

SUBDIVISION REVIEW SHEET**CASE NO.:** C8-2016-0216.0A**ZAP DATE:** October 17, 2017**SUBDIVISION NAME:** Allen Terrace Subdivision**AREA:** 1.98**LOT(S):** 5**OWNER/APPLICANT:** (John Dan McMahan III and Artemis Land Partners)**AGENT:** (Rivera Engineering)**ADDRESS OF SUBDIVISION:** 1401 Allen Road**GRIDS:** MF22**COUNTY:** Travis**WATERSHED:** Eanes Creek**JURISDICTION:** Full-Purpose**EXISTING ZONING:** Single Family**MUD:** N/A**NEIGHBORHOOD PLAN:** N/A**DISTRICT:** 8**PROPOSED LAND USE:** SF-2**ADMINISTRATIVE WAIVERS:**

VARIANCES: The applicant requests a variance from LDC Section 25-4-175(A)(2) in order to resubdivide lots utilizing a flag lot design. RECOMMENDED. (See attached staff memorandum).

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 Allen Terrace Subdivision. The proposed plat is composed of 5 lots on 1.98 acres. The applicant proposes to resubdivide an existing lot into 5 lots for residential use and two of the proposed lots have a flag lot design for access to the rear of the property. There are three existing structures on the existing Lot 1. Two of these structures will be demolished and a third structure will remain. All lots have frontage and access to Allen Road. The City of Austin will provide all utilities. The developer will be responsible for all costs associated with any required improvements.

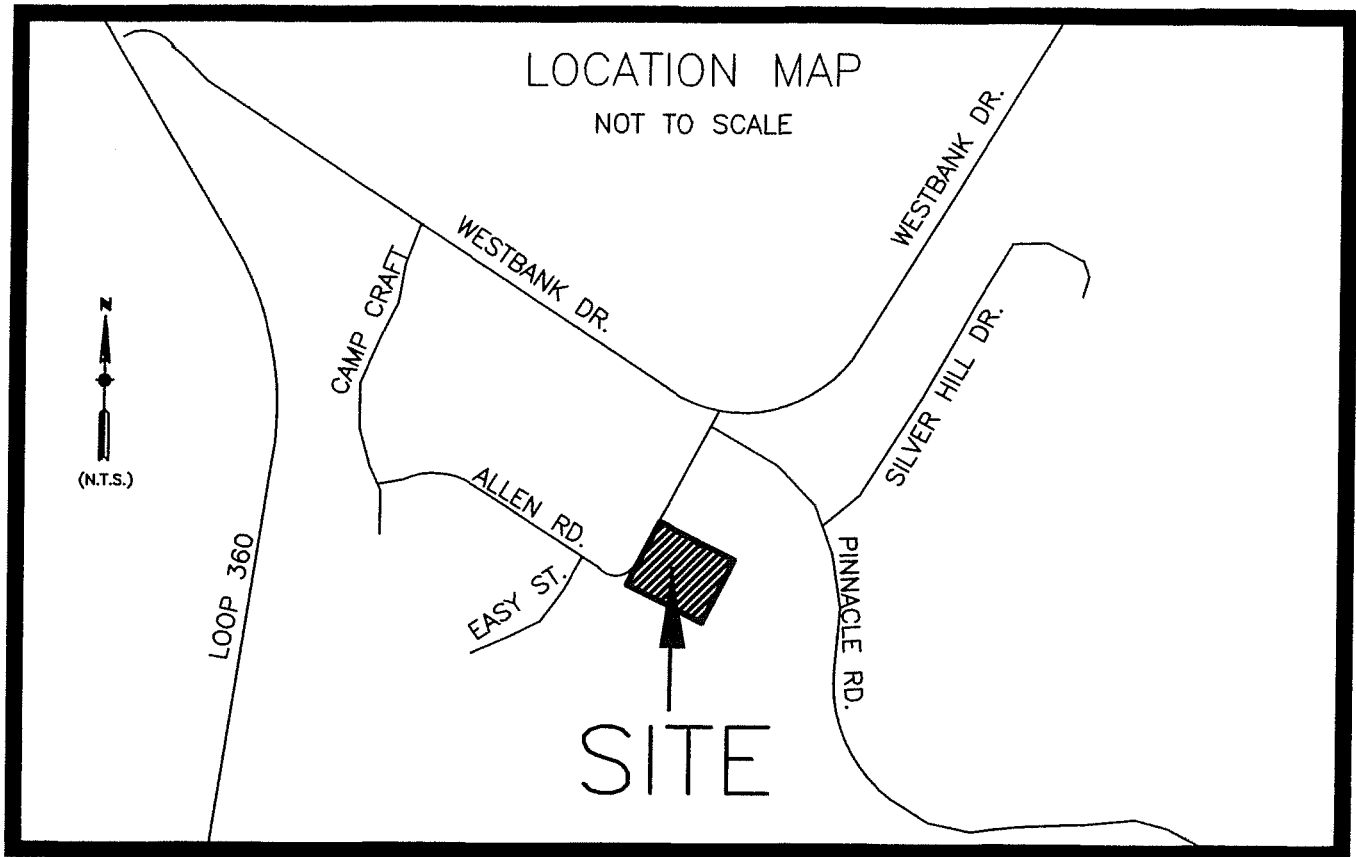
STAFF RECOMMENDATION: The staff recommends approval of the plat subject to the Commission's approval of the above referenced variance request. This plat otherwise meets all applicable State and City of Austin LDC requirements.

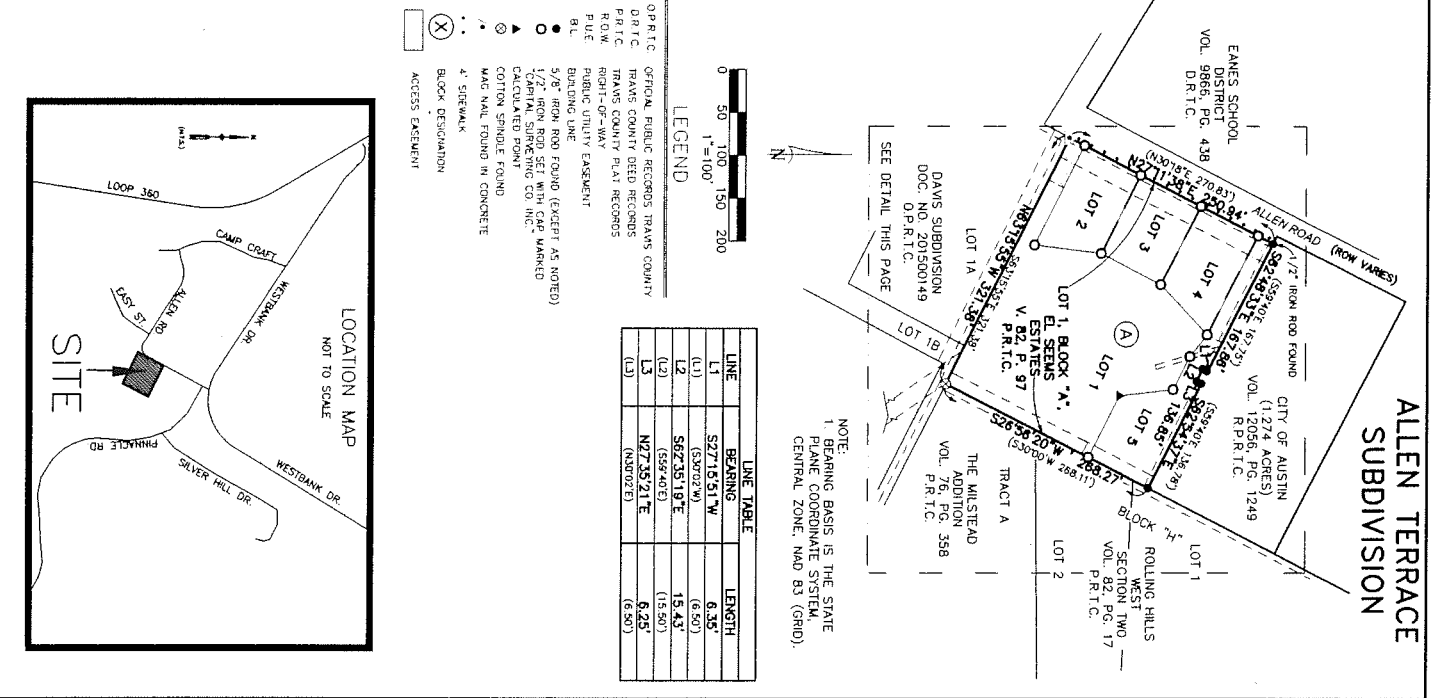
ZONING AND PLATTING ACTION:

CITY STAFF: Don Perryman

e-mail: don.perryman@austintexas.gov

PHONE: 512-974-2786





RIVERA ENGINEERING TX PE FIRM REGISTRATION NO. F-11492

P.O. Box 90485 – Austin, Texas 78709-0485 – Telephone (512) 899-3310 – Email: michaelriveraengineering@gmail.com

February 27, 2017

Zoning and Platting Commission
Development Services Dept.
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via Hand Delivery

Re: **Allen Terrace Subdivision – 1401 Allen Road**
Final Subdivision Plat Case No. C8-2016-0216.0A
Formal Request for Variance from LDC Section 25-4-175(A)(2)

Dear Chair and Commissioners:

Please accept this letter as our formal request for a variance from Section 25-4-175(A)(2) of the city's Land Development Code for the proposed Allen Terrace Subdivision Final Plat (City of Austin case number C8-2016-0216.0A). The subdivision plat which has been submitted includes two proposed flag lots. Our variance request is to allow for the creation of the two flag lots. The shape of the subject property is generally square, which requires use of flag lots for access to the back portions of the site. This request is consistent with other properties in the area as evidenced by the Flag Lot Exhibit included in the submittal documents.

We thank you for your consideration of our request. Should you have any questions about the proposed subdivision, please feel free to contact me.

Sincerely,



Michael A. Rivera, P.E.
President
Rivera Engineering
TX PE Firm Registration No. F-11492



MEMORANDUM

TO: Chair and Members of the Zoning and Platting Commission

FROM: Don E. Perryman, Planner Senior
Development Services Department

DATE: September 27, 2017

SUBJECT: C8-2016-0216.0A Allen Terrace Subdivision, Flag Lot variance request

The applicant for the above referenced subdivision application has requested a variance from Section 25-4-175(A)(2) of the Land Development Code to utilize a flag lot design for a resubdivision creating 5 single family residential lots, (including 2 flag 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.

(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.

(iv) is otherwise compatible with the surrounding neighborhood;

The entire area is zoned SF-2 which is the appropriate zoning for the proposed use. The proposed use, detached single-family residential is compatible with existing neighborhood conditions. There are other examples of flag lots in the immediate vicinity.

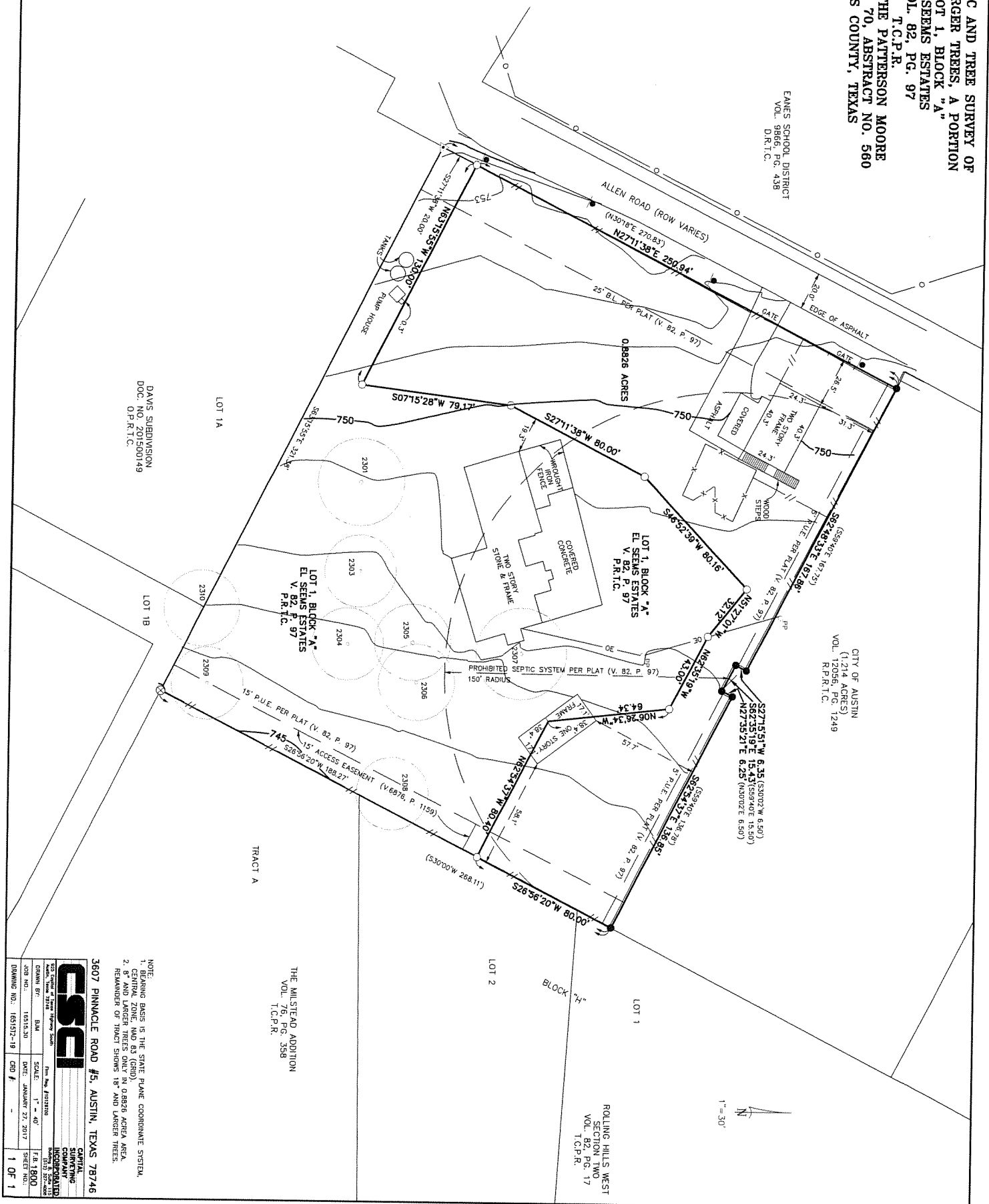
(v) the applicant provides a copy of any existing private deed restrictions;

The applicant has provided copies of the existing private deed restrictions that are applicable to this property. The restrictions do not prohibit resubdivision of land.

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



TREE TAG	SIZE & DESCRIPTION
2301	23" LIVE OAK
2303	18" LIVE OAK
2304	18" LIVE OAK
2305	20" LIVE OAK
2306	20" LIVE OAK
2307	24" LIVE OAK
2308	19" CEDAR
2309	19" CEDAR
2310	20" LIVE OAK



Case Number: C8-2016-0216.0AC8-2016-0216.0A

Contact: Don Perryman (don.perryman@austintexas.gov)

Public Hearing: October 3, 2017, Zoning and Platting Commission

My name: Jo Ann Howard

Address: 1501 Easy Street, Austin, Texas 78746

Date: October 3, 2017

Daytime telephone: 512-731-0911

Comments:

I own the home at 1501 Easy Street which is in near proximity to 1501 Allen Road (C8-2016-0216.0AC8-2016-0216.0A) and strenuously object to a waiver which would allow the owner(s) of 1501 Allen to subdivide the property into five small parcels for numerous reasons, among which are:

1. Water quality/detention facilities. The detention pond has structural walls which must meet a 10' rear yard setback for SF-2 zoning. It does not appear to do so. The rain gardens are ambiguous as to whether the walls are structural or earthen berms. If they are structural, they need to be 10' off the rear property lines and 5' off the side property lines instead of up against them. It will be impossible to impound the required water quality volumes with slopes at 3:1 in the space given that it's just too small and geometrically restricted by the trees. I have great doubts on the on the possibility of construing compliant facilities in the areas indicated.
2. Lot size and curb cuts concerns. While there are some existing flag lots in the area, the great majority of those were established in the 1980's, but were used to enable the large flag lots (over one acre in size) to utilize joint use access driveways to minimize the number of curb cuts onto public roads. More recent examples of flag lots in the area were the re-platting of two of those large 1980's lots that maintained at least one acre in size and continued to minimize the number of curb cuts needed on public streets. The current proposed variance does not minimize the number of curb cuts on Allen Road or maintain the one acre minimum lot size of the homes in the area.
3. Flooding concerns. See the recent Houston experience where native areas were replaced by development and spawned urban flooding. When rainwater pours into streets and neighboring properties, which is likely if the subdividing is allowed, not only are streets damaged, but neighboring structures that have never flooded are also placed at risk.
4. Concerns about abridgement of neighborhood character. The neighborhood residents of this narrow area have native plants on one acre tracks and cherish the area trees and environment.. Until the last few years, it was in the jurisdiction of Travis County until annexed by the City of Austin. The proposed chopping up of the acreage fails miserably to meet the criteria for maintaining neighborhood character. The buyers of the property under consideration knew well the occupancy restrictions and ethos of the neighborhood before they came up with the scheme before the Commission. Cutting the acreage into little lots will destroy the peace and enjoyment of other Austin landowners.

5. Safety concerns. Allen Road is heavily traveled by student drivers and pedestrians attending Westlake High School as well as office workers along Capital of Texas Highway. It is also a much used walking area by residents of the area and there are no sidewalks except one around the water relay station at the corner of Allen and Pinnacle Road which adjoins the subject property. Bike riders use the Allen Road route as well. Allowing multiple housing units with multiple driveways spilling out into Allen Road creates a safety hazard and is counter to safety and the nature of the immediate area. Allen Road makes a sharp curve where at least four one-car accidents have occurred by speeding over the past few years, even without the potentially addition of a fleet of cars going in and out driveways from five residences on this narrow strip near the high school.
6. Environmental concerns. The property subject to subdivision by chopping an environmentally sensitive property by pouring concrete and eliminating pervious cover which absorbs rain and provides a positive environmental landscape scars permanently the existing property. Note that of the existing structures on the subject property, two are very small with only the main residence substantial, which change dramatically with five expansive single family homes on the property. Once driveways, slabs, patios and so forth replace mature trees and vegetation, it will never return to the character which represents the neighborhood where existing houses are on an acre or more of old growth land. As we are all aware, once the area is scraped and hard surfaces poured, it is impossible to return to the present character and condition and become Houston-like ugly.

I beseech you to consider these reasons to deny a waiver and preserve a dense, shaded property in a neighborhood Austin and Westlake are known for----family-friendly and environmentally sensitive homesteads. Please do not let us down and let this flawed plan proceed.

Perryman, Don

From: Lynn Parish [REDACTED]
Sent: Tuesday, October 03, 2017 12:33 PM
To: Perryman, Don
Subject: 1401 Allen Rd. Case number C8-2016-0816.OA

Dear Mr. Perryman,

My name is Lynn Parish, I live at 1509 Easy St., within 500 feet of this property. I would like to voice my objection to the development of this property as it is proposed. I can not address water and environmental concerns, and I will not address concerns the I know my neighbors will be sharing, but since I have lived here for 36 years I would like you to understand the nature of this area (particularly Allen Rd.) and of this property.

When i first went to see what was to become Easy Street, Allen Rd. was a small, unpaved, country road whose sole purpose was to go around one large property to access 4 others. That was it, all it was ever meant to be. It has a blind, 90 degree turn to it with two utility poles on either side of the bend which cannot be removed. When Easy Street subdivision was developed 8 more homes were added to the mix, all subject to deed restrictions limiting them to one acre lots. Even then the bend was dangerous, but we who lived here learned to navigate it, mostly successfully (my husband was hit at the bend by another driver going too quickly to keep on his side). Times have changed. Office buildings were built on 360 and some of their workers use Allen as an alternate route to and from work. More importantly, the buildings presented an alluring parking opportunity for the Westlake High School students who did not want or qualify for parking in Westlake's student parking lot. Many of them use Allen to get to and from their spots. We would love to ban this through traffic on this dangerous road, but can do nothing about it. In all these years, except for being paved, the only thing that has not changed is Allen Road. It is the same road built to service four large single-family homes with acreage. It still has a dangerous 90 degree blind bend. I know this is only four more homes but doesn't the definition of too much encompass not only the number of cars using it but also the capacity of the road to handle them safely? If so, Allen was at more-than-full capacity years ago.

The second thing I would like to address is what I feel is a misrepresentation in the applicant's petition. He states that the lot presently houses three single family houses, making it appear that this requested subdivision is a minor change. After all, how different is five from three? As long ss I have been here there has only been one single-family house on this site. The previous owners built a grand house of more than 5000 sf. They also had a detached garage and a structure originally used for storage. More accurately, this lot has one house and two adjunct structures. They were definitely not built for the primary purpose of housing. If the applicant has made these into SF houses, shouldn't there have been neighborhood notification and a subdivision hearing before doing this? But I don't think he has, and I have supplied to you below, the realtor's promotion for this property a year or two ago when the applicant was trying to sell it. Notice they describe the property as containing a house, garage, and guest house.

Thank you so much for your time and attention. I hope these facts will help the commission come to a wise decision.

Regards, Lynn Parish

Hi Lynn – there are 4 videos of the property with the following descriptions...

<https://www.youtube.com/watch?v=yFRYK2Ge1lg>

3607 Pinnacle Rd # 5 Austin, Texas 78746 This video is of the private drive into the property off of Pinnacle Road Offered for \$2.7M - 1.98 acres across from Westlake High School in the Eanes ISD. Zoned SF2 it currently has a 5000sf (appx) 5 bedroom home, a guest house & garage apartment with a studio under it. The property is tucked away and very private. With the zoning it could be subdivided into 5 lots, used as a BnB, public school or private school (conditional use permit).

Walking around the back of the property - you'll see the garage apartment above the studio, egress to Allen Rd, beautiful yard, well maintained oak & elm trees, large screened in patio and the guest house.

Walking toward the right side of the property & in between the main house and guest house.

3607 Pinnacle Road # 5 Inside the gate and walking toward the left side of the main house!

Please note my email address has changed to ~~XXXXXXXXXX@XXXXXX.com~~

Perryman, Don

From: jerrittelliott [REDACTED]
Sent: Tuesday, October 03, 2017 9:10 AM
To: Perryman, Don
Subject: Allen Rd Subdivision hearing

Don,

My name is Jerritt Elliott and I live at 1433 Allen Rd. Austin Tx 78746.

You should cite increased traffic, loss of trees, and that a 5-lot subdivision would be incompatible with the surrounding properties. I'm email in response to

Case number- C8-2016-0216.0A.

I have some serious concerns about this project and I'm emailing you to object. I'm out of town for tonights hearing but have given my neighbor my paperwork. The reason for my objections are the following:

1. increased traffic- I have two boys (11,12) and they constantly ride their bike and walk on this street. These units will only add more cars and be of danger to the kids in our neighborhood. Its already questionabl with how fast people drive and the shrubs that make the street too narrow. I'm not sure who to address but the shrubs need to be cleared and a separate conversation.
2. The 5 lot subdivision would be incompatible with the surrounding properties. We bought this property because of this neighborhoods uniqueness. 5 lots is commercializing our neighborhood.. If they wanted to put two lots on this I can see that being more reasonable.

In closing this project is being done for \$ purposes and not enhancing our neighborhood. This is inappropriate and will take away the uniqueness we have in this subdivision. Please do not allow this to happen.

Thank you,

Jerritt Elliott

512 [REDACTED]

Perryman, Don

From: Clay Arendes <arendes@jmail.com>
Sent: Tuesday, October 03, 2017 1:38 PM
To: Perryman, Don
Subject: Case Number C8-2016-0216.0A - Objection

Dear Mr. Perryman –

My name is Clay Arendes and I live at 1620 Easy St. I am writing to object to the proposed subdivision of 1401 Allen Rd.

I object to the proposed flag lot subdivision on the grounds that the subdivision will not enhance tree protection. Quite the opposite, it appears the property owner will have to cut down many well maintained oak and elm trees to develop the property into condominiums. I also object on the grounds that the subdivision is not compatible with the surrounding neighborhood, which are all 1+ acre lots.

Also, providing ingress/egress to Allen Rd. for five lots (vs 1) will create more traffic and pose even greater safety concerns given that there no sidewalks along Allen and a 90 degree bend in the road.

M.C. Arendes, Jr.
512-██████████