

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8-2017-0085.0A**P.C. DATE:** August 14, 2018**SUBDIVISION NAME:** Resubdivision of Lot 1, Bertha Ferguson Subdivision**AREA:** 0.234 acres**LOT(S):** 2**OWNER/APPLICANT:** Scott E. Way**AGENT:** Southwest Engineers, Inc.  
(Travis Flake)**ADDRESS OF SUBDIVISION:** 1191 Greenwood Ave**GRIDS:** L-23**COUNTY:** Travis**WATERSHED:** Tannehill Branch**JURISDICTION:** Full Purpose**EXISTING ZONING:** SF-3-NP**DISTRICT:** 1**NEIGHBORHOOD PLAN:** MLK/East MLK Combined**PROPOSED LAND USE:** Residential**SIDEWALKS:** Sidewalks will be provided along Greenwood Ave.**VARIANCE:** From LDC 25-4-175 to allow a flag lot (See attached memo).

**DEPARTMENT COMMENTS:** The request is for approval of a variance to allow a flag lot (LDC 25-4-175) and a resubdivision namely, Resubdivision of Lot 1, Bertha Ferguson Subdivision. The proposed plat is composed of 2 lots on 0.234 acres. One of the lots will be developed as a Cottage Special Use which is allowed by the MLK Neighborhood Plan Area ordinance.

**STAFF RECOMMENDATION:** The staff recommends approval of the variance and the resubdivision. With approval of the variance - this plat will meet all applicable City of Austin and State Local Government code requirements.


**PLANNING COMMISSION ACTION:**

**CASE MANAGER:** Sylvia Limon  
**E-mail:** [Sylvia.limon@austintexas.gov](mailto:Sylvia.limon@austintexas.gov)

**PHONE:** 512-974-2767



 Subject Tract

 Base Map

CASE# C8-2017-0085.0A  
ADDRESS 1191 GREENWOOD AVENUE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

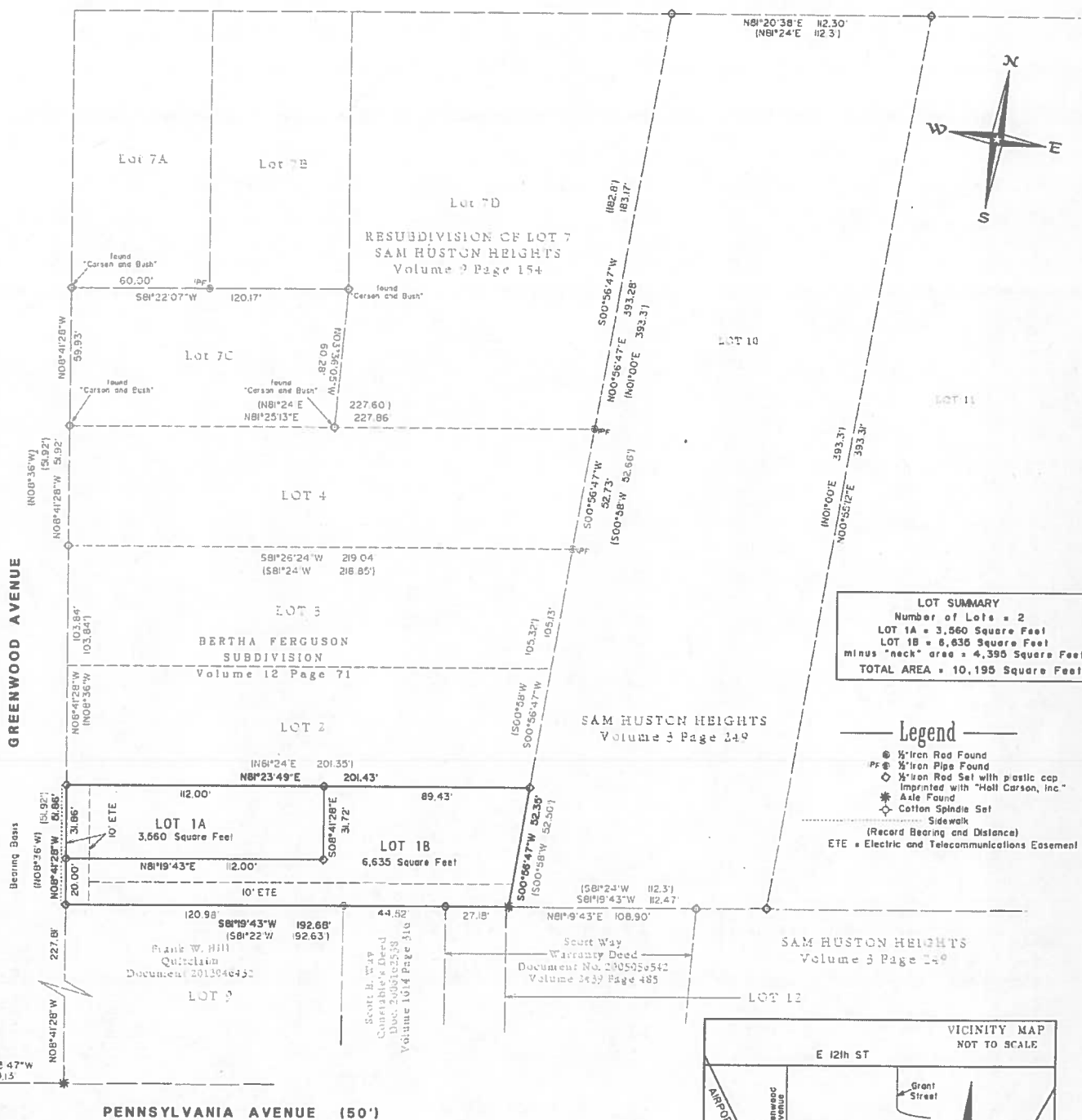
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SCALE: 1" = 30'

0 30 60 90

PLAT PREPARATION DATE: January 15, 2016  
APPLICATION SUBMITTAL DATE: May 30, 2017

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RESUBDIVISION OF LOT 1  
BERTHA FERGUSON SUBDIVISIONTHE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS

That I, Scott E. Way, owner of all of Lot 1, Bertha Ferguson Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 12 Page 71 of the Plat Records of Travis County, Texas, as conveyed to me by Deed Without Warranty recorded in Document No. 2012046452 of the Official Public Records of Travis County, Texas, 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 said Lot 1, Bertha Ferguson Subdivision, in accordance with the attached map or plat shown hereon to be known as

RESUBDIVISION OF LOT 1  
BERTHA FERGUSON SUBDIVISION

and do hereby dedicate to the Public the use of all streets and easements shown hereon, subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS MY HAND this the \_\_\_\_ day of \_\_\_\_, A.D. 20\_\_

Scott E. Way  
4509 Avenue C  
Austin, Texas 78759

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, the undersigned authority, on this the \_\_\_\_ day of \_\_\_\_, A.D. 20\_\_, did personally appear Scott E. Way, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed

NOTARY PUBLIC \_\_\_\_\_

Printed Name \_\_\_\_\_

Commission Expires \_\_\_\_\_

# RESUBDIVISION OF LOT 1 BERTHA FERGUSON SUBDIVISION

PLAT PREPARATION DATE: January 15, 2016  
APPLICATION SUBMITTAL DATE: May 30, 2017

This subdivision is located in the Full Purpose Jurisdiction of the City of Austin  
this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

ACCEPTED AND AUTHORIZED for record by the Director, Development Services  
Department, City of Austin, County of Travis, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, A.D.

J. Rodney Gonzales, Director, Development Services Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin,  
Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Stephen Oliver Chair

James Shieh Secretary

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, 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 \_\_\_\_\_, 20\_\_\_\_, A.D., at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and duly recorded  
on the \_\_\_\_\_ day of \_\_\_\_\_, 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 OF SAID  
COUNTY this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

By: \_\_\_\_\_  
Deputy

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I do hereby certify that the engineering work being submitted herein complies with all  
provisions of the Texas Engineering Practice Act, including Section 131.152(a). I hereby  
acknowledge that any misrepresentation regarding this certification constitutes a violation  
of the Act, and may result in criminal, civil and/or administrative penalties against me as  
authorized by the Act. This plat conforms with Chapter 25 of the Land Development Code.

No portion of this subdivision is within the boundaries of the 100-year flood plain (Zone XI)  
according to the Federal Flood Administration FIRM panel 48453C 0465 H, dated September 26, 2008.

Travis Flake P.E. 109871  
SOUTHWEST ENGINEERS, INC.  
142 Cimarron Loop  
Buda, Texas 78610  
(512) 312-4336

Date

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the  
profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City  
Code, and is true and correct and was prepared from an actual survey of the property made by  
me or under my supervision on the ground.

Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990

Date

## NOTES:

1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. The water and wastewater utility system serving this subdivision must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.
3. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
4. Building Setback Lines shall be in conformance with the City of Austin Zoning ordinance requirements.
5. No buildings, fences, landscaping, or other obstructions are permitted in drainage easements except as approved by the City of Austin.
6. 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.
7. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount established by the regional detention plans approved by the City of Austin, except that run-off in excess of the amount established for the regional detention system shall be detained by the use of onsite ponding or other approved methods.
8. All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
9. Austin Energy has the right to cut and trim trees and shrubbery and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with Chapter 25-8, Subchapter B of the City of Austin Land Development Code.
10. The owner/developer of this subdivision/lot may provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of this subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
11. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
12. This subdivision plat was approved and recorded before the construction and acceptance of streets and other subdivision improvements. Pursuant to the terms of a Subdivision Construction Agreement between the subdivider and the City of Austin, dated \_\_\_\_\_, 20\_\_\_\_, the subdivider is responsible for the construction of all streets and facilities needed to serve the lots within the subdivision. For the Construction Agreement pertaining to this subdivision, see the separate instrument recorded in Document No. \_\_\_\_\_ in the Official Public Records of Travis County, Texas.
13. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Greenwood Avenue. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
14. Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the Land Development Code and the Environmental Criteria Manual.
15. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
16. All restrictions and notes from the previous existing subdivision, Bertha Ferguson Subdivision, shall apply to this resubdivision plat.
17. All addresses for residential lots utilizing a flag lot design must be displayed at their closest point of access to a public street for emergency responders.
18. A variance to Section \_\_\_\_\_ of the Land Development Code was granted by the Planning Commission on \_\_\_\_\_, 20\_\_\_\_.
19. Development of these lots shall comply with requirements of the Airport Hazard and compatible land use regulations, (Chapter 25-13), as amended.
20. All electric easements must be shown on all plan sheets, left clear for electric use and maintenance on a 24/7 basis in perpetuity and maintain necessary clearances from any proposed structures, vegetation etc. at all times. Necessary clearance information (AE, OSHA, NESC, and NEC) may be found in Austin Energy's Design Criteria Manual -- Section 15.3.9. The manual is available on Austin Energy's website under contractors/electric service design and planning.
21. All drainage easements on private property shall be maintained by the property owner or assigns.
22. Property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authorities.
23. 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.
24. Extended or obstructed fire access shall be mitigated with an AFD approved sprinkler system for buildings on Lot 1B.
25. Participation in the Regional Stormwater Management Program was granted for this subdivision on \_\_\_\_\_ by the City of Austin Watershed Protection and Development Review Department, Watershed Engineering Division.
26. Lot 1A and Lot 1B will be developed as Cottage use lot in accordance to 25-2-14.44 and as amended.
27. A fee-in-lieu of parkland dedication has been paid for 1 residential unit due to Cottage Lot regulations. No fee was charged for the existing residence.
28. Any relocation of electric facilities shall be at landowner's/developer's expense.





## MEMORANDUM

**TO:** Members of the Planning Commission

**FROM:** Sylvia Limon, Planner Senior  
Development Services Department

**DATE:** August 7, 2018

**SUBJECT:** C8-2017-0085.0A Resubdivision of Lot 1, Bertha Ferguson 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 that will include creating 2 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.*

**(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;**

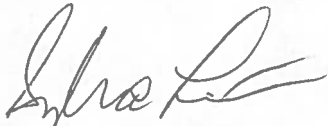
*This resubdivision is compatible with the surrounding neighborhood in that there are several other flag lots in the area.*

*See attached, Surrounding Neighborhood Exhibit which generally shows the development pattern in the immediate vicinity.*

**(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.



Sylvia Limon, Planner Senior  
Development Services Department

**SOUTHWEST ENGINEERS**

Civil | Environmental | Land Development

TBPE NO. F-1909

www.swengineers.com

**HEADQUARTERS**

307 St. Lawrence Street, Gonzales, TX 78629  
P: 830.672.7546 F: 830.672.2034

**CENTRAL TEXAS**

142 Cimarron Park Loop Ste. A, Buda, TX 78610  
P: 512.312.4336

August 21, 2017

Mr. Rodney Gonzales, Director  
City of Austin  
Development Services Department  
505 Barton Springs Rd  
Austin, Texas 78704

RE: Resubdivision of Lot 1, Bertha Ferguson Subdivision  
SWE Project No. 0556-023-15  
COA Case No. C8-2017-0085.0A  
Variance to LDC Section 25-4-175(A)(2)

Dear Mr. Gonzales:

Please accept this letter as a request for a variance to Section 25-4-175(A)(2) of the City of Austin Drainage Land Development Code for Flag Lots. The tract is described as Lot 1 of the Bertha Ferguson Subdivision. This property is zoned for SF-3-NP and is in the Tannehill Branch Watershed, which is classified as Urban. It will be developed, constructed, and maintained in accordance with the terms and conditions of the Land Development Code, Chapter 25. No portion of this property is located within the limits of the 100-year flood plain, according to the Federal Flood Insurance Administration Firm Panel 48453C0465J, dated January 6, 2016.

The proposed development activity meets the criteria for Section 25-4-175(A)(2) of the Land Development Code; therefore, a flag lot may be approved for the proposed development. The conditions are satisfied as follows:

- (a)
- (i) The site provides accessibility for emergency responders via Greenwood Ave and an increase in emergency vehicle access distance approved for Lot 1B per exception 3 to section 503.1 of the City of Austin fire code in effect on September 16, 2013.
  - (ii) The site has adequate room for required utilities as demonstrated on the attached Driveway and Utility Exhibit.
  - (iii) The site enhances environmental and tree protection by minimizing the impacts to existing trees, including not removing any protected trees.
  - (iv) The site is compatible with the surrounding neighborhood as demonstrated on the attached Surrounding Area Map.

(b) There are no known existing private deed restrictions for this site.

Your consideration of this request will be greatly appreciated. If you have any questions regarding this project, or if you require any additional information to assist you in your review of this project, please do not hesitate to contact me.

Respectfully submitted,



Travis Flake, P.E.  
Senior Project Engineer

Attachments:

- (1) Driveway and Utility Exhibit
- (2) Surrounding Area Map



\* SMALL LOTS (UNDER SF-3 MIN SIZE)



**Southwest Engineers Inc.**



Civil  
Environmental  
Planning

TBPE No.: 1909  
www.swengineers.com

142 Cimarron Park Ln  
Buda, Texas 78610  
(512) 312-4336

## SURROUNDING AREA

**1191 Greenwood Ave  
Bertha Ferguson Lot 1  
MX3 Homes**

Date: 6/28/16  
File: EXHIBIT  
Scale: N.T.S.  
Tech: MNI  
Project No.: 0556-026-16