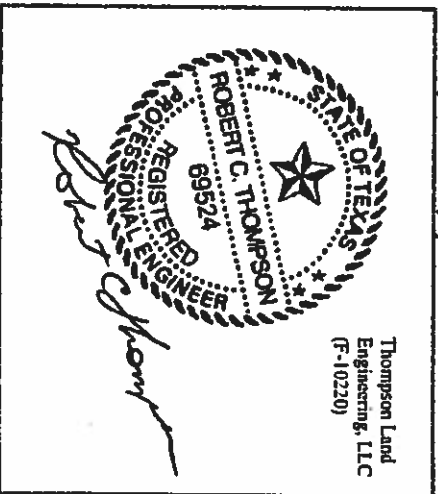
We hope that you agree with this request. Please contact me at 512-328-0002 if you have any questions.

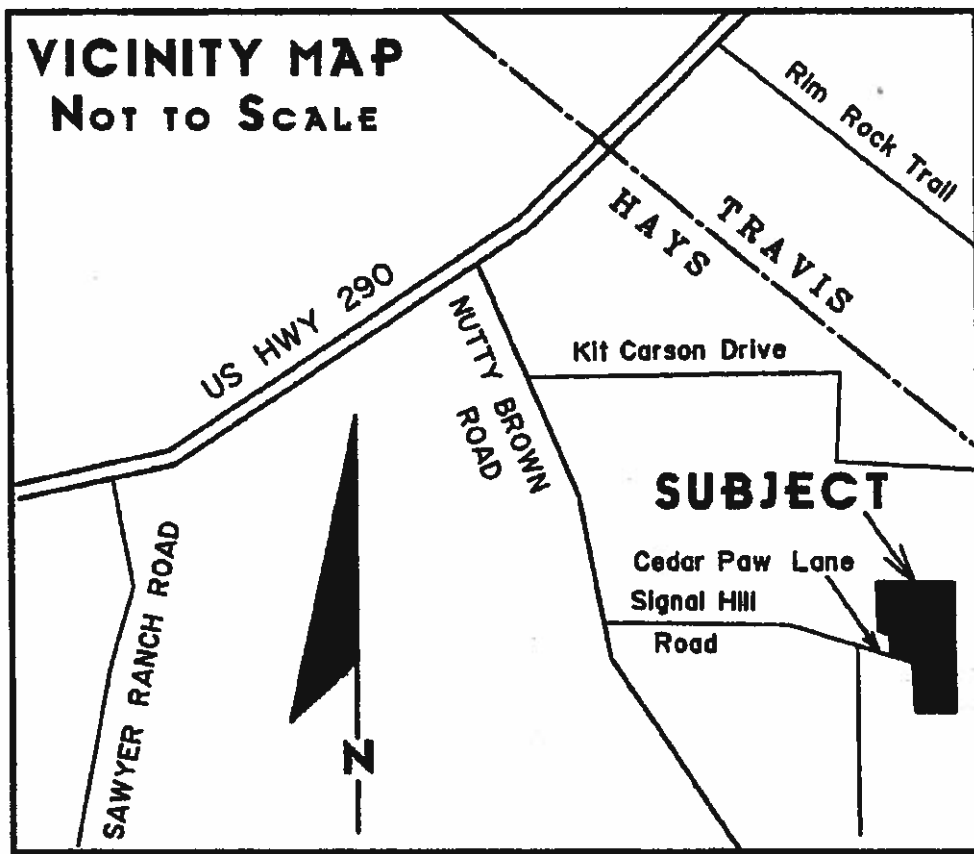
Sincerely,

THOMPSON LAND ENGINEERING, LLC

Robert C. (Ric) Thompson, P.E.
M.S., C.F.M., C.P.E.S.C.

April 8, 2015



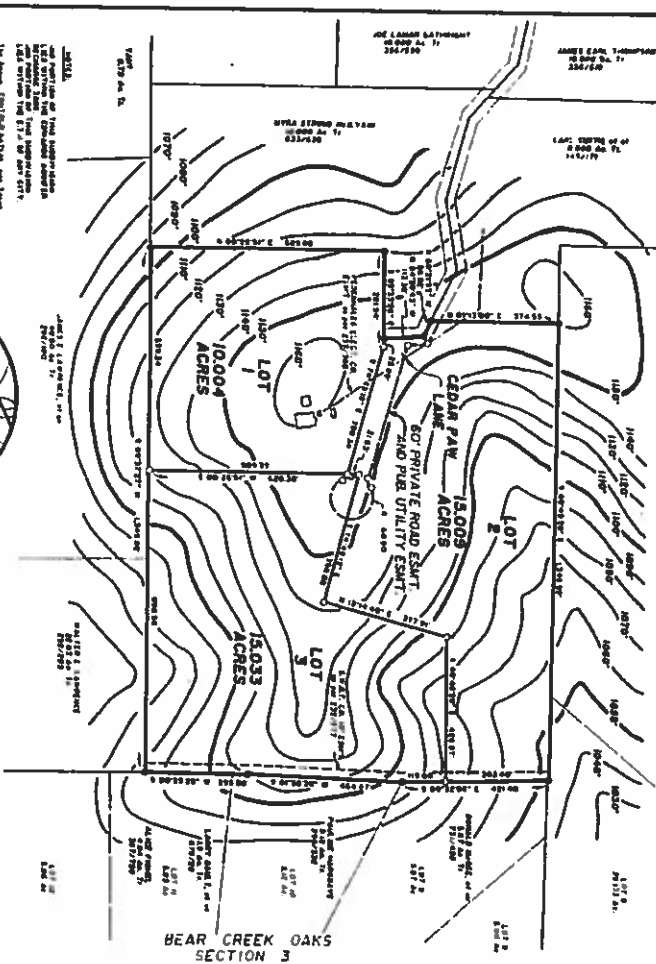


OP/A

8/15

CEDAR PAW RANCH

SILVER SPUR RANCHETTES
SECTION TWO
19/196 H/D/P



SCALE: 1" = 200'
0 100 200 Feet

NEARLY ALL OF THE LAND SHOWN ON THIS MAP IS OWNED BY THE CEDAR PAW RANCH COMPANY, INC. THE LAND IS BEING OFFERED FOR SALE IN LOTS OF VARIOUS SIZES. THE BUYER SHOULD CONSULT THE SURVEYOR'S OFFICE FOR A COMPLETE LIST OF THE LOTS AND THEIR ACRES.



STATE OF TEXAS
COUNTY OF BASTROP
I, Bartholomew, Surveyor, do hereby certify that the above and foregoing is a true and correct copy of the original survey as shown to me by the owner thereof, and that the same is in accordance with the laws of the State of Texas.

Bartholomew
Surveyor

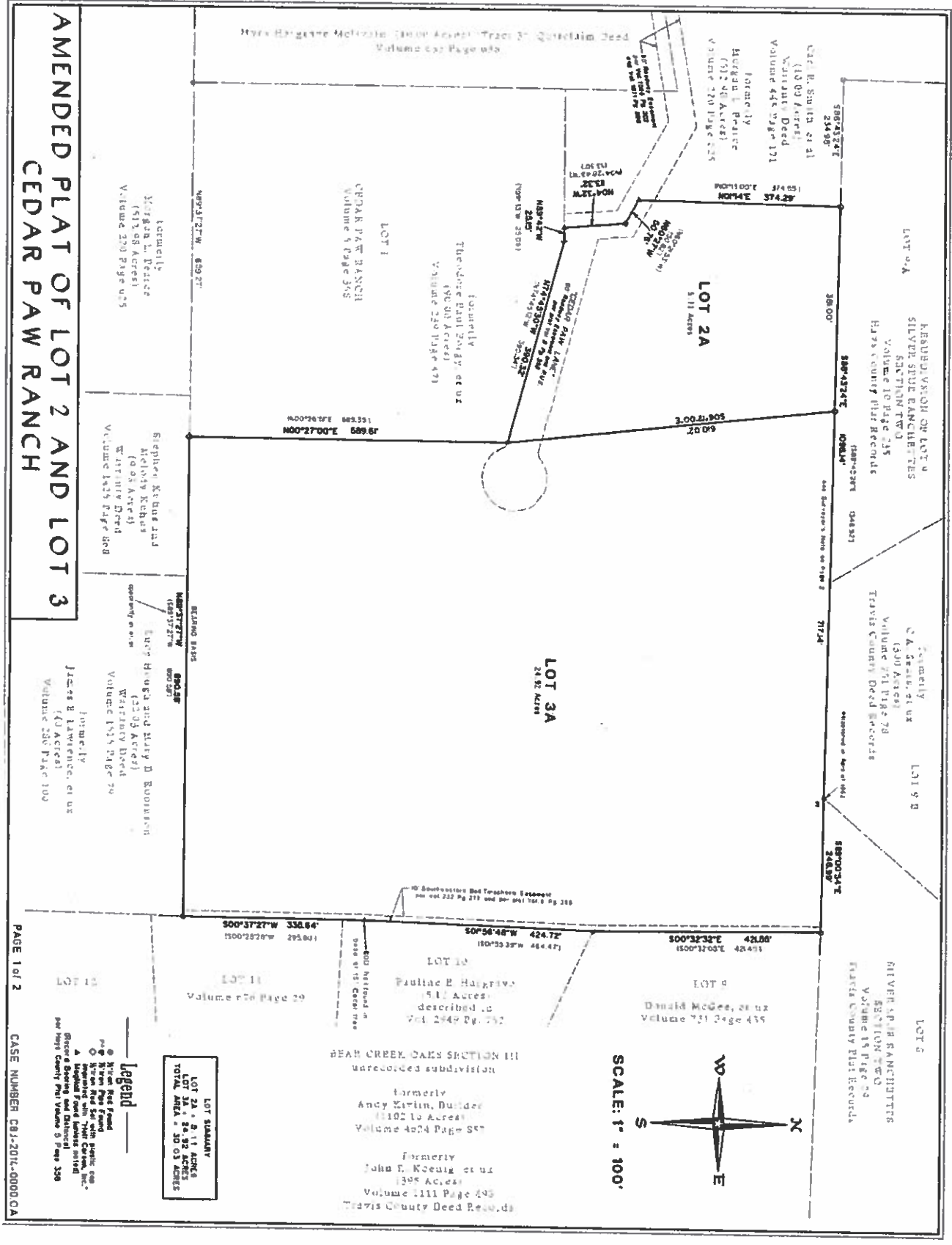
Part 1, Section 1, Township and Range, is a portion of the 1000 acre tract of land known as the Cedar Paw Ranch, which was surveyed and patented to the Cedar Paw Ranch Company, Inc. by the State of Texas in 1919. The land is being offered for sale in lots of various sizes. The buyer should consult the surveyor's office for a complete list of the lots and their acres.

Witness my hand and seal of office, this 15th day of August, 1958.

Bartholomew
Surveyor



CEEDAR PAW RANCH
BASTROP COUNTY, TEXAS



**AMENDED PLAT OF LOT 2 AND LOT 3
CEDAR PAW RANCH**

PAGE 1 of 2

CASE NUMBER C91-2016-00000A

LOT SCHEDULE
 LOT 2A + 2B = 6.50 ACRES
 LOT 3A + 3B = 49.76 ACRES
 TOTAL AREA = 56.26 ACRES

Legend
 • Survey Fee Paid
 ○ Survey Fee Pending
 □ Survey Fee Forfeited
 ▲ Survey Fee Waived
 ▲ Survey Fee Forfeited
 ▲ Survey Fee Waived
 ▲ Survey Fee Forfeited
 ▲ Survey Fee Waived

LOT 1
 Formerly
 The Cedar Paw Ranch
 Volume 9 Page 365

LOT 2A
 3.11 Acres
 Formerly
 The Cedar Paw Ranch
 Volume 9 Page 365

LOT 2B
 3.39 Acres
 Formerly
 The Cedar Paw Ranch
 Volume 9 Page 365

LOT 3A
 24.92 Acres
 Formerly
 The Cedar Paw Ranch
 Volume 9 Page 365

LOT 3B
 24.92 Acres
 Formerly
 The Cedar Paw Ranch
 Volume 9 Page 365

LOT 10
 Pauline E. Hays, et ux
 5.11 Acres
 described in
 Vol. 2848 Pg. 752

LOT 11
 Volume 70 Page 29

LOT 12
 Formerly
 Andy Kirwin, Builder
 11.02 Acres
 Volume 4624 Page 57

LOT 13
 Formerly
 John F. Koenig et ux
 13.95 Acres
 Volume 1111 Page 495
 Travis County Deed Records

LOT 9
 Donald McGee, et ux
 Volume 731 Page 455

LOT 8
 Formerly
 C.A. Seaton, et ux
 13.30 Acres
 Volume 771 Page 78
 Travis County Deed Records

LOT 7
 Formerly
 C.A. Seaton, et ux
 13.30 Acres
 Volume 771 Page 78
 Travis County Deed Records

LOT 6
 Formerly
 C.A. Seaton, et ux
 13.30 Acres
 Volume 771 Page 78
 Travis County Deed Records

LOT 5
 Formerly
 C.A. Seaton, et ux
 13.30 Acres
 Volume 771 Page 78
 Travis County Deed Records

LOT 4
 Formerly
 C.A. Seaton, et ux
 13.30 Acres
 Volume 771 Page 78
 Travis County Deed Records

LOT 3
 Formerly
 C.A. Seaton, et ux
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 Volume 771 Page 78
 Travis County Deed Records

LOT 2
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 C.A. Seaton, et ux
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