

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8-2017-0241**Z.A.P. DATE:** August 7, 2018**SUBDIVISION NAME:** Gene Taylor Tract Preliminary Plan**AREA:** 32.45 acres**LOTS:** 5**APPLICANT:** Robinson Land LTD Partners Etal / **AGENT:** Lewis Woods, LLC  
Lewis Woods, LLC (Barrett Woods)**ADDRESS OF SUBDIVISION:** S. O Connor Drive & N. Bound State Highway 45**WATERSHED:** Lake Creek**COUNTY:** Williamson County**EXISTING ZONING:** N/A**JURISDICTION:** 2-Mile E.T.J.**PROPOSED LAND USE:** Commercial, Open Space, and Drainage**SIDEWALKS:** Sidewalks will be provided on the subdivision side of the boundary street.

**VARIANCE:** A variance to L.D.C Section 25-4-33 for a Balance of Tract is requested for a neighboring unplatted property not included in the proposed preliminary plan. Section 25-4-33(B) requires that an applicant include all land from an original tract in an application for a preliminary plan. Section 25-4-33(C) states that the Land Use Commission can waive this code section if the requirement is impractical. The property that is the Balance of Tract is north of the proposed preliminary plan, refer to the accompanied Exhibit #1 and #1-1 for the location of the unplatted property or Balance of Tract.

The 22.52 acre Balance of Tract is owned by a separate owner and the owner has knowledge of the proposed preliminary plan. The applicant has provided notice to the adjacent owner of the proposed preliminary plan and received a response to the notice. The adjacent property owner acknowledges the preliminary plan application and that the 22.52 acre Balance of Tract should not be included in the preliminary plan, see Exhibit #2.

Staff recommends the variance since the adjacent property owner provided acknowledgement that the 22.52 acre tract should not be included in the proposed preliminary plan, and the Balance of Tract has access to public-right-of way view an access easement. The access easement is north of the property and is part of the approved Highland Horizon Phase 1 final plat. The Balance of Tract also has environmental features on the southern portion of the tract with limit improvements.

**STAFF RECOMMENDATION:** If the variance is approved, staff recommends approval of the preliminary plan. With the variance approval, this plan would meet all other applicable State and City of Austin Land Development Code requirements.

**DEPARTMENT COMMENTS:** The request is for the approval of the Gene Taylor Traces Preliminary Plan composed of 5 lots on 32.45 acres. The applicant proposes to subdivide the property for residential uses, ponds, open space, and a road. The developer will be responsible for all cost associated with required improvements.

**CASE MANAGER:** Cesar Zavala  
**E-mail:** [cesar.zavala@austintexas.gov](mailto:cesar.zavala@austintexas.gov)

**PHONE:** 512-974-3404



3839 Bee Cave Road, Suite 150, Austin, Texas 78746  
t 512.306.0228 f 512.306.0338 LJA.com TBPE F-1386

April 20, 2018

Cesar Zavala  
Subdivision Reviewer  
City of Austin  
Development Services Department  
505 Barton Springs Road  
4<sup>th</sup> Floor  
Austin, Texas 78704

RE: Gene Taylor (C8-2017-0241)  
Variance Request to LDC 25-4-33 Original Tract Requirement  
LJA Engineering, Inc. Project #A554-1048

Dear Cesar,

The purpose of this letter is to request a variance pursuant to Land Development Code (LDC) §25-4-33, regarding the Original Tract Requirement. The Gene Taylor Tract Preliminary Plan proposes to ultimately subdivide 32.45 acres of land within the City of Austin Extra Territorial Jurisdiction (ETJ) at the northwest corner of State Highway 45 (SH45) and South O'Connor Drive in Williamson County, Texas. A portion of the Preliminary Plan area is located within the Limited Purpose City Limits within the Robinson Ranch Planned Unit Development (PUD). This portion of the tract is not subject to Balance of the Tract review pursuant to the PUD Ordinance. The portion of the tract within the ETJ is subject to the requirements of the above LDC citation regarding subdivision of the entire Original Tract.

The date for the original tract in this area is 1954. Per our research, the adjacent parcel to the north, owned by David N. and Anne L. Pope ("Pope Tract"), was a portion of the original tract in 1954. The Pope Tract does not have direct access to a public street by virtue of being adjacent to Public Right-of-Way (ROW), and is therefore not eligible for waiver of the Original Tract Requirement by the Director.

The Pope Tract does have dedicated access as shown on the attached Final Plat of Highland Horizon Phase 1, a subdivision of record in Document No. 2008085288 of the Official Public Records of Williamson County, Texas (OPRWCTx), as well as via a separate dedicated access easement of record in Document No. 2008064467, also of the OPRWCTx. Per the Original Tract Requirement, the Land Use Commission may waive the Original Tract Requirement. The applicant has contacted the Popes and has obtained their consent to proceed with this Preliminary Plan and ultimately the Final Plat application without joining their remainder tract to the applications.

In addition to the obvious ownership issues involved, there is also the issue that the common boundary line between the Gene Taylor Preliminary Plan area and the Pope Tract is the centerline of Lake Creek. As shown on the preliminary plan, Lake Creek is a major waterway within the limits of the proposed development and a roadway crossing would be prohibited due to proximity to South O'Connor Boulevard within the limits of the development.

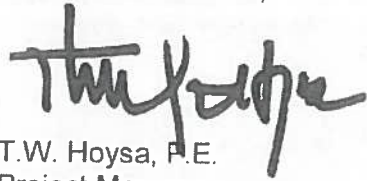
Cesar Zavala  
City of Austin  
Development Services Department  
April 20, 2018  
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*Gene Taylor Tract  
Variance Request to LDC §25-4-33  
C8-2017-0241*

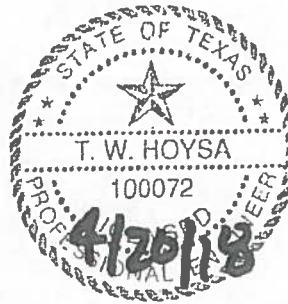
We believe that the above facts warrant a sufficiently unreasonable hardship to including the Pope Tract within the limits of this Preliminary Plan and the Final Plat applications.

We appreciate your review of this variance request. If you have any questions, or require any additional information, please contact me at (512) 306-0228.

Very Truly Yours,  
LJA ENGINEERING, INC.

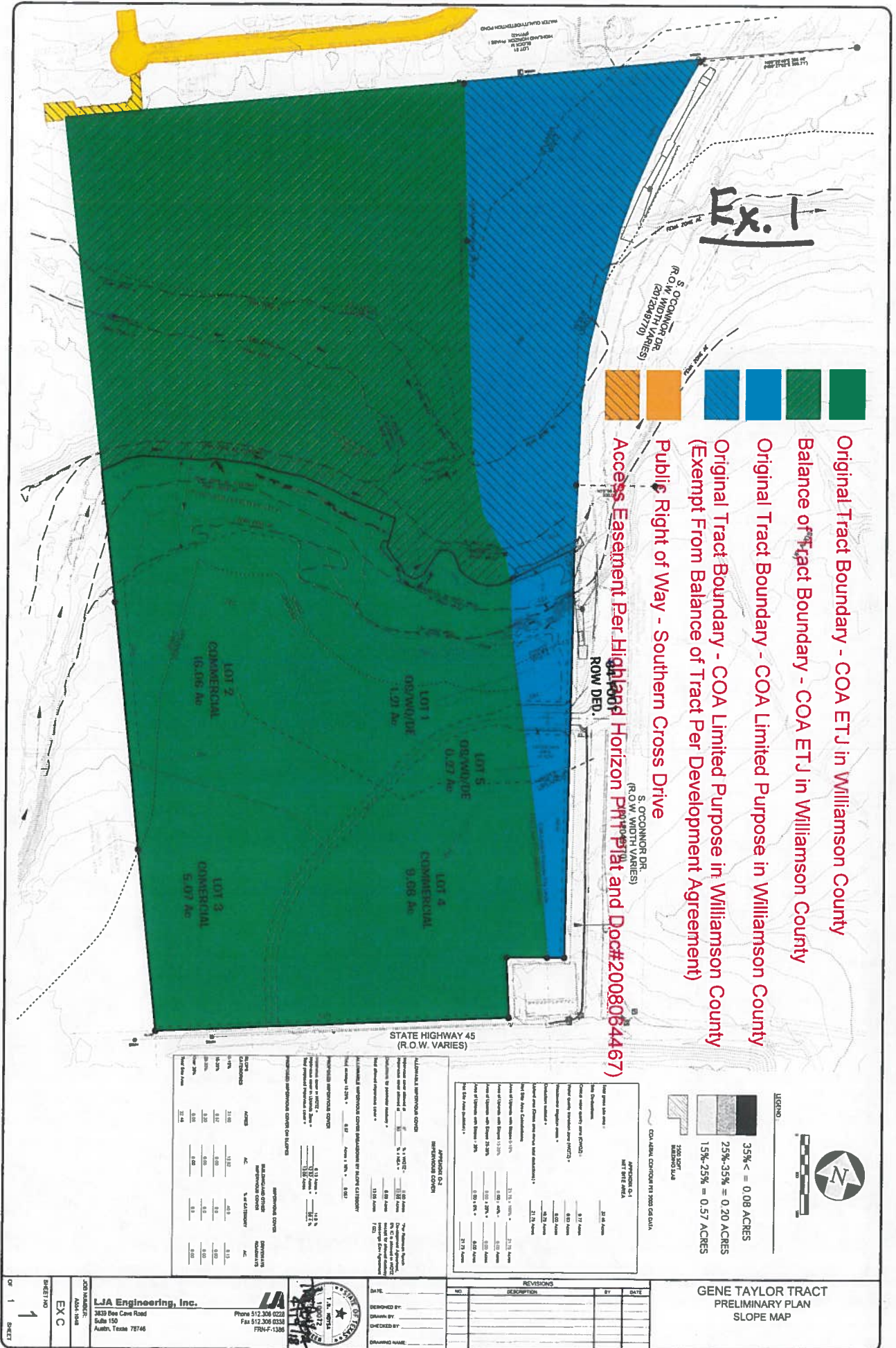


T.W. Hoysa, P.E.  
Project Manager

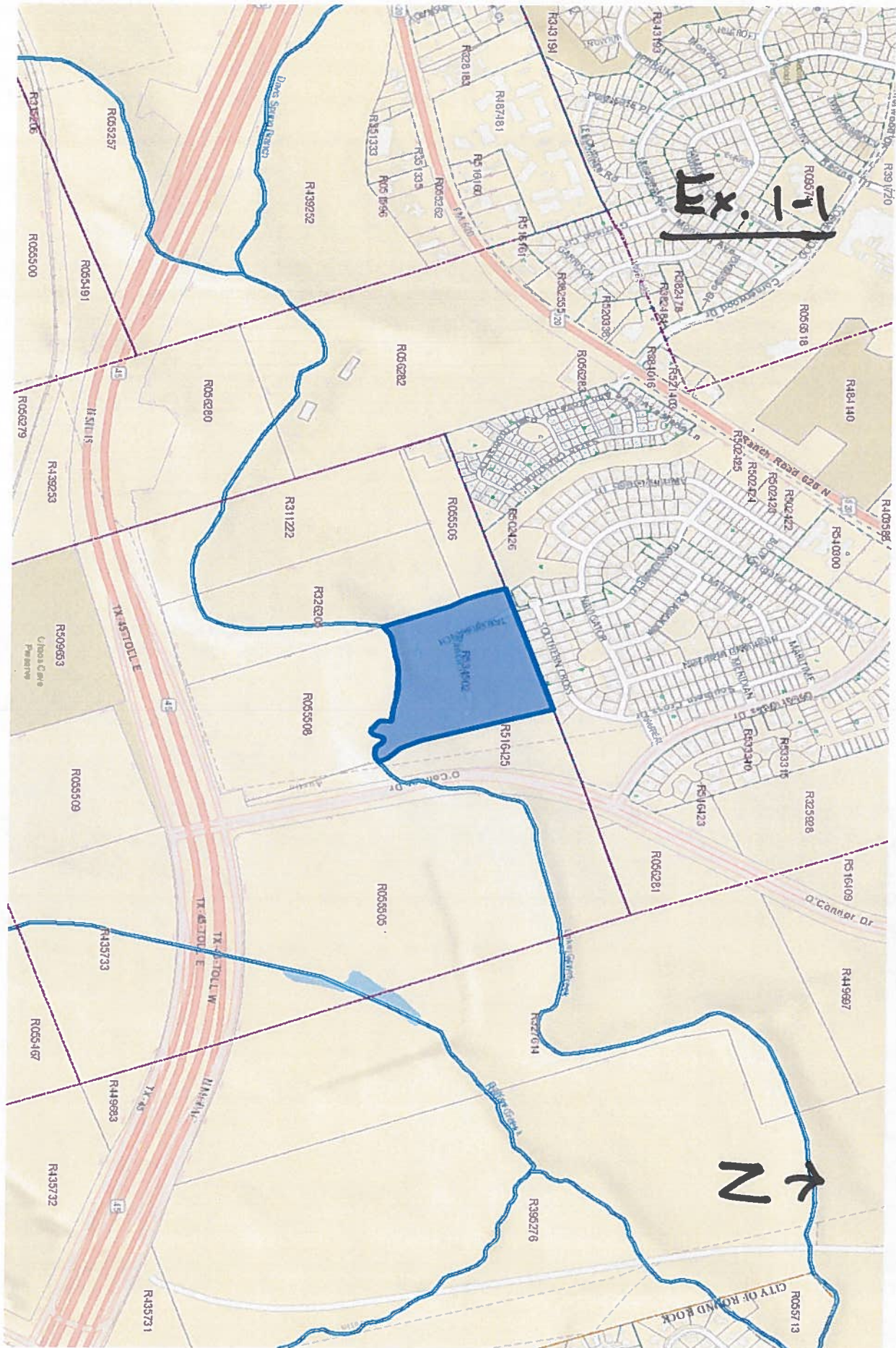


Attachments: Gene Taylor Tract Preliminary Plan  
Highland Horizon Phase 1  
Access Easement  
Executed Notice Letter











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January 16, 2018

David N. & Anne L. Pope  
349 County Road 177  
Leander, Texas 78641

Ex. 2

RE: Gene Taylor Tract Preliminary Plan (C8-2017-0241)  
LJA Project #A554-1048

In Compliance with City of Austin Land Development Code (Section 25-4-33 Original Tract Requirement), I am writing this letter to notify you that a subdivision plat called **Gene Taylor Tract Preliminary Plan** has been submitted to the City of Austin Development Services Department (copy attached).

It has been determined that your property at **175 Taylor Ranch Road, Austin, Texas 78717** (WCAD Parcel R534502) is all or a part of the original tract that was initially under City of Austin's subdivision regulations. City of Austin Land Development Code requires that owners of the balance of the original subdivision be notified of a proposed subdivision that included the original tract and that you be given an opportunity to include your property in this proposed subdivision.

If you do not wish to participate in the proposed subdivision, you should be aware that 1) the City does not recognize your property (the balance of the original property) as a legal lot and 2) you may be obligated to plat the property as a condition of receiving new utility service in the future.


Please sign the line below acknowledging receipt of this notice and return the form within ten days from the postmarked date to the City of Austin, Development Services Department, Attention: Cesar Zavala for this project in the attached self-addressed stamped envelope.

Very Truly Yours,  
LJA ENGINEERING, INC.

  
T.W. Hoysa, P.E.  
Project Manager

cc: Cesar Zavala  
City of Austin  
Development Services Department  
P.O. Box 1088  
Austin, Texas 78767  
(512) 974-3404

My signature below attests that I have received the notice pursuant to Section 25-4-33(A)(4) of the City of Austin Land Development Code regarding the balance of the tract for *Gene Taylor Tract Preliminary Plan*.

  
\_\_\_\_\_  
Signature

2/9/18  
\_\_\_\_\_  
Date



