Item 12 REVISED

Travis County Commissioners Court Agenda Request

Meeting Date: June 10, 2014
Prepared By: Sue Welch **Phone #:** (512) 854-7637
Division Director/Manager: Anna Bowlin, Division Director, Development Services and Long Range Planning

Department Head: Steven M. Manilla, P.E., County Executive-TNR
Sponsoring Court Member: Commissioner Todd, Precinct Two
Commissioner Daugherty, Precinct Three

AGENDA LANGUAGE: Consider and take appropriate action on the following request for a variance to Title 30-2-159 for private streets for the Tipco Preliminary Plan.

BACKGROUND/SUMMARY OF REQUEST:

The subject property consists of Tipco Preliminary Plan, and is located in the City of Austin's 2-mile ETJ. It proposes 20 single-family lots, 2 open space/water quality/drainage lots, and 1 private street lot on 23.76 acres. There are 3,763 linear feet of private streets with two gates proposed with this development. The property will take access to Far Gallant road (City of Austin full purpose) and Scenic View Drive and Petticoat Lane (non-maintained Travis County roads).

The applicant is requesting a variance to have private streets. Title 30-2-159(A) states the platting board may approve a variance allowing a private street in a subdivision if the requirements of this section are met. The preliminary plan has notes that require the developer to comply with the requirements. The developer is required to provide private covenants, conditions, and restrictions that provide for the ownership, maintenance, fee assessment for the private streets, association dues, and bylaws that provide for membership and voting rights. The applicant has worked with the Travis County Emergency Services District #9 and added several notes to the preliminary plan. The applicant will provide a knox box for emergency access purposes on both gates. There are also notes requiring the home construction to be in compliance with wildland-urban interface code and regarding water supply and sprinkler systems.

STAFF RECOMMENDATIONS:

TNR staff has reviewed the applicant's request for the variance for private streets and recommends approval based in part on the Fire Marshall/ESD review and the developer has met all requirements for the variance.

ISSUES AND OPPORTUNITIES:

Staff has received requests from adjacent property owners to be included as interested parties. The applicant has met with two adjoining neighborhood associations and agreed to a private restrictive covenant to have a landscape berm, the location/construction of the gate, and the height of the homes. They have also agreed to repave a portion of Scenic View Drive and contribute annually for the maintenance of Scenic View Drive for the portion not maintained by Travis County. However, any improvements within the county right-of-way will require appropriate county permits and meet applicable county standards.

After the approval of the private streets variance, the preliminary plan will be scheduled for approval with the City of Austin's Zoning and Platting Commission, and Travis County Commissioners Court.

FISCAL IMPACT AND SOURCE OF FUNDING:

None

ATTACHMENTS/EXHIBITS:

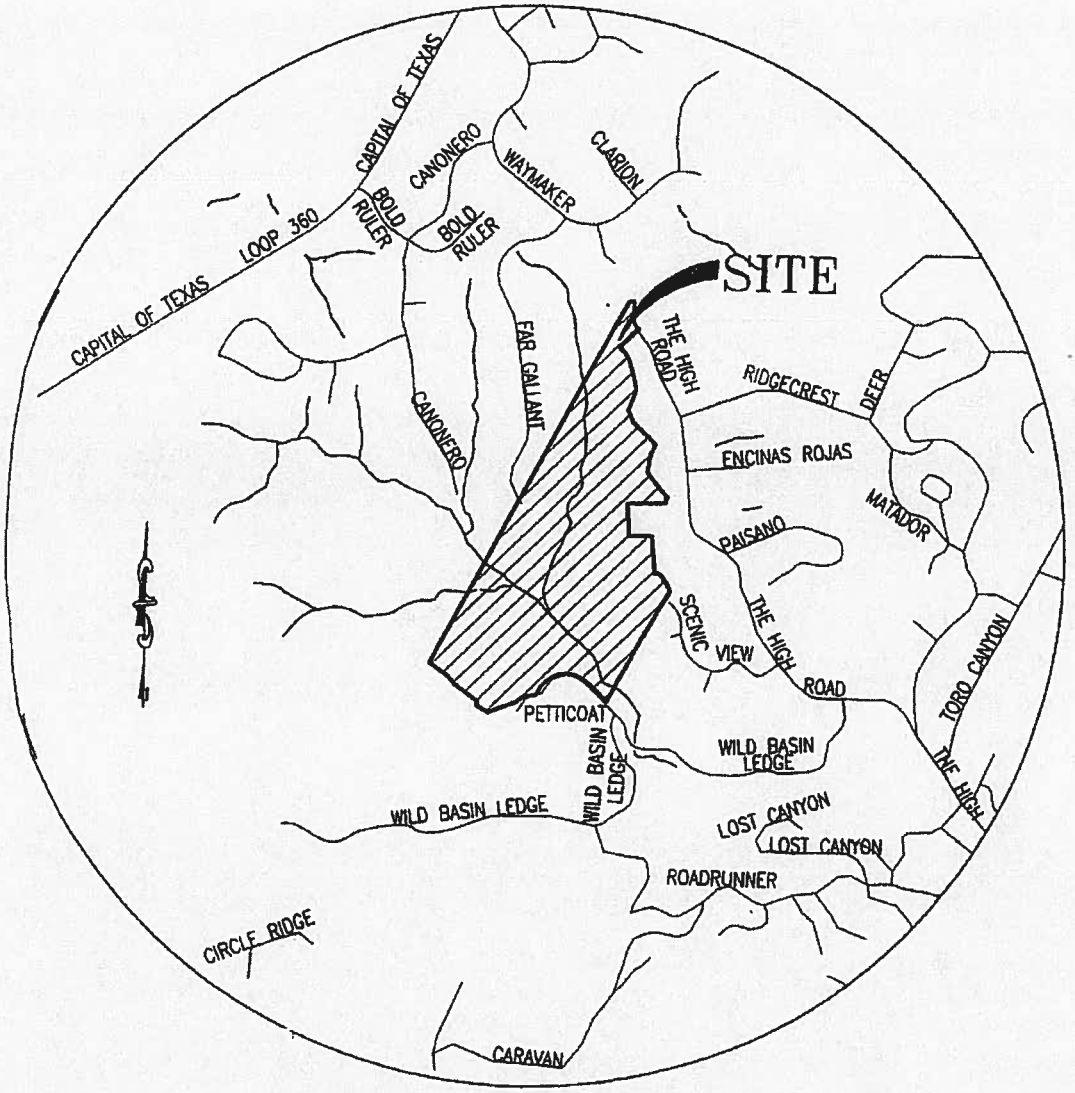
Location Map
Precinct Map
Copy of Preliminary Plan with Private Streets
Variance Request Letter from Applicant

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director	Development Services and Long Range Planning	(512) 854-7561

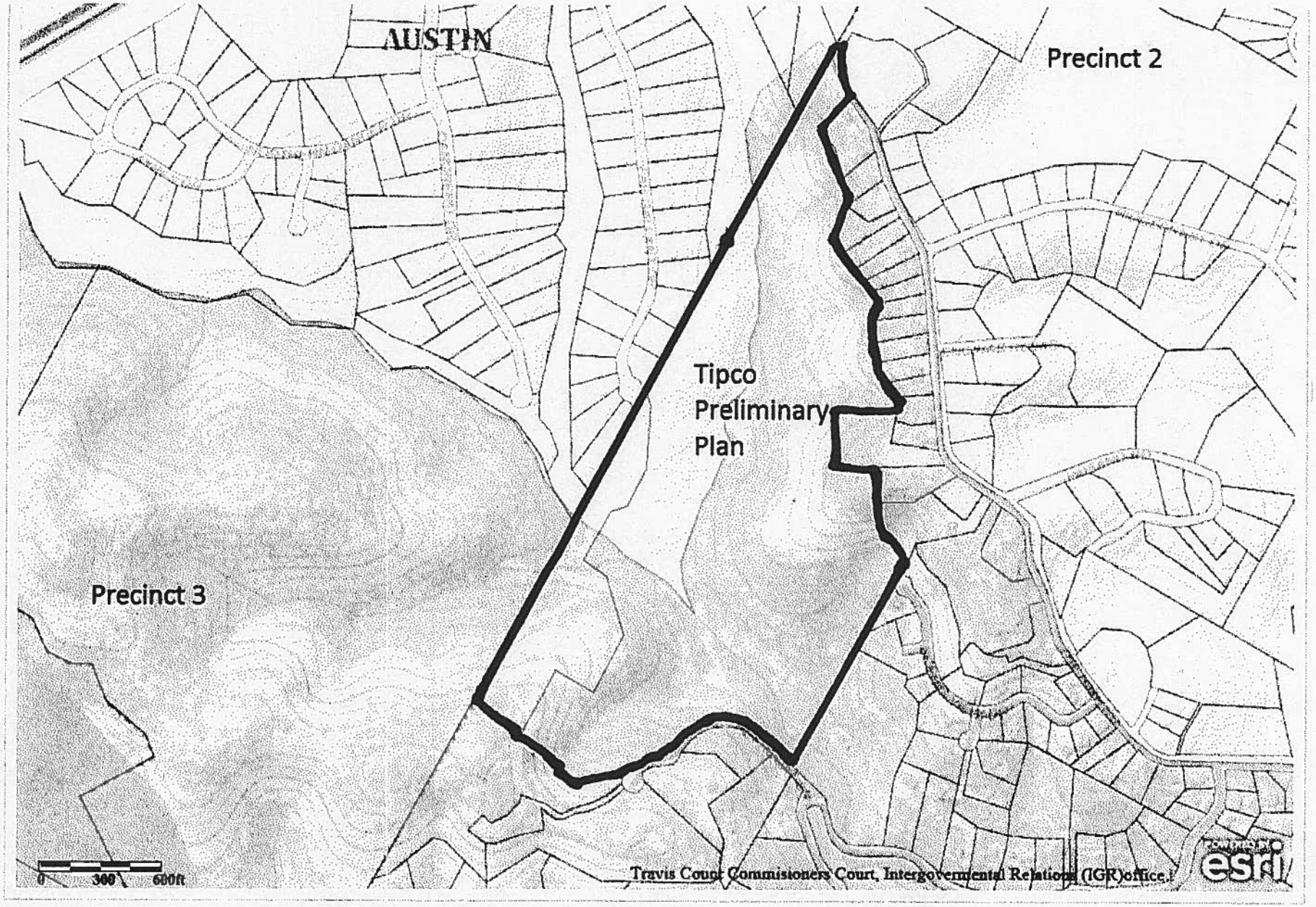
CC:

SM:AB:sw
1101 - Development Services Long Range Planning - Tipco Preliminary Plan



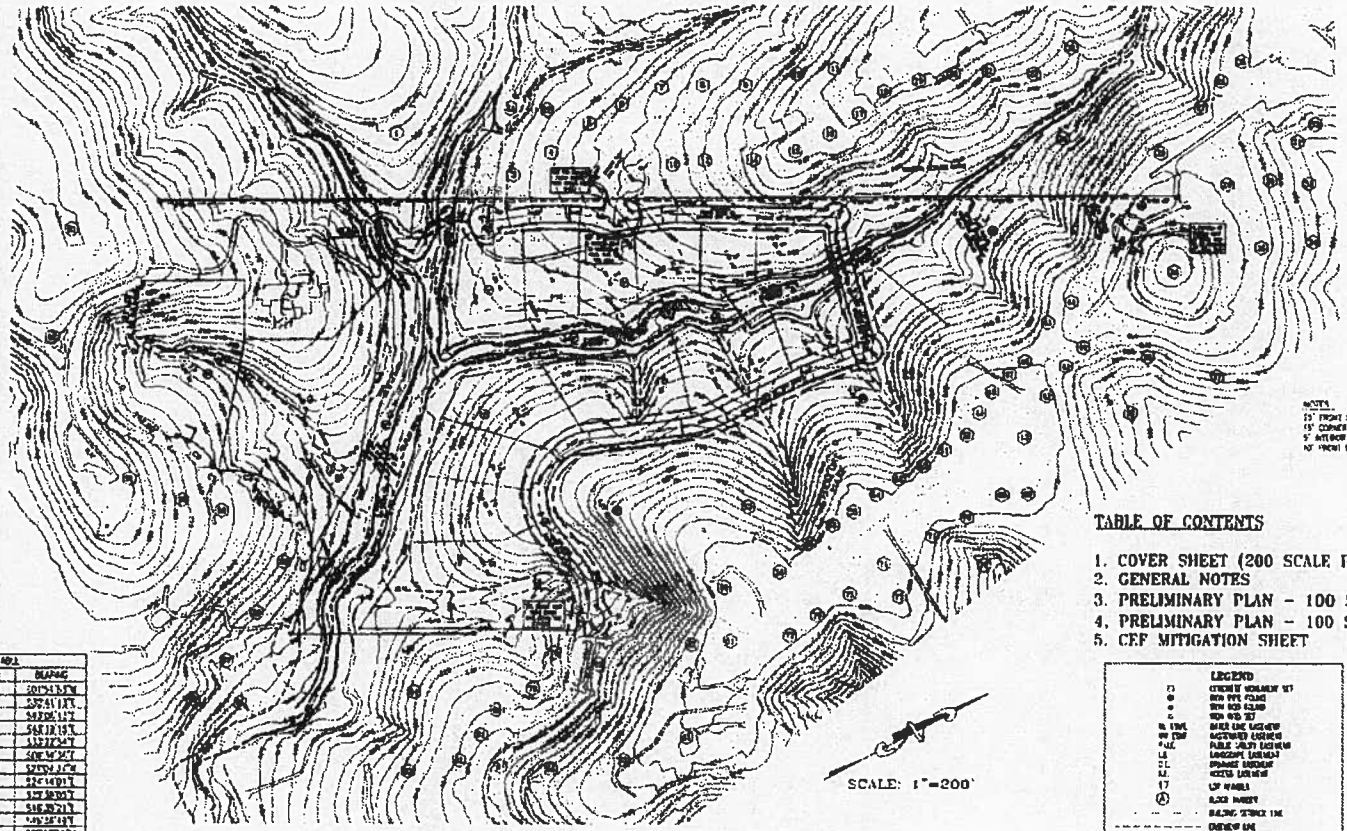
LOCATION MAP

NOT TO SCALE

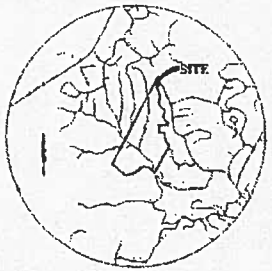

AUSTIN
Precinct 2
Tipco
Preliminary
Plan
Precinct 3
0 300 600ft
Travis Count Commisioners Court, Intergovernmental Relations (IGR)office.
esri

TIPCO SUBDIVISION

PRELIMINARY PLAN



SCALE: 1"=200'



LOCATION MAP
NOT TO SCALE

SUBMITTAL DATE: OCTOBER 1, 2013

OWNER: TIPCO, INC.
ATTN: MARY L. SMORA
1208 WEST AVE.
AUSTIN, TEXAS 78704

ENGINEER AND SURVEYOR:
BRETT R. PASQUARELLA, P.E.
CARLSON, BRIGANCE & LORENZ, INC.
5501 WEST WILLIAM CANNON DR.
AUSTIN, TEXAS 78749
PHONE: (512) 280-5160
FAX: (512) 280-5165

TOTAL ACREAGE: 85.27 ACRES
FEMA MAP NOS: 48453C-0430H, 48453C-0435H, 48453C-0445H, 48453C-0450H, 48453C-0455H, DATED SEPTEMBER 26, 2008

SURVEY: 85.27 ACRES OUT OF WILLIAM McCUTCHIN SURVEY NO. 70, ABSTRACT 518

DEED NUMBER: 2013206008 OPRP

TOTAL NO. OF LOTS: 24
NO. OF BLOCKS: 2
NO. OF SINGLE FAMILY LOTS: 20
NO. OF OPEN SPACE LOTS:
WATER QUALITY ESMT., DRAINAGE EASEMENT, & C.E.F. SETBACK LOTS: 1
NO. OF OPEN SPACE LOTS:
DRAINAGE EASEMENT & C.E.F. SETBACK LOTS: 1
NO. OF PRIVATE STREET LOTS:
P.U.E., & DRAIN ESMT LOTS: 1
NO. OF OPEN SPACE OWEHANCE LOTS: 1
OPEN SPACE AND EASEMENT ACREAGE: 23.50 ACRES
TOTAL LINEAR FOOTAGE OF STREETS: 3890 LF

NOTES:
25' FRONT BUILDING LINE
15' CORNER SIDE YARD BUILDING LINE
5' INTERIOR SIDE YARD SETBACK
10' REAR P.U.E.

TABLE OF CONTENTS

1. COVER SHEET (200 SCALE PLAN)
2. GENERAL NOTES
3. PRELIMINARY PLAN - 100 SCALE (1 OF 2)
4. PRELIMINARY PLAN - 100 SCALE (2 OF 2)
5. CEF MITIGATION SHEET

LEGEND

	CONCRETE MONUMENT SET
	IRON PIPE FOUND
	IRON ROD FOUND
	IRON ROD SET
B.L.	BUILDING LINE EASEMENT
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
L.E.	LANDSCAPE EASEMENT
D.E.	DRAINAGE EASEMENT
W.E.	WATER EASEMENT
17	LOT NUMBER
A	BLOCK NUMBER
	BUILDING SETBACK LINE
	EASEMENT LINE
	SECTION LOCATION
3	ADJACENT PROPERTY OWNER INFORMATION (SEE LIST PAGE 2)
	CREEK CENTERLINE
	100-YR FULLY DEVELOPED FLOODPLAIN
	CONTOUR
	ROAD
	100-YR FEMA FLOODPLAIN
	C.E.F. SETBACK
	RIM ROCK
	WETLANDS
	SPRING

LINE TABLE		
LINE	LENGTH	BEARING
L1	175.93	S01°54'13"W
L2	84.04	S37°41'13"E
L3	37.89	S41°06'11"E
L4	57.65	S48°18'15"E
L5	80.84	S33°27'34"E
L6	81.62	S06°46'30"E
L7	150.02	S27°04'10"W
L8	87.78	S32°14'01"E
L9	47.37	S37°50'05"E
L10	85.75	S46°30'21"E
L11	191.36	S49°35'18"E
L12	93.38	S59°17'31"W
L13	77.02	S17°04'16"W
L14	97.01	S40°04'50"W
L15	67.99	S32°30'11"W
L16	19.59	S06°27'07"E
L17	51.57	S61°06'05"E
L18	67.15	S32°54'05"E
L19	85.46	S28°30'01"E
L20	74.65	S27°27'37"W
L21	130.51	N85°52'15"W
L22	17.91	N88°17'07"W
L23	38.86	S50°01'37"W
L24	7.12	N79°11'46"W
L25	119.23	N85°15'18"W
L26	37.80	S48°30'07"E
L27	90.79	N47°20'31"W
L28	51.83	S75°41'15"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
C1	74.20	25.26.26	74.20	N44°43'55"W
C2	131.55	277.70	131.80	S53°54'20"W
C3	103.12	272.73	179.70	N85°10'18"W
C4	273.63	308.57	246.19	S49°07'18"W
C5	36.45	31.59	34.15	S57°25'44"W
C6	182.66	173.77	121.01	S70°25'35"W

FAR GALLANT DRIVE
ENTRY GATE DETAIL
(N.T.S.)

SCENIC VIEW DRIVE
ENTRY GATE DETAIL
(N.T.S.)

OWNER CERTIFICATION

THIS IS TO CERTIFY THAT I AM ELIGIBLE TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS, THAT I PREPARED THE PLANS SUBMITTED HEREWITH, AND THAT ALL INFORMATION THEREIN REPORTED IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF, AND THAT SAID PLANS COMPLY WITH THE CITY OF AUSTIN LAWS AND ORDINANCES AND TRAVIS COUNTY.

WITNESS MY HAND THIS 8TH DAY OF APRIL, 2014

BRETT R. PASQUARELLA P.E. NO. 84708

COA FILE# C8J-2013-0140

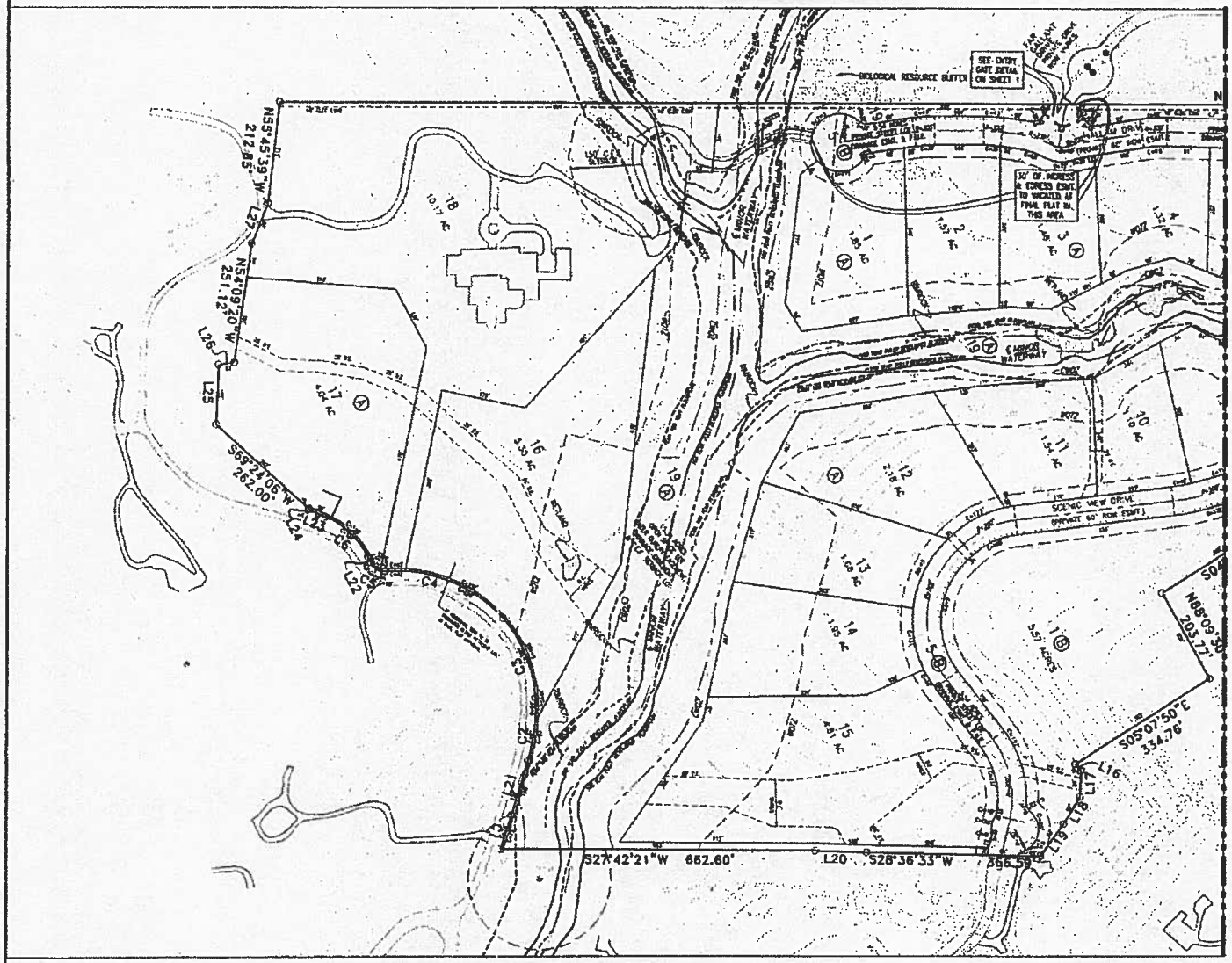
PRELIMINARY PLAN - 200' SCALE

TIPCO SUBDIVISION
PRELIMINARY PLAN

CARLSON, BRIGANCE & LORENZ, INC.
Land Use Planning & Development Consultants
5501 West William Cannon Drive, Austin, Texas 78749
Phone (512) 280-5160 Fax (512) 280-5165

TIPCO SUBDIVISION

PRELIMINARY PLAN


SEE SHEET 1 OF 5
MATCHLINE
SCALE: 1"=100'
LEGEND
GARDNER MONUMENT SET
IRON PIPE FOUND
IRON ROD FOUND
IRON ROD SET
WATER LINE EASEMENT
WASTEWATER EASEMENT
PUBLIC UTILITY EASEMENT
LANDSCAPE EASEMENT
DRAINAGE EASEMENT
ACCESS EASEMENT
LOT NUMBER
BLOCK NUMBER
BUILDING SETBACK LINE
EASEMENT LINE
SIDEWALK LOCATION
BOUNDARY PROPERTY CORNER
CREEK CENTERLINE
100-YR FULLY DEVELOPED FLOODPLAIN
CREEK
WOZZ
100-YR FEMA FLOODPLAIN
C.I.P. SETBACK
RIM ROCK
WETLANDS
SPRING
SCENIC VIEW DRIVE
(PRIVATE 50' ROW EASMT.)
GARDNER WATERWAY
GEOLOGICAL RESOURCE BUFFER
SEE ENTRY GATE DETAIL ON SHEET 1
50' OF WIDENED & EXPRESS EASMT. TO VACATED AT FINAL PLAT IN THIS AREA
N55°45'39"W 212.85'
N54°08'20"W 251.12'
S69°22'06"W 262.00'
S27°42'21"W 662.60'
S28°36'33"W 366.59'
S05°07'50"E 334.76'
N85°09'50" 203.77'
C1
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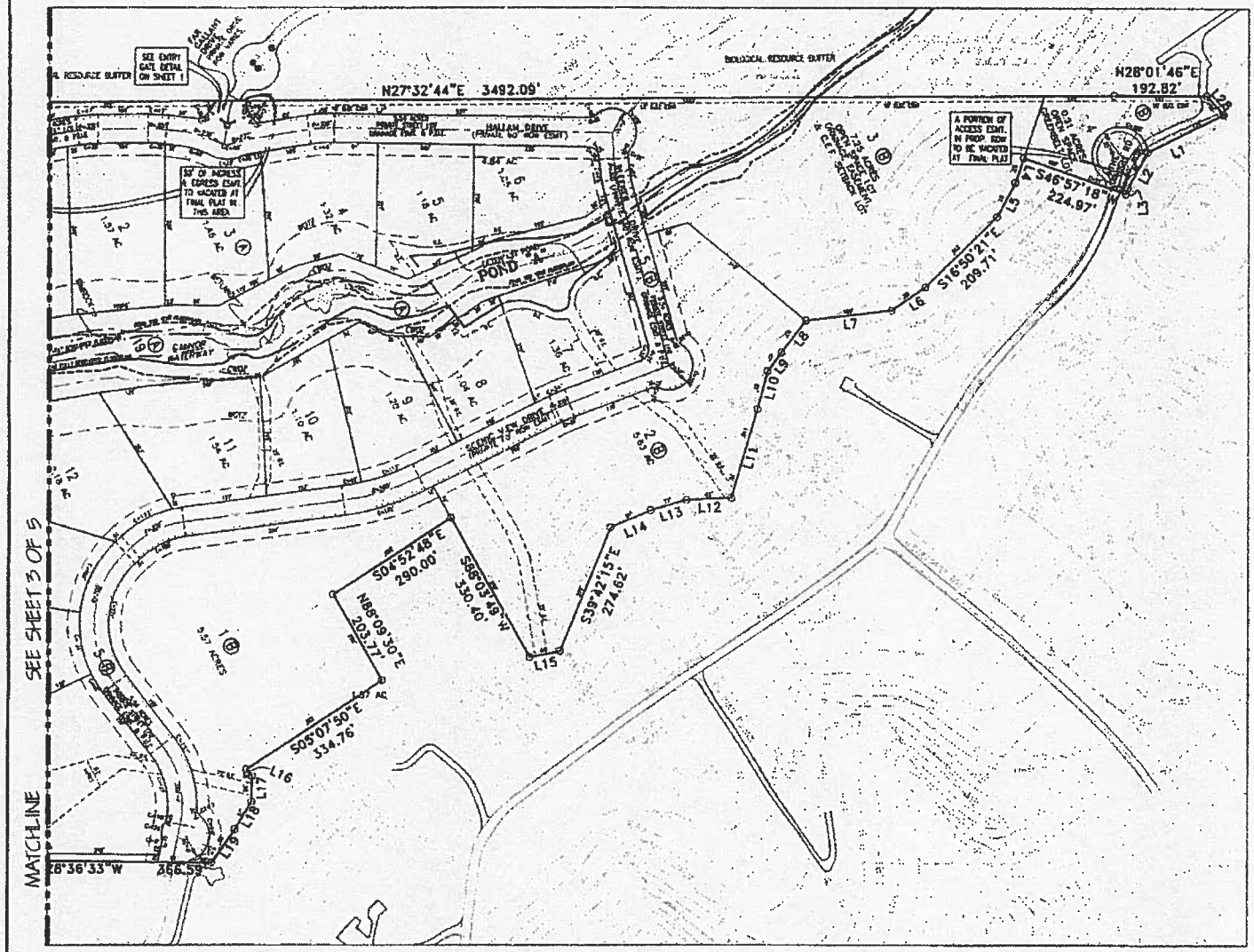
TIPCO SUBDIVISION

PRELIMINARY PLAN



SCALE: 1"=100'

LEGEND

	CONCRETE MONUMENT SET
	IRON PIPE FOUND
	IRON ROD FOUND
	IRON ROD SET
W.E. EASE.	WATER LINE EASEMENT
UNDERGROUND EASEMENT	
P.U.E.	PUBLIC UTILITY EASEMENT
L.E.	LANDSCAPE EASEMENT
B.E.	DRAINAGE EASEMENT
A.E.	ACCESS EASEMENT
17	LOT NUMBER
A	BLOCK NUMBER
	BUILDING SETBACK LINE
	EASEMENT LINE
	SIDEWALK LOCATION
3	ADJACENT PROPERTY OWNER INFORMATION (SEE LIST PAGE 7)
	CREEK CENTERLINE
	100-YR FULLY DEVELOPED FLOODPLAIN
	CBJZ
	BCFZ
	100-YR FEMA FLOODPLAIN
	C.L.F. SETBACK
	RIM ROCK
	WETLANDS
	SPRING

COA FILE# CBJ-2013-0148

Cathcart, Bergstrom & Diverse, Inc.

PRELIMINARY PLAN - 100' SCALE (2 OF 2)

DATE DECEMBER 2013

DRAWN BY: JSL

CHECKED BY: DST

SHEET

TIPCO SUBDIVISION

PRELIMINARY PLAN

PROJECT

J.O. NUMBER 4994

SHEET 1 OF 5

Carlson, Brigance & Doering, Inc.
Civil Engineering • Surveying

December 23, 2013

Mr. Don Perryman, Case Manager
Planning and Development Review
City of Austin
505 Barton Springs Rd.
Austin, TX 78704

Re: Variance Request for the Tipco Subdivision, Case # C8J-2013-0148.1A
CBD File # 4594

Dear Mr. Perryman,

As the representative of the owner of the above reference tract of land, I hereby respectfully request a variance from Chapter 30 of the regulation. The variance is to allow lots to not front on a dedicated public street; see Title 30-2-171 (A) of the Land Development Code. This variance, in conjunction with Title 30-2-159 will allow the lots in this subdivision to not front on a public street.

(C) Written approval of the owner of adjacent property is required to establish a private street.

RESPONSE: **The owner of the subdivision is the owner of all the property adjacent to the proposed private street.**

(D) If the only access to adjacent property is through a proposed private street:

(1) the owner of the proposed subdivision must prepare and file in the county's official public records a joint access agreement that allows unrestricted access through the private street to the adjacent property; and

RESPONSE: **This provision of the code is complied with; the dedication of the street as a Lot to be owned and maintained as an access easement by the owners of the lots in the subdivision.**

(2) the owner of the adjacent property must prepare and file in the county's official public records a joint access agreement that requires private streets and street maintenance when the adjacent property is developed.

RESPONSE: **With the dedication of the street as a Lot to be owned and maintained by the owners of the lots in the subdivision. The joint access agreement will be prepared and recorded with the final plat.**

(E) A property owners association must be responsible for maintenance of the private street.

RESPONSE: **This provision of the code is complied with the dedication of the street as a Lot to be owned and maintained by the owners of the Lots in the subdivision by creation of a Home Owners Association.**

5501 West William Cannon • Austin, Texas 78749 • (512) 280-5160 • Fax (512) 280-5165

(F) The subdivideer must obtain the approval of the single office of the following documents relating to the property owners association:

(1) covenants, conditions, and restrictions that provide for ownership, maintenance, fee assessment, and association dues; and

(2) bylaws that provide for membership and voting rights.

RESPONSE: **This provision of the code complies with the dedication of the street as a Lot to be owned and maintained by the owners of the all the Lots in the subdivision. The single office staff will review and approve all documents relating to this variance. The CCR's will be reviewed and approved by the legal staff as well as the review staff. These documents will outline the membership requirements and voting rights of the members.**

(G) A private street must have a direct connection to a dedicated public street or another approved private street.

RESPONSE: **The private street does connect to two public streets. The first street is Scenic View Drive to the east and the second is Far Gallant Drive.**

(H) A private street may not be the only connection between two public streets.

RESPONSE: **The creation of a private street will allow emergency vehicles to have access to either side of the creek. This connection would not be feasible with a public right-of-way.**

(I) The subdivider must identify a private street on the plat as a separate access, drainage, and public utility easement and as a separate lot.

RESPONSE: **The plat is configured to show the private street as a Lot and is labeled as an access, drainage and public utility easement.**

(J) The subdivider must install standard street names at each intersection.

RESPONSE: **The owner of the development will install standard street signs at each intersection.**

(K) The subdivider must post a sign indicating "private street" at each intersection of a private street with a public street.

RESPONSE: **The developer will post "private street" signs at each intersection of a private street.**

(L) If the subdivider proposes use of a security gate:

(1) the gate must be at least 40 feet from the right-of-way of the nearest intersecting street; and

(2) the subdivider must:

(a) provide the single office with plans showing the location of the gate; and

(b) obtain approval of the gate design from the city, county, emergency service provider, and other governmental entity with jurisdiction, if any.

RESPONSE: **Construction plans for this project will be submitted for review by staff. The design of the entry gates will be included as part of this submittal.**

(M) The subdivider must place the following notes on the plat:

All private streets shown on this plat [list street names] and any security gates or devices controlling access to the streets will be owned and maintained by the property owners association of this subdivision.

The undersigned owner subdivides [number] acres of land out of the [number] acre tract in accordance with this plat, to be known as "[subdivision name]" subdivision, subject to the covenants and restrictions shown on this plat, and dedicates to the owners of the lots in the subdivision, public utilities serving the subdivision, emergency services providers with jurisdiction, and public service agencies, the use of all the private street and other easements shown on this plat, subject to any easements or restrictions previously granted and not released. The maintenance of and payment of real property taxes on the private streets are the responsibility of the owner of the subdivision or property owners association under that certain instrument of record under Document Number [number], of the Official Public Records of Travis County, Texas. An express easement is granted across the private streets and any common areas for the use of all governmental functions, vehicular and non-vehicular, including fire and police protection, solid and other waste material pickup, and any other purpose a governmental entity deems necessary. Owner agrees that all governmental entities and their agents and employees are not responsible or liable for any damage occurring to the surface of the private street or any common area as a result of use by governmental vehicles.

RESPONSE: **These notes have been added to the plat.**

Thank you for your time and review of this request. Please let me know if you need any additional information.

Respectfully,
Carlson, Brigance & Doering, Inc.

Geoff Guerrero
Planning Coordinator