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SUBDIVISION REVIEW SHEET

CASE NO.: C8-2014-0190.0A

PC DATE: August 11, 2015

SUBDIVISION NAME: Resubdivision of Lot 8 Pemberton Heights, Section 12 and a portion of Lot 1, block 18, of First Section of Pemberton Heights

AREA: 1.12 acres

LOTS: 1

APPLICANT: Hollow Creek, LLC (Michel Issa)

AGENT: Noble S&E Works
(Ryan Irion)

ADDRESS OF SUBDIVISION: 2410 Pemberton Parkway

GRIDS: MH 24

COUNTY: Travis

WATERSHED: Shoal Creek

JURISDICTION: Full Purpose

EXISTING ZONING: SF-3-NP

DISTRICT: 9

LAND USE: Residential

NEIGHBORHOOD PLAN: Windsor Road

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

SIDEWALKS: Because the lot does not have frontage to a public street, sidewalks are not required.

DEPARTMENT COMMENTS: The request is for the approval of the Resubdivision of Lot 8 Pemberton Heights, Section 12 and a portion of Lot 1, Block 18, of First Section of Pemberton Heights. The plat is comprised of one lot on 1.12 acres. The applicant proposes to combine Lot 8 and a portion of Lot 1 into a single lot. There is an existing dwelling on Lot 8. The portion of Lot 1 is vacant. If approved, the resubdivision plat will not create any new development. It will only increase the size of Lot 8, which contains an existing dwelling.

STAFF RECOMMENDATION: The staff recommends approval of the plat. If the variance is approved, the resubdivision meets all applicable State and City of Austin Land Development Code requirements.

PLANNING COMMISSION ACTION:

CASE MANAGER: Steve Hopkins

PHONE: 512-974-3175

E-mail: steve.hopkins@austintexas.gov



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MEMORANDUM

TO: Members of the Planning Commission
FROM: Steve Hopkins, Subdivision Review
DATE: August 11, 2015
SUBJECT: Variance Request for the resubdivision of Pemberton Heights
Case Number – C8-2014-0190.0A
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 proposed plat is located in the City of Austin's full-purpose jurisdiction, and consists of one house on 1.12 acres.

Lot 8 was platted in 1947 and did not have any frontage to a public street. Instead, the lot was accessed by a private access easement that was dedicated on the face of the plat.

The applicant wishes to combine this lot with a portion of an adjacent lot (Lot 1 of the First Section of Pemberton Heights). This will not create any new development. It will only increase the size of Lot 8, which contains an existing dwelling.

Staff recommends approval of the variance for the following reasons:

- With the access easement, the driveway functions and provides access in the same manner as if the property abutted a public street.
- The resubdivision will not create any additional demand on the access easement.
- 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.

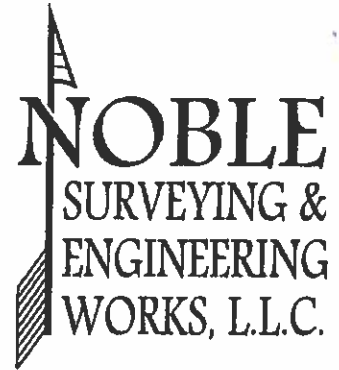
If you have any further questions or required additional information, please contact me at 974-3175. Steve.hopkins@austintexas.gov

Steve Hopkins,
Subdivision Review

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July 10, 2015

Reviewers
COA – Watershed Protection & Development Review
505 Barton Springs Rod, 4th floor
Austin, TX 78704
Phone 512-974-2000



www.noble-tx.com
TBPE Firm #9852

RE: 2410 Pemberton Parkway – Resubdivision of Lot 8 Pemberton Heights
Case Number: C8-2014-0190.0A
Variance Request Letter from 25-4-171(a) of Land Development Code

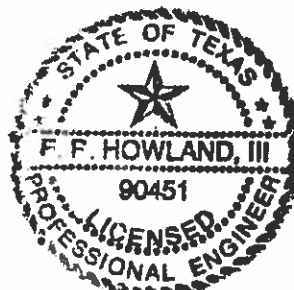
Dear Reviewers,

This letter is to officially request a variance from 25-4-171(a) of the Land Development Code, 'each lot in a subdivision shall abut a dedicated public street', and to be placed on the agenda of the Planning Commission to be granted approval.

The variance should be granted since Pemberton Heights is an existing subdivision in which all existing 8 lots get access off an existing private road, Pemberton Parkway. The Resubdivision of Lot 8 is not creating any new lots. To the contrary, it is taking two landlocked unplatted tracts of land that have no access to any road at all and consolidating them with the existing platted Lot 8 which has always had legal access to Pemberton Parkway. Since no new lots are being created, no new public infrastructure or utilities will be needed for this Resubdivision. Once this plat is recorded, no unplatted land will remain in the area.

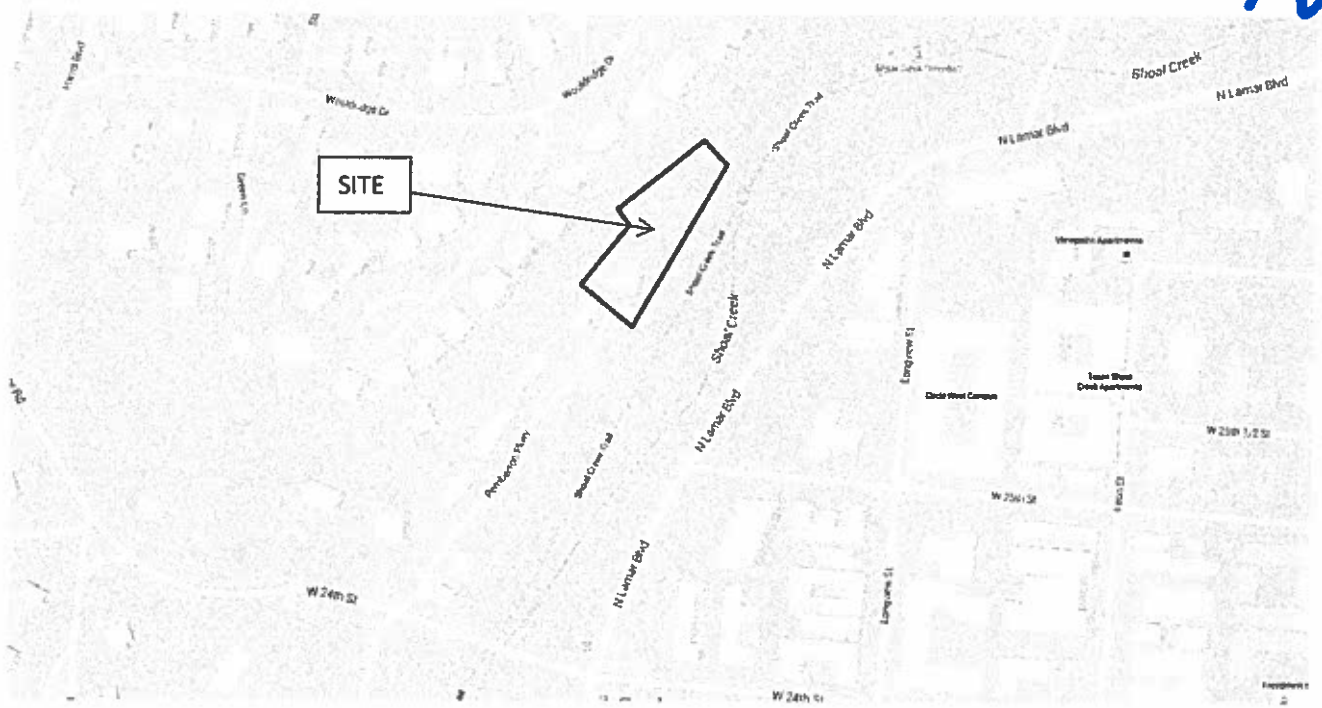
Sincerely,

F.P. (Tres) Howland, III, PE
Principal



7/10/15

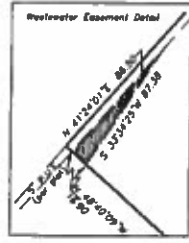
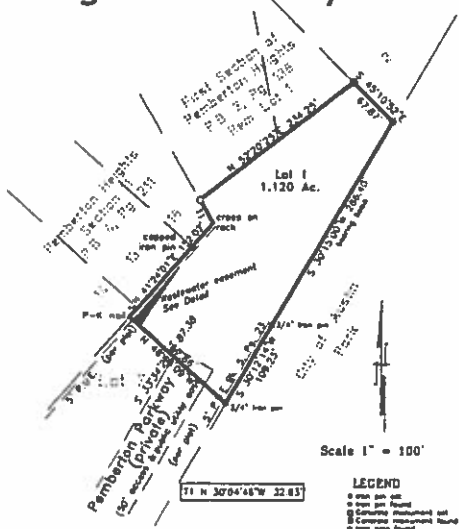
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VICINITY MAP LOT 8 PEMBERTON HEIGHTS

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Resubdivision of Lot 8, Pemberton Heights Section 12 and a portion of Lot 1, Block 18, of First Section of Pemberton Heights in the City of Austin, Travis County, Texas



- NOTES**
- NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM. ALL WATER AND WASTEWATER SYSTEM IMPROVEMENTS MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM DESIGN CRITERIA AND SPECIFICATIONS. ALL WATER AND WASTEWATER PLANS MUST BE PRESENTED TO THE CITY OF AUSTIN FOR REVIEW AND APPROVAL. ALL WATER AND WASTEWATER CONSTRUCTION WILL BE INSPECTED BY THE CITY OF AUSTIN.
 - THE ELECTRIC UTILITY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY, AND OTHER OBSTRUCTIONS TO THE EXTENT TO KEEP THE EASEMENTS CLEAR. THE UTILITY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8(b), OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE (LDC). THE OWNER/DEVELOPER OF THIS SUBDIVISION SHALL PROVIDE THE CITY OF AUSTIN ELECTRIC UTILITY DEPARTMENT WITH ANY EASEMENT AND/OR ACCESS REQUIRED IN ADDITION TO THOSE INDICATED HEREON. FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUNDING ELECTRIC FACILITIES THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING(S), AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE LDC. THE OWNER SHALL BE RESPONSIBLE FOR ANY INSTALLATION OF TEMPORARY EROSION CONTROLS, VEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. AUSTIN ENERGY WORK SHALL ALSO BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
 - THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
 - PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY, ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
 - NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN OR TRAVIS COUNTY.
 - ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
 - PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
 - BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
 - FOR A MINIMAL TRAVEL DISTANCE OF 25' FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
 - BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
 - ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION, FIRST SECTION OF PEMBERTON HEIGHTS AND PEMBERTON HEIGHTS SECTION 12 SHALL APPLY TO THIS PLAT, UNLESS OTHERWISE NOTED.
 - THE LANDOWNER IS RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE, INCLUDING THE WATER AND WASTEWATER UTILITY IMPROVEMENTS, SYSTEM UPGRADES, UTILITY ADJUSTMENTS AND RELOCATION TO SERVE EACH LOT.
 - THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS INCLUDING BUT NOT LIMITED TO BUILDINGS, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE AUSTIN WATER UTILITY.

LEGEND

- Open air easement
- Water easement
- Wastewater easement
- Electric easement
- Gas easement
- Other easement
- Other

STATE OF TEXAS,
COUNTY OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS,

THAT HOLLOW CREEK, LLC, ACTING BY AND THROUGH ITS MANAGING MEMBER MICHEL ISSA, BEING OWNER OF LOT 8 OF PEMBERTON HEIGHTS SECTION 12 AS RECORDED IN BOOK 9, PAGE 23 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF LOT 1, BLOCK 18 OF FIRST SECTION OF PEMBERTON HEIGHTS RECORDED IN BOOK 3, PAGE 136 OF THE SAID PLAT RECORDS AS CONVEYED TO IT BY DEED RECORDED AS INSTRUMENT NO. 2013114970 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID SUBDIVISION HAVING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROVISIONS OF CHAPTER 212.014 OF THE LOCAL GOVERNMENT CODE, DO HEREBY RESUBDIVIDE LOT 8 OF PEMBERTON HEIGHTS SECTION 12 AND A PORTION OF LOT 1, BLOCK 18 OF FIRST SECTION OF PEMBERTON HEIGHTS IN ACCORDANCE WITH THE MAP OR PLAT SHOWN HEREON TO BE KNOWN AS

RESUBDIVISION OF LOT 8 OF PEMBERTON HEIGHTS SECTION 12 AND A PORTION OF LOT 1, BLOCK 18 OF FIRST SECTION OF PEMBERTON HEIGHTS

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE ____ DAY OF _____, 2015, A.D.

HOLLOW CREEK, LLC
MICHEL ISSA
MANAGING MEMBER
705 WEST 24TH STREET
AUSTIN, TEXAS 78705

STATE OF TEXAS,
COUNTY OF TRAVIS:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 2015, A.D., BY MICHEL ISSA, FOR THE PURPOSES AND CONSIDERATIONS STATED HEREIN.

SIGNATURE OF NOTARY

BEARING BASIS
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83. ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000081731155.

ENGINEER'S CERTIFICATION
I, F. P. HOWLAND, III, 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 COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1999, AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

F. P. HOWLAND, III, P.E.
LICENSED PROFESSIONAL ENGINEER NO. 90451
T.B.P.E. FIRM #8852
7812-A HWY 71 WEST
AUSTIN, TEXAS 78738

FLOODPLAIN NOTE
THIS PROPERTY IS LOCATED WITHIN ZONE 'X'. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.I.R.M. PANEL NO. 48453C 0445H, TRAVIS COUNTY, TEXAS DATED SEPTEMBER 28, 2008.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

I, CLAUDE F. HINKLE, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED PORTIONS OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1998, AS AMENDED, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND WAS PREPARED FROM THE ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND.

CERTIFIED TO THIS ____ DAY OF _____, 2015, A.D.



CLAUDE F. HINKLE, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4829, STATE OF TEXAS
AUSTIN SURVEYORS
2105 JUSTIN LANE #103
AUSTIN, TEXAS 78757

THIS SUBDIVISION IS LOCATED IN THE FULL PURPOSE JURISDICTION OF THE CITY OF AUSTIN ON THIS THE ____ DAY OF _____, 2015, A.D.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS ON THIS THE ____ DAY OF _____, 2015, A.D.

DANETTE CHIMENTI
CHAIRPERSON

JEAN STEVENS
SECRETARY

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE ____ DAY OF _____, 2015, A.D.

J. RODNEY GONZALES
DIRECTOR,
DEVELOPMENT SERVICES DEPARTMENT

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 ____ DAY OF _____, 2015, A.D., AT ____ O'CLOCK ____ M. / AND DULY RECORDED ON THE ____ DAY OF _____, 2015, A.D., AT ____ O'CLOCK ____ M. IN THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, IN DOCUMENT NO. _____.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS THE ____ DAY OF _____, 2015, A.D.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

By: _____ DEPUTY

FILED FOR RECORD AT ____ O'CLOCK ____ M., THIS THE ____ DAY OF _____, 2015, A.D.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

By: _____ DEPUTY

AUSTIN SURVEYORS
2105 Justin Lane #103
Austin, Texas 78757
812-484-9605
Teffim 810174000

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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: <http://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: CB-2014-0190.0A
Contact: Steve Hopkins, 512-974-3175 or Elsa Garza, 512-974-2308
Public Hearing: Aug 11, 2015, Planning Commission

Charles J. Cirar
Your Name (please print) I am in favor I object

2404 PENBERSTON PARKWAY
Your address(es) affected by this application

Charles J. Cirar
Signature 8/3/15
Date

Daytime Telephone: 512-917-1592

Comments: The applicant is subject to restrictions and covenants of any existing subdivision. There is a fence line separating all of the lots in the subdivision and therefore all keep out areas are impacted by this proposal. The subject change to dual required approval. If you use this form to comment, it may be returned to:
City of Austin - Development Service Department / 4th Fl
Steve Hopkins
P. O. Box 1088
Austin, TX 78767-8810

by 3rd of June
Subdivision guidelines. There will NOT be a fence and has been rejected before.