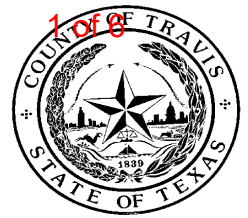


**CITY OF AUSTIN – TRAVIS COUNTY – SINGLE SUBDIVISION OFFICE
SUBDIVISION APPLICATION – MASTER COMMENT REPORT**



CASE NUMBER: C8J-2018-0208.1A
REVISION #: 00
CASE MANAGER: Jennifer Bennett
UPDATE: U0
PHONE #: 512-974-9002

PROJECT NAME: Live Oak Springs
LOCATION: 9406 MORNINGHILL DR

SUBMITTAL DATE: June 21, 2021
FINAL REPORT DATE: July 14, 2021

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent subdivision application submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated submittal. The subdivision application will be approved when all requirements from each review discipline have been addressed. If you have any questions, concerns or if you require additional information about this report, please contact your case manager at the phone number listed above or by using the contact information listed for each reviewer in this report.

Any change to the plan/plat shall not cause noncompliance with any applicable code or criteria. In addition, any change to the plat may trigger new comments.

UPDATE DEADLINE (LDC 30-2-56; 30-2-82):

All comments must be addressed by filing an updated submittal prior to the update deadline of **December 31, 2021**. Otherwise, the application will expire. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

Extension of Review Period, Extension of Update Deadline and Tolling of Application Period do not apply to applications for preliminary plan, plat or subdivision construction plans (LDC).

UPDATE SUBMITTAL INSTRUCTIONS (LDC 30-1-113):

1. Applicants must make an appointment with Intake Staff (974-1770) in order to submit an update.
2. Your update must include the following items:
 - a. This report
 - b. The revised plat/plan in pdf format
 - c. A letter that addresses each comment in the master comment report
3. Updates must be submitted on an approved submittal date, between the hours of 8:30 am and 4:00 pm. Refer to the submittal calendar for a list of approved submittal dates.

REVIEWERS:

Planner 1: Elsa Garza
PARD / Planning & Design: Justin Stewart
Environmental: Pamela Abee-Taulli
Flood Plain: Karol Susan Menhard
Subdivision: Jennifer Bennett
Water Quality: David Marquez
Travis Co. Drainage Engineering: Teresa Calkins

Travis Co. Drainage Engineering Review - Teresa Calkins - 512-854-7569

- DE 1. Update FEMA FIRM Panel No.in the floodplain note on the final plat: 48453C0555J, effective January 22, 2020. (LDC § 30-4-33)
- DE 2. Please address and clear Floodplain comments provided by the City of Austin Flood Plain reviewer related to the floodplain delineation within this final plat. (LDC § 30-4-33)

Electric Review - Andrea Katz - 512-322-6957

No Review Required. Out of Austin Energy service area, served by Pedernales Electric Cooperative, Inc.

911 Addressing Review - Jorge Perdomo - 512-974-1620

- AD1: This plat review is cleared; however, any changes to street names, street name labels, or street layouts will require a new review.

§ 30-2-155

Environmental Review - Pamela Abee-Taulli - 512-974-1879

PLAT NOTES [LDC 25-1, Article 4]

- EV 1 This subdivision plan proposes single-family residential lot(s) on a slope with a gradient in excess of 15%. Revise note 24 as follows: *"Slopes in excess of 15 percent exist on insert Block __, Lot __. Construction on slopes is limited per the Land Development Code and Environmental Criteria Manual."*
[LDC 25-8, Subchapter A, Article 7; ECM 1.8.0, 1.11.0]
- EV 2 For all projects in the Barton Springs Zone, add the following note: *"The maximum portion of any commercial, multi-family, or single family/duplex lot that may be established as turf or landscaped area is 15 percent. However, no lot shall be restricted to less than 2000 square feet of turf or landscaped area. Undisturbed natural areas or areas restored to natural conditions shall not be considered landscaped areas or turf."* [LDC 25-8, Subchapter A, Article 13; ECM 1.6.9.2.E]

ESC FISCAL SURETY [LDC 25-1, Article 5; ECM Appendix S-1]

- EV 3 Provide a conceptual erosion & sedimentation control plan along with the fiscal estimate for erosion/sedimentation controls and revegetation based on ECM Appendix S-1. A conceptual ESC plan is necessary to assess the accuracy of the ESC fiscal estimate. ESC fiscal surety must be posted with the City of Austin prior to Plat approval. Additional fiscal posting might be required at the time of subdivision construction plan ESC review.
- Sites with a limit of construction greater than one acre must include a \$3000 per acre LOC clean-up fee in the fiscal estimate. [LDC 25-8, Subchapter A, Article 5; ECM Appendix S-1]
 - Sites with a limit of construction greater than 25 acres are required to show phasing of disturbance tailored to the specific site conditions. A phased ESC plan and phased fiscal estimate are required. [LDC 25-8, Subchapter A, Article 7, Division 4; ECM 1.4.4]
 - The revegetation line item quantity must equal the entire LOC area less any existing impervious cover proposed to remain and less proposed public streets and sidewalks. This is necessary in the event that construction ceases after vegetation has been removed from within the LOC. [LDC 25-8, Subchapter A, Article 5; ECM Appendix S-1]

Flood Plain Review - Karol Susan Menhard - 512-974-3373

Reviewer notes: site address 9406 Morninghill Dr, 78737 in th COA ETJ; Travis County leads on floodplain review; located in slaughter creek watershed on a tributary drainage area exceeding 64 acres. Floodplain study submitted at U0 along with letter acknowledgement of the best available site data used. No improvements planned in the lot where the CEF and floodplain are located.

Notice to applicant: Applicant must remedy all compliance issues without creating additional compliance issues with the LDC and/or Criteria manuals. A response that fails to correct an issue, or which creates other issues does not comply with the LDC and is insufficient to address the comments. The comments provided describe an issue that must be remedied in order for the application to be approved. Any specific examples are provided as a courtesy and are not intended as an exhaustive list, especially as the site may be updated to have additional compliance issues. Contact this reviewer if you have any questions at karol.menhard@austintexas.gov or at 512 974 3373.

The site, as shown on the plan provided, is not in compliance with the following sections of the Land Development Code. Please correct your application to be in compliance with Code.

30-4-5 – Computation of Storm Runoff

30-4-31 – Single Office Authorized to Require Drainage Studies

30-4-33 – Floodplain Maps, Delineation, and Depiction

30-4-61 – Criteria for Approval of Development Applications

30-4-62 – Certificate of Professional Engineer Required for Certain Alterations and Improvements

30-4-64 – Design and Construction of Drainage Facilities and Improvements

30-4-151 – Stormwater Conveyance and Drainage Facilities

30-4-152 – Dedication of Easements and Rights-of-Way

30-4-153 – Detention Basin Maintenance and Inspection

- FP1. The modeling provided does not meet requirements set in the Drainage Criteria Manual Section 6 “Open Channels.” Modeling must be in compliance with criteria prior to approval.
- Please update the hydraulic model such that each cross section fully contains the studied floodplain. Cross sections 0.423 and 0.201 are two cross sections where the floodplain was not contained.
 - Please explain why the Manning’s n-values for the entire creek segment and its overbanks has one value of 0.035.
 - Page 5 of the floodplain study is blank; please confirm this is intentional or if the report is incomplete.
 - Please add a conclusion to your floodplain study.
- FP2. As required by LDC 25-7-33 and/or LDC 30-4-33, please update the floodplain note to indicate that there are portions of the tract that are within the FEMA 100-year floodplain. Update the FIRM panel number and effective date to the most current map. For this site, the current effective FIRM panel number is 48453C0555J, effective date is 1/22/2020.

PARD / Planning & Design Review - Justin Stewart - 512-974-9475

- PR 1: Parkland dedication is required per Section 30-2-213 of the City Code. The City of Austin is the nearest park provider, and parkland fees will be paid to the City. A park fee bill for \$6,285.06 has been issued in AMANDA for fee-in-lieu of parkland. Please pay online and provide this reviewer a receipt to clear this comment, wherein satisfying parkland dedication for 30 units.

Subdivision Review - Jennifer Bennett - 512-974-9002

- SR 1. Please change the Consumer Protection Notice on Sheet 1 to read as follows (LDC § 30-2-87):

CONSUMER PROTECTION NOTICE FOR HOMEBUYERS

IF YOU ARE BUYING A LOT IN THIS SUBDIVISION, YOU SHOULD DETERMINE WHETHER THE SUBDIVISION AND THE LAND AROUND IT ARE INSIDE OR OUTSIDE THE CITY LIMITS.

THIS CAN AFFECT THE ENJOYMENT AND VALUE OF YOUR HOME. DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS.

THE SUBDIVISION'S RESTRICTIVE COVENANTS MAY CREATE PRIVATELY ENFORCEABLE RESTRICTIONS AGAINST INCOMPATIBLE LAND USES WITHIN THE SUBDIVISION, WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS.

DEPENDING ON STATE LAW AND OTHER FACTORS, HOWEVER, OUTSIDE THE CITY LIMITS NEITHER PRIVATE NOR GOVERNMENTAL RESTRICTIONS MAY BE AVAILABLE TO (1) RESTRICT EITHER THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE SUBDIVISION, OR (2) PROHIBIT LAND USES NEAR THE SUBDIVISION THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD.

- SR 2. Add the Case # at the bottom of Sheet 1. (LDC § 30-1-113)
- SR 3. The subdivision boundary should be the boldest line on the plat. Please make it darker. (LDC § 30-1-113)
- SR 4. For all the adjacent properties that are not platted, ensure that the most current owner and recordation information is labeled. A few of the properties have been conveyed in the last couple of years. (LDC § 30-1-113)
- SR 5. Revise the engineer's certification (LDC § 30-1-113):

"I, (name of engineer), 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 30 of the City of Austin Land Development Code, and is true and correct to the best of my knowledge."

- SR 6. Revise the surveyor's certification (LDC § 30-1-113):

"I, (name of 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 surveying related portions of Title 30 of the City of Austin Land Development Code, and is true and correct to the best of my knowledge, and was prepared from an actual on the ground survey of the property made under my direction and supervision."

- SR 7. Modify the City of Austin approval block as follows (LDC § 30-1-113):
APPROVED, ACCEPTED, AND AUTHORIZED FOR RECORD BY THE DIRECTOR,
DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS
THE ____ DAY OF _____, 20__, AD.

Denise Lucas, Director
Development Services Department

- SR 8. Please coordinate fiscal and the City of Austin subdivision construction agreement (SCA) with the fiscal officer. Modify Plat Note 36 as follows. (LDC § 30-1-113, 30-2-38, 30-2-84)

"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. This responsibility may be assigned in accordance with the terms of that agreement. For the Construction Agreement pertaining to this subdivision, see the separate instrument recorded in Doc#. _____, in the Official Public Records of _____ County, Texas."

- SR 9. Remove Plat Note 7 (this note is only present when fiscal is not required). LDC § 30-1-113
- SR 10. Please ensure all applicable notes from the preliminary plan are also contained as notes on the plat. (LDC § 30-1-113)
- SR 11. Has the restrictive covenant referenced in Plat Note 19 been finalized and recorded? If so, please fill in the document number in Plat Note 19. If not, this document will need to be finalized and ready to record with the plat. Also, is this the same document referenced in both Plat Note 27? (LDC § 30-1-113)
- SR 12. Has the restrictive covenant referenced in Plat Note 27 been finalized and recorded? If so, please fill in the document number in Plat Note 27. If not, this document will need to be finalized and ready to record with the plat. (LDC § 30-1-113)
- SR 13. Has the "integrated pest management plan" referenced in Plat Note 29 been finalized and recorded? If so, please fill in the document number in Plat Note 29. If not, this document will need to be finalized and ready to record with the plat. (LDC § 30-1-113)
- SR 14. FYI: It appears that the documents referenced in Plat Note 42 need to be switched. The Phasing Agreement is recorded in Document No. 2019175034.
- SR 15. FYI: All fees must be paid prior to plat approval.
- SR 16. FYI: Original current (Original (crimped) tax certificates showing all taxes having been paid for the past year must be provided at the time the plat is cleared for approval.
- SR 17. FYI: Recording fees must be paid at the time this plat is approved.
- SR 18. FYI: After all comments have been cleared, please send the mylar (with original signatures and seals) of the plat to this reviewer. Delivery instructions will be provided once all comments from reviewers have been cleared.

Transportation Planning - Martin Laws - 512-974-6351

- TR1. FYI - Additional comments may be provided as a result of information or design changes provided in your update.

Water Quality Review - David Marquez - 512-974-3389

- WQ1 Fiscal posting per the subdivision fiscal posting and per ECM 1.2.1 will need to be posted prior to approval. The estimate is received, and I will coordinate with the county for the fiscal posting.
- WQ2 With the County reviewing for drainage easement, DCM 1.2.4G, coordination for the location of the pond and the easements will need to occur. Irrigation location was agreed upon but the location of the public drainage easement and the proposed pond should be coordinated so there is not a conflict with a private pond in a public easement. Since the pond will be privately maintained, this may need a private easement with required maintenance while the channel would likely remain as a public easement.

Wetlands Biologist Review - Ana Gonzalez - 512-974-2929

The proposed final plat reflects those wetland CEF provisions approved during the review of the preliminary plan and are compliant with LDC 30-5-281 and ECM 1.10.4. Therefore, I do not have comments for your consideration.

Travis Co. Subdivision Review - Sue Welch - 512-854-7637

FYI - Final copy of the covenants and restrictions (CCR - Covenants, Conditions, Restrictions) must be recorded with the plat (note #19). *Pending final review by COA Legal.*

FYI - Please contact this reviewer to drop off the signed Travis County Construction Agreement.

FYI – fiscal surety is required to be posted within 90 days of plat approval.

Travis Co. Transportation Review - Teresa Calkins - 512-854-7569

There are no outstanding Transportation Review comments related to this final plat. Please be advised however that, in accordance with a Phasing Agreement with the Developer (Recorded Document No. 2019175034), fiscal surety in an approved amount for subdivision improvements and the upgrade of Morninghill Lane will be required to be posted with the Single Office by the deadline identified in Title 30, or any approval of the final plat will become void. Please be advised also that per the same Phasing Agreement that construction plans for the subdivision submitted for review and approval will be required to include also the plans for the upgrade of Morninghill Lane.

Site Plan Plumbing - Juan Beltran - 512-974-1663

NO SITE PLAN PLUMBING REVIEW REQUIRED

The proposed final plat (C8J-2018-0208.1A) is outside the zoning jurisdiction of the City of Austin and will not receive water or wastewater service from Austin Water Utility, therefore the Austin Plumbing Code is not applicable.

END OF REPORT