

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8-2020-0021.0A**COMMISSION DATE:** April 27, 2021**SUBDIVISION NAME:** Fort Branch Subdivision**ADDRESS:** 5016 E. Martin Luther King Jr. Blvd.**APPLICANT:** Robert Penta**AGENT:** Jerome Perales (Perales Land Development LLC)**ZONING:** SF-3-NP (single family residence)**NEIGHBORHOOD PLAN:** MLK-183**AREA:** 2.9 acre (30,642 sf)**LOTS:** 6**COUNTY:** Travis**DISTRICT:** 1**WATERSHED:** Fort Branch**JURISDICTION:** Full Purpose**VARIANCES:** none**DEPARTMENT COMMENTS:**

The request is for the approval of the Fort Branch Subdivision composed of 6 lots on 2.9 acres.

**STAFF RECOMMENDATION:**

Staff recommends disapproval of the plat for the reasons listed in the comment report dated April 22, 2021, and attached as Exhibit C.

The plat does not comply with the criteria for approval in LDC 25-4-84(B) and staff recommends disapproval for the reasons listed in the attached comment report. An application that has been disapproved with reasons may be updated to address those reasons until the application expires. If the applicant submits an update to address the reasons for disapproval, that update will be presented to the Land Use Commission within fifteen days of submittal.

**CASE MANAGER:** Cesar Zavala**PHONE:** 512-974-3404**E-mail:** [cesar.zavala@austintexas.gov](mailto:cesar.zavala@austintexas.gov)**ATTACHMENTS**

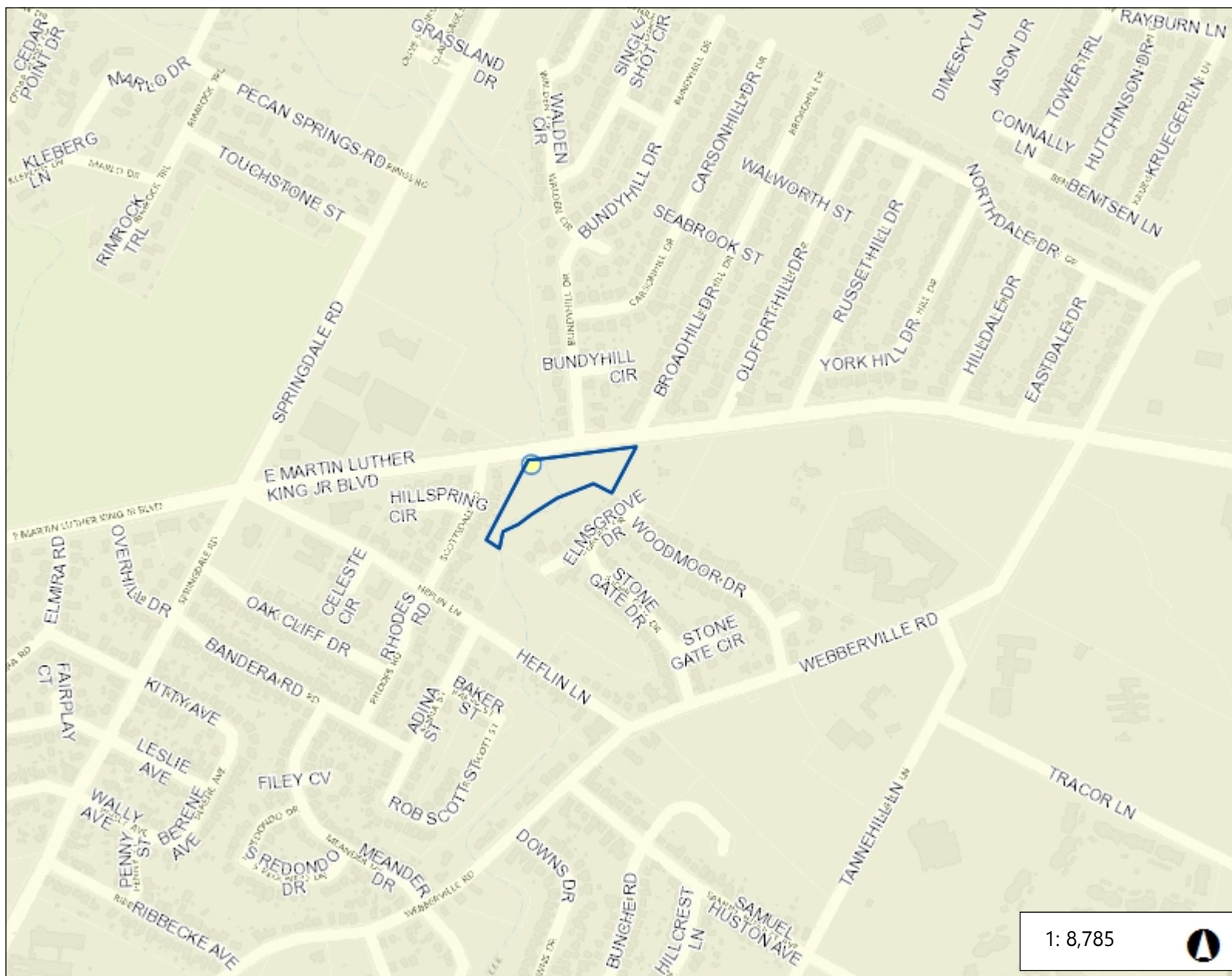
Exhibit A: Vicinity map

Exhibit B: Proposed plat

Exhibit C: Comment report dated February 6, 2020



**B-10**  
**Property Profile**



1: 8,785

**Legend**

Street Labels

Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTI
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ

Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTI
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ

0.3 0 0.14 0.3 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

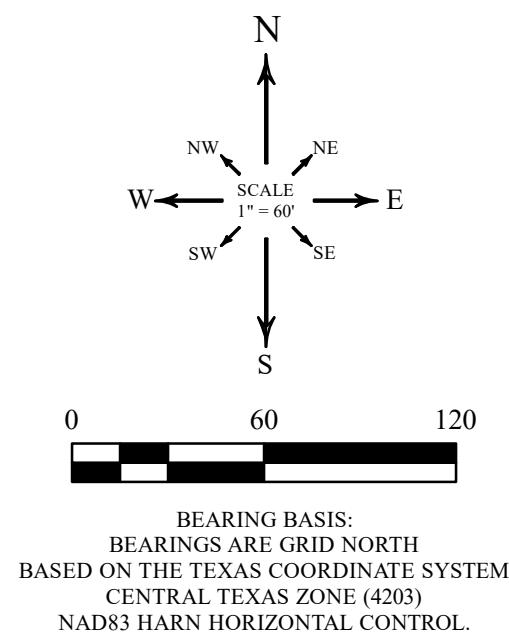
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**Notes**

SUBDIVISION NAME: Fort Branch Subdivision

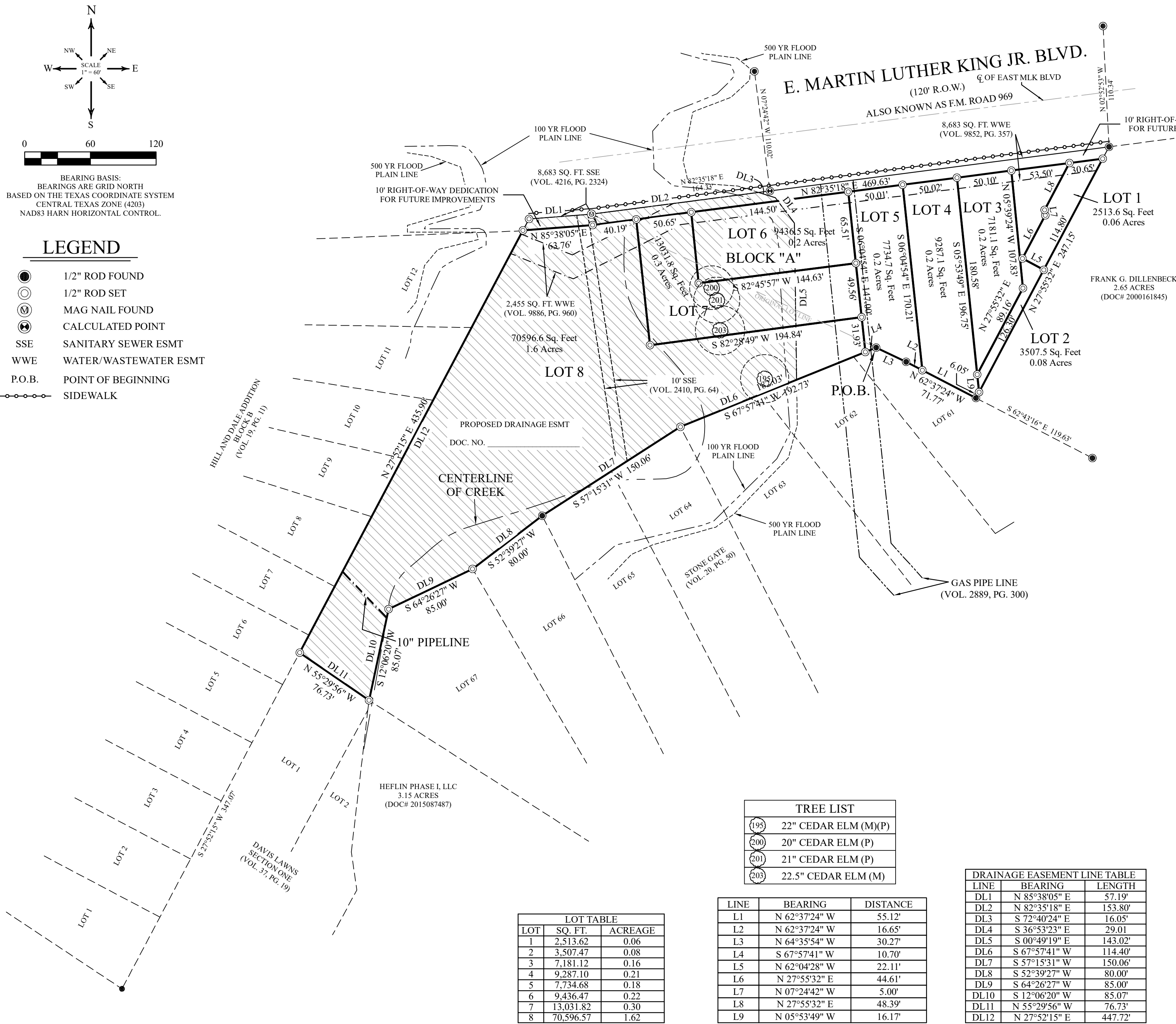
ADDRESS: 5016 E. Martin Luther King Jr. Blvd.

# FORT BRANCH CREEK SUBDIVISION



## LEGEND

- 1/2" ROD FOUND
- 1/2" ROD SET
- ⊙ MAG NAIL FOUND
- ⊙ CALCULATED POINT
- SSE SANITARY SEWER ESMT
- WWE WATER/WASTEWATER ESMT
- P.O.B. POINT OF BEGINNING
- SIDEWALK



BEING 2.95 ACRES OF LAND, OUT OF THE J C TANNEHILL SURVEY NUMBER 29, ABSTRACT NUMBER 22, SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN EAST 13TH STREET, LLC 1.1462 ACRE TRACT CALLED "TRACT 1", AND 1.80 ACRE TRACT CALLED "TRACT 2", RECORDED IN DOCUMENT NUMBER 2018174252, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 2.95 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod found in the southwesterly line of said Tract 1, for the east corner of said Tract 2, same being the northeast corner of Lot 61, Stone Gate, a subdivision recorded in Volume 20, Page 50, Plat Records, said county, for a point in the southerly line hereof;

**THENCE** with the northerly line of said Stone Gate subdivision, same being the southerly line of said Tract 2, the following five (5) courses:  
 1. **South 67°57'41" West**, a distance of **192.73 feet** to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set;  
 2. **South 57°15'31" West**, a distance of **150.06 feet** to a 1/2" iron rod found;  
 3. **South 52°39'27" West**, a distance of **80.00 feet** to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set;  
 4. **South 64°26'27" West**, a distance of **85.00 feet** to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set;  
 5. **South 12°06'20" West**, a distance of **85.07 feet** to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set, for the west corner of Lot 67, of said Stone Gate subdivision, same being the north corner of that certain Hefflin Phase I, LLC 3.15 acre tract recorded in Document No. 2015087487, Official Public Records, said county, the same also being the northeast corner of Lot 1, Davis Lawns Section One, a subdivision recorded in Volume 37, Page 19, Plat Records, said county, and the same also being an angle corner in the southerly line of said Tract 2, for an angle corner in the southerly line hereof;

**THENCE** with the northerly line of said Lot 1, same being the southerly line of said Tract 2, North 55°29'56" West, a distance of 76.73 feet to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set in the easterly line of Block B, Hill and Dale Addition, a subdivision recorded in Volume 19, Page 11, Plat Records, said county, for the northwest corner of said Lot 1, same being the southwest corner of said Tract 2, for the southwest corner hereof, from which a 1/2" iron rod found at the southeast corner of said Block B bears, South 27°52'15" West, a distance of 347.07 feet;

**THENCE** with the easterly line of said Block B, same being the westerly line of said Tract 2, North 27°52'15" East, passing at 435.46 feet the northeast corner of said Block B, and continuing a total distance of 447.72 feet to a 1/2" iron rod with cap stamped "ALLSTAR 5729" set in the southerly right-of-way line of E. Martin Luther King Jr. Boulevard (right-of-way varies), for the northwest corner of said Tract 2, for the northwest corner hereof;

**THENCE** with the southerly right-of-way line of E. Martin Luther King Jr. Boulevard, same being the northerly lines of said Tract 1 and said Tract 2, the following two (2) courses:  
 1. **North 85°38'05" East**, a distance of 57.19 feet to a mag nail found for the northwest corner of said Tract 1, same being the northeast corner of said Tract 2, for an angle corner hereof;  
 2. **North 82°35'18" East**, a distance of 476.45 feet to a 1/2" iron rod found, for the northwest corner of that certain Frank G. Dillenbeck 2.65 acre tract recorded in Document No. 2000161845, Official Public Records, said county, same being the northeast corner of said Tract 1, for the northeast corner hereof;

**THENCE** with the westerly line of said 2.65 acre tract, same being the easterly line of said Tract 1, South 27°55'32" West, a distance of 259.41 feet to a 1/2" iron rod found in the northerly line of said Lot 61, for the southwest corner of said 2.65 acre tract, same being the southeast corner of said Tract 1, for the southeast corner hereof, from which a 1/2" iron rod found for the southeast corner of said Lot 61 bears, South 62°43'16" East, a distance of 119.63 feet;

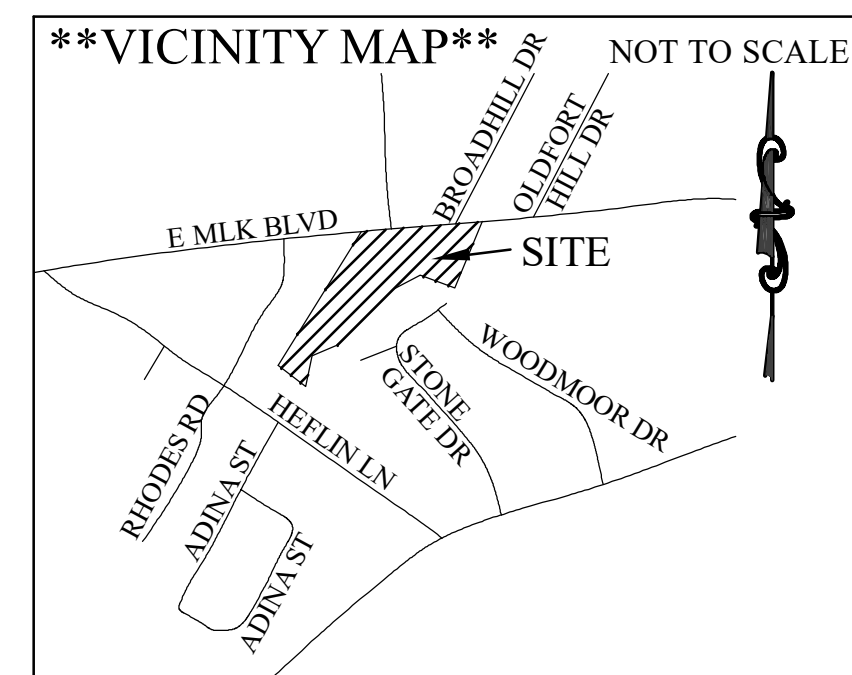
**THENCE** with the northerly line of said Lot 61, same being the southerly line of said Tract 1, the following two (2) courses:  
 1. **North 62°37'24" West**, a distance of 71.77 feet to a 1/2" iron rod found;  
 2. **North 64°35'54" West**, a distance of 30.27 feet to the POINT OF BEGINNING, containing an area of 128,624 square feet or 2.95 acres.

LOT	SQ. FT.	ACREAGE
1	2,513.62	0.06
2	3,507.47	0.08
3	7,181.12	0.16
4	9,287.10	0.21
5	7,734.68	0.18
6	9,436.47	0.22
7	13,031.82	0.30
8	70,596.57	1.62

195	22" CEDAR ELM (M)(P)
200	20" CEDAR ELM (P)
201	21" CEDAR ELM (P)
203	22.5" CEDAR ELM (M)

LINE	BEARING	DISTANCE
L1	N 62°37'24" W	55.12'
L2	N 62°37'24" W	16.65'
L3	N 64°35'54" W	30.27'
L4	S 67°57'41" W	10.70'
L5	N 62°04'28" W	22.11'
L6	N 27°55'32" E	44.61'
L7	N 07°24'42" W	5.00'
L8	N 27°55'32" E	48.39'
L9	N 05°53'49" W	16.17'

LINE	BEARING	LENGTH
DL1	N 85°38'05" E	57.19'
DL2	N 82°35'18" E	153.80'
DL3	S 72°40'24" E	16.05'
DL4	S 36°53'23" E	29.01'
DL5	S 00°49'19" E	143.02'
DL6	S 67°57'41" W	114.40'
DL7	S 57°15'31" W	150.06'
DL8	S 52°39'27" W	80.00'
DL9	S 64°26'27" W	85.00'
DL10	S 12°06'20" W	85.07'
DL11	N 55°29'56" W	76.73'
DL12	N 27°52'15" E	447.72'



# FORT BRANCH CREEK SUBDIVISION

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 THE SUBDIVISION MUST BE IN ACCORDANCE WITH 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 LAND OWNER MUST PAY THE CITY INSPECTION FEE WITH THE UTILITY CONSTRUCTION.
3. BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
4. NO BUILDING, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.
5. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS ASSIGNS.
6. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
7. THE OWNER OF THIS SUBDIVISIONS, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUME 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 REPLATTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
8. 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.
9. ALL STREETS, DRAINAGE, SIDEWALKS, EROSION CONTROLS, AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS.
10. AUSTIN ENERGY HAD 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 THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
11. THE OWNER / DEVELOPER OF THIS SUBDIVISION / LOT MAY PROVIDE AUSTIN ENERGY 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 BUILDING AND WILL NOT BE LOCATED AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
12. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION, 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.
13. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THE SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND / OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND / OR CERTIFICATES OF OCCUPANCY.
14. FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
15. THE LANDOWNER IS RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE, INCLUDING THE WATER AND WASTEWATER UTILITY IMPROVEMENTS.
16. A PORTION OF THIS PROPERTY IS IN THE 100 YEAR FLOODPLAIN AS INDICATED BY THE CURRENT FEDERAL FLOOD ADMINISTRATION FIRM PANEL 48453C 0470K, DATED JANUARY 6, 2016. NO RESIDENTIAL STRUCTURES WILL BE CONSTRUCTED WITHIN THE INDICATED LIMITS OF THIS FLOODPLAIN.
17. EROSION / SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION, PURSUANT TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL (ECM).
18. 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.
19. NO STRUCTURE SHALL BE OCCUPIED UNTIL THE WATER QUALITY CONTROL AND DETENTION FACILITY HAVE BEEN CONSTRUCTED, INSPECTED, AND ACCEPTED BY THE CITY OF AUSTIN.
20. EACH LOT SHALL HAVE INDEPENDENT WATER METERS AND CLEANOUTS AND PRIVATE PLUMBING SHALL NOT CROSS LOTLINES. PRIVATE LINES MAY CROSS PERPENDICULARLY BUT OTHERWISE SHALL NOT BE LOCATED WITHIN A PUBLIC UTILITY EASEMENT.
21. DEVELOPMENT OF THESE LOTS SHALL COMPLY WITH THE REQUIREMENTS OF THE AIRPORT HAZARD AND COMPATIBLE LAND USE REGULATIONS, (CHAPTER 25-13) AS AMENDED.
22. PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG E. MLK BLVD./FM 969 AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT. THE SIDEWALKS ALONG E. MLK BLVD./FM 969 ARE SUBJECT TO THE APPROVAL OF THE TEXAS DEPARTMENT OF TRANSPORTATION AT THE SITE PLAN PHASE. THE REQUIRED 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.
24. OFF-STREET LOADING AND UNLOADING FACILITIES SHALL BE PROVIDED ON ALL COMMERCIAL AND INDUSTRIAL LOTS.
25. WATER METERS AND CLEANOUTS SHALL NOT BE LOCATED IN DRIVEWAYS OR SIDEWALKS.

STATE OF TEXAS  
COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS:

THAT I, \_\_\_\_\_ FOR EAST 13TH STREET, LLC, BEING OWNER OF 1.81 ACRES AND 1.15 ACRES OUT OF THE J.C. TANNEHILL SURVEY NO. 29, ABSTRACT 22 IN TRAVIS COUNTY, TEXAS, BEING THE SAME 1.68 AND 1.1462 ACRE TRACTS RECORDED IN A DEED OF TRUST IN DOCUMENT NUMBER 2019016138, OFFICIAL PUBLIC RECORDS, 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 1.81 AND 1.15 ACRES IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, TO BE KNOWN AS:

"FORT BRANCH CREEK SUBDIVISION"

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
EAST 13TH STREET, LLC  
1802 E. 14TH STREET  
AUSTIN TX, 78702

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, FOR CANUTO ENTERPRISES, LLC KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

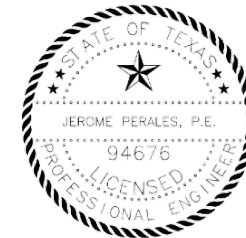
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

ENGINEER'S CERTIFICATION:

I, JERRY PERALES, P.E., 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 25 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THE 100-YEAR FLOODPLAIN, AS DEFINED BY THE CITY REGULATIONS, IS CONTAINED WITHIN THE DRAINAGE EASEMENT(S) SHOWN HEREON. THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL NO. 48453C0470K, DATED 01/06/2016, FOR TRAVIS COUNTY, TEXAS.

\_\_\_\_\_  
JEROME PERALES, P.E. 94676 DATE 10-12-2020  
PERALES LAND DEVELOPMENT, LLC.  
FIRM REGISTRATION NO. F-20933  
8705 SHOAL CREEK BLVD., SUITE 213  
AUSTIN, TEXAS 78757  
(512) 297-5019



STATE OF TEXAS  
COUNTY OF TRAVIS

I, EDWARD RUMSEY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF TITLE 25, 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.

\_\_\_\_\_  
EDWARD RUMSEY, RPLS # 5729  
ALLSTAR LAND SURVEYING  
9020 ANDERSON MILL RD  
AUSTIN, TX 78729  
TBPLS FIRM NO. 10135000  
A1000119

05/07/2020  
DATE



APPROVAL FOR ACCEPTANCE

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE LIMITS OF THE CITY OF AUSTIN ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

\_\_\_\_\_  
DENISE LUCAS, DIRECTOR  
DEVELOPMENT SERVICES DEPARTMENT

STATE OF TEXAS  
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., DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE IN DOCUMENT # \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

\_\_\_\_\_  
DEPUTY

CITY OF AUSTIN –DEVELOPMENT SERVICES DEPARTMENT  
SUBDIVISION APPLICATION – MASTER COMMENT REPORT

CASE NUMBER: C8-2020-0021.0A  
 REVISION #: 00  
 CASE MANAGER: Cesar Zavala

UPDATE: U0  
 PHONE #: 512-974-3404



PROJECT NAME: Fort Branch Creek Subdivision  
 LOCATION: 5016 E MARTIN LUTHER KING JR BLVD

SUBMITTAL DATE: March 29, 2021  
 REPORT DUE DATE: April 26, 2021  
 FINAL REPORT DATE: April 22, 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 INFORMATION (LDC 25-4-56; 25-4-82):**

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 25-1-88; 25-1-89; 25-1-90).

**UPDATE SUBMITTAL INSTRUCTIONS (LDC 25-1-83):**

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 : Addison Ptomey  
 AW Utility Development Services : Bradley Barron  
 ATD Engineering : Bryan Golden  
 Transportation Planning : Martin Laws  
 Electric : Andrea Katz  
 Drainage Engineering : Jay Baker  
 Environmental : Pamela Abee-Taulli  
 Flood Plain : Shesh Koirala  
 Subdivision : Cesar Zavala  
 Water Quality : Jay Baker  
 PARD : Thomas Rowlinson

**Site Plan Plumbing - Cory Harmon - 512-974-2882**

The proposed final plat (C8-2020-0021.0A) is approved from a plumbing code perspective.

**Electric Review - Andrea Katz - 512-322-6957**

EL 1. [LDC § 25-4-132 - EASEMENTS AND ALLEYS.](#)

(A) Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.

Source: § 13-2-421; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046

Fifteen foot electric distribution, electric telecommunications, and electric fiber easement is required adjacent to E MLK ROW. Show the easement on the face of the plat.

**ATD Engineering Review - Bryan Golden - 512-974-2426**

ATD 1. No comments.

**Drainage Engineering Review - Jay Baker - 512-974-2636**

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

**FLOODPLAIN**

DE 1. Remove floodplain delineations from the plat in accordance with DCM 1.2.6.

DE 2. Provide confirmation from the floodplain reviewer that the fully developed 100 year floodplain will be contained within the drainage easement.

DE 3. Revise the floodplain certification note to read as follows:

"The 100 year floodplain is contained within the drainage easement(s) shown hereon. (No or A) portion of this tract is within the boundaries of the 100 year flood plain of any waterway that is within the limits of study of the Federal Flood Insurance Administration FIRM panel # \_\_\_\_\_, dated \_\_\_\_\_ for \_\_\_\_\_ (name of city of county)."

DE 4. The drainage easement for the floodplain is shown to be dedicated by separate instrument. Why are you not dedicating it with the plat? If not, the separate instrument document will need to be submitted for review.

**EASEMENTS**

DE 5. The subdivision drainage and water quality controls will need to be contained also in a drainage easement to be shown on the plat, with conveyance to the floodplain in a drainage easement.

DE 6. I believe you have planned to do a restrictive covenant for private maintenance of the infrastructure? That document will need to be submitted for review and also noted in a plat note.

### ENGINEER'S REPORT

DE 7. Provide a drainage plan in accordance with application packet sheet 17.

DE 8. Include pond layouts demonstrating that the proposed ponds will meet the DCM 1.2.4.E requirements for maintenance, inspection and safety, and contained within a drainage easement extending to the ROW.

### PLAT NOTES

DE 9. Revise the notes #4,5 and 6 to be gender neutral.

DE 10. Remove notes #14, 16 and 21 along with any other notes that are not applicable and current.

DE 11. Add the following note if detention is proposed:

"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 existing at undeveloped status by ponding or other approved methods. All proposed construction or site alteration on Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ requires approval of a separate Development Permit."

### FISCAL

DE 12. Fiscal arrangements are required for street, detention, sidewalk, drainage, restoration, erosion controls, and water quality ponds [LDC 25-1-112]. Remember to include fiscal for sidewalks located next to greenbelts, open spaces, landscape areas, drainage easements, etc. Once approved, a fiscal estimate will be prepared pending receipt of additional information. Engineer's construction cost estimate for determining fiscal requirements is requested.

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

EV 1 Add the following note: *"Waterway setbacks as defined by the Land Development Code may be located on this property. Development is limited within waterway setbacks."* [LDC 25-8, Subchapter A, Article 7]

### Flood Plain Review - Shesh Koirala - 512-974-9396 (voice message only) Email: [shesh.koirala@austintexas.gov](mailto:shesh.koirala@austintexas.gov)

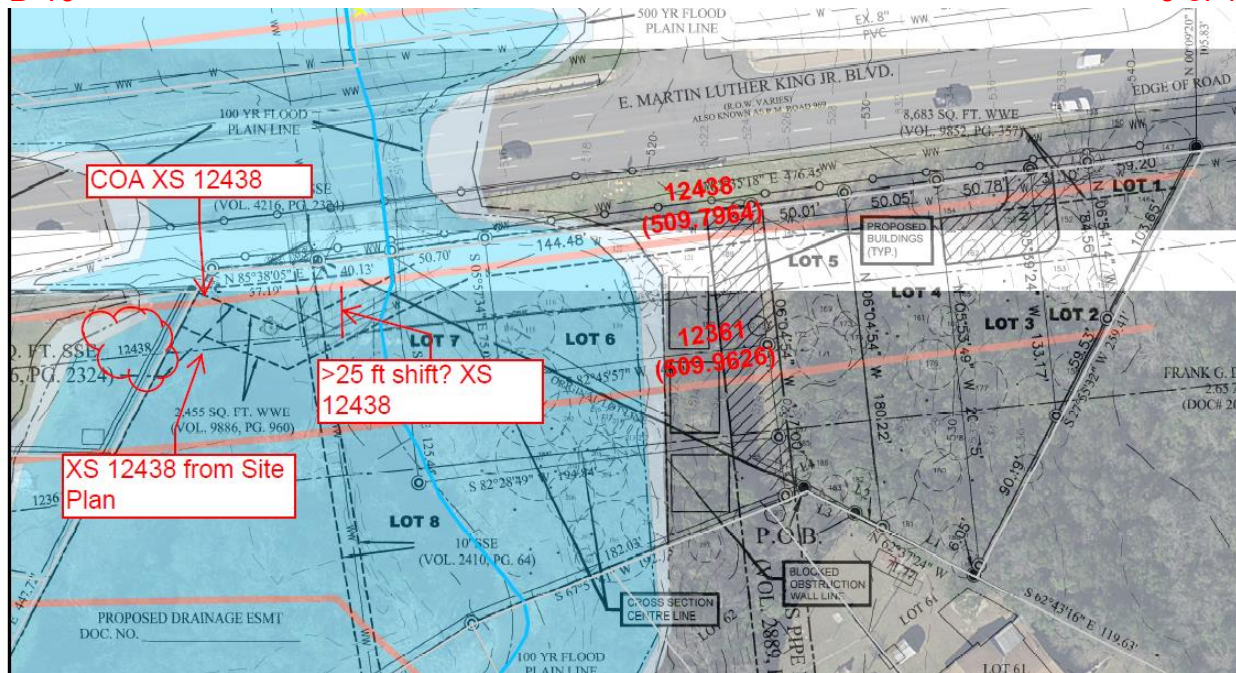
FP Reviewer Note: Doesn't seem to be proposed any development in the FP but need to be confirmed and verified with models and responses requested in this cycle of comment (particularly for comment #3). The requested clarification and responses for comment #3 may clear many of the other comments (comments # 4-6).

1. 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 the reviewer via email [shesh.koirala@austintexas.gov](mailto:shesh.koirala@austintexas.gov) if you have any questions.

2. Atlas 14 regulations became effective on 11/25/2019. This site is affected by Atlas 14. Please ensure associated floodplain study and Finished Floor Elevations of proposed buildings adjacent to the 100-year floodplain, are in compliance with these regulations.  
FYI: Atlas 14 regulations require FFE's be 2' above the current FEMA 500-year floodplain or Atlas 14 100-yr floodplain. FFE requirements will be based on current code at time of application. Based on the submittals, FEMA 500-year floodplain is being used in place of Atlas 14 100-year.
3. If the COA floodplain models were altered for this project, a project assessment is required. Looking at the submittals, it appears that FEMA 500- year floodplain is being used in place of Atlas 14 100-year and the floodplain/drainage easement is proposed to be dedicated accordingly. However, this cannot be confirmed and verified, since there seemed to be a shift in HEC-RAS cross sections in Exhibit 11 (please see the snip at the end of the FP comments below). Please double check the RS of those cross sections and other components of the models and explain the shift. It also helps to verify the delineation quickly if the applicant provides the shape files of HEC-RAS XS, 100-yr and 500-yr FP, and the Georeferenced site plan image used to plot in the plan sheets and exhibits.
4. Looking at the submittals, it doesn't appear to be any modification in the floodplain. However, if any development, including land movement activity, is done in the floodplain (after reviewing the requested response from #3 above), the applicant must show that there are no adverse impacts to the floodplain as a result of the modification. Adverse impacts include a loss of floodplain storage volume and rises in flood elevations on adjacent properties. Applicant may have to provide supporting documentation, including modeling to show no adverse impacts as a result of the proposed development.
5. The applicant's engineer should reference the source of the floodplain study utilized to delineate the limits of the 100-year floodplain shown on the plans. If the City's regulatory model exists for this site and was utilized, copies of the regulatory H&H models should be included in the attached drainage or engineering report with an acknowledgement that the sealing engineer **certifies the accuracy of the model in accordance with LDC 25-7-61 and/or LDC 30-4-61**. Please include a floodplain report (or updated engineers report) with the next update.
6. City of Austin Regulatory floodplain delineations should be based on the **best available data including site specific topographic data per DCM 1.2.6**. The applicant's engineer should delineate water surface elevations generated by the regulatory model onto site gathered topo data.
7. The applicant is required to contain the limits of the FEMA and City of Austin Regulatory floodplain within a drainage easement per LDC 25-7-152 and/or LDC 30-4-152. Please coordinate with the Drainage Reviewer how the floodplain drainage is being processed. **This Comment remains open until easement has been recorded.**

Reference for comment #3





### Subdivision Review - Cesar Zavala - 512-974-3404

- SR 1. Show all existing easements on the plat, annotate easements accordingly if provided by separate instruments. (L.D.C 25-1-83)
- SR 2. The plat is demonstrating a gas pipeline are, verify if the plat should comply with the Hazardous Pipeline section of the Land Development Code, Sections 25-4-134 and 25-2-516. If the pipeline meets the definition of a Hazardous Pipeline, the lots will need to comply with lot sizes as stated in 25-4-134(D) and other requirements as listed by code. A sign off or acknowledgement that the pipeline is not considered a Hazardous Pipeline will be needed from the Fire Department reviewer to clear this comment.
- SR 3. The property is zoned SF-3, minimum lots size for the zoning category is 5,750 square feet. Verify that the lots on the plat meet the zoning criteria. (L.D.C 25-1-83 / [25-2-492](#))
- SR 4. Lots should have a minimum width of 50 feet starting at the front building setback line ending 10 feet towards the rear of the lot. Verify that the lots meet the lot width requirement, as shown Lots 1, 2 and 6 do not meet the lot width requirement. L.D.C. [25-1-22\(C\)](#)
- SR 5. Remove the dashed lined annotating an original lot line. (L.D.C 25-1-83)
- SR 6. Show measurements for all lot lines on the plat.
- SR 7. Clarify if Lot 2 extends to East M.L.K between Lot 1 and Lot 3. If this is correct show a callout of the area between Lot 1 and Lot 3 showing that Lot 2 is part of the triangular area along the road to show frontage for the lot. Lots not having frontage to an existing roads require a commission approved variance to finalize a plat. L.D.C [25-4-171](#)
- SR 8. Add the lot totals on the Lot Table. (L.D.C 25-1-83)
- SR 9. The property description and survey notes can be removed from Sheet 1, this information is not needed on the plat for recording in Travis County.
- SR 10. Show the application submittal date on the plat, March 29, 2021. (L.D.C 25-1-83)

SR 11. Include the case number on the lower right corner of each plat sheet, C8-2020-0021.0A. (LDC 25-1-83)

SR 12. Provide a signed Subdivision Application. (L.D.C 25-1-83)

SR 13. Provide a current deed for the property, the owner listed on the deed should match the owner listed on the plat preamble. (T.L.G.C. Sec. 212.004)

SR 14. Update the owner’s dedication statement on Sheet 2 as follows: 25-1-83, TX 212.004(c)

That (owner) being owner of (legal description of subject property) conveyed by deed of record (vol/pg, instrument #) of the real property records of \_\_\_\_\_ County, Texas, does hereby subdivide (XX) acres of land in accordance with the attached map or plat shown hereon, pursuant to Chapter 212 of the Texas Local Government Code, to be known as:

(Name of plat)

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

SR 15. The plat has six lots and requires commission approval, add the commission approval block to the plat. (Cases with four or less lots can be approved administratively.) (T.L.G.C 212.0065)

Add or amend the Land Use Commission approval block. 25-1-83 or 30-1-113:

Accepted and authorized for record by the Land Use Commission of the City of Austin, Texas, on this, the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_ Chair

\_\_\_\_\_ Secretary

SR 16. Update the director’s approval block to list the case manager.

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AD.

\_\_\_\_\_  
Cesar Zavala for:  
Denise Lucas, Director  
Development Services Department

SR 17. Verify if the property has existing structures, if structures are on the property the following applies:

- If the structures will be removed or demolished, the plat can be approved, but will not be recorded until the structures are demolished. The plat must be recorded no later than 80 business days after approval. 25-1-83
- If the structures will remain, submit a scaled drawing that shows the existing structures and the new lot lines. The structures must meet setbacks from the new lot lines, and the new lots must comply with any applicable impervious cover (IC) and building cover (BC) limits. Include calculations for IC and BC. 25-1-83; 25-2-491

SR 18. Will fiscal be required for the case? If fiscal is needed for the case replace Note #13 with the following note. A construction agreement will be generated by the Fiscal Office if a fiscal amount is posted.(25-1-83)

"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 19. Section 25-4-34(B)/30-2-34(B), of the Land Development Code, requires that an application for preliminary plan or final plat include all land constituting the original tract. It appears this application may not include the entirety of the original tract. To determine if a balance of tract issue exists, submit a deed that shows the property existed in its current configuration prior to the date it became subject to the City's jurisdiction over subdivision of land (July 19, 1951). If the tract is not in the same configuration, there are two options 1) include the balance of the tract in your subdivision plat, or 2) request a waiver, in accordance with Section 25-4-34/30-2-34 of the Land Development Code. There is a fee if you choose the waiver. Please make an appointment with the "Intake Center" on the 4th floor at 974-1770 to pay the fee.

SR 20. Contact the Intake Department to verify the submittal fees. The property is currently unplatted and the subdivision application is for a plat with six lots requiring commission approval with no notices.

SR 21. The following items are needed to approve the case and record plat at Travis County, listed items are provided after all reviewers comments have provided sign offs. (T.L.G.C 212.004(d) / T.L.G.C 212.014):

- Mylars containing original signatures, with appropriate seals and dates. All signatures, seals and stamps on the plat must be legible and in black ink.
- Original tax certificate(s) showing all taxes paid for the previous year. (can be provided after approval of the plat)
- Check for plat recordation fee & any associated documents. (can be provided after approval of the plat)

**Transportation Planning - Martin Laws - 512-974-6351**

TR1. Since the proposed subdivision has frontage along E. MLK Blvd./FM 969, a state-maintained roadway, the written approval from TxDOT will be required for sign-off.

**U1. Please provide TxDOT approval**

**AW Utility Development Services - Bradley Barron - 512-972-0078**

AW1. §25-9:

Service Extension Requests 5017 and 5018 are currently in review and must be approved prior to plat approval. For status, contact Brett Ueno at (512)-972-0187 or [Brett.Ueno2@austintexas.gov](mailto:Brett.Ueno2@austintexas.gov).

AW2. Per Utility Criteria Manual Section 2, §15-9, §25-4, §25-5, §25-9, and the Uniform Plumbing Code:

Once AW1 is resolved, the landowner intends to serve each lot with City of Austin water and wastewater utilities. Each lot must have a separate water and wastewater utility connection and no existing or proposed plumbing may cross lot lines. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments to serve each lot.

FYI. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Water Quality Review - Jay Baker - 512-974-2636****PLAN/PLAT NOTES**

WQ 1. Remove note #19 and replace with the following note:  
"Water quality controls are required for all development pursuant to the Land Development Code.

**WATER QUALITY PLAN**

WQ 2. Provide water quality plan for this subdivision.in accordance with the application packet page 17.  
[LDC 25-1-83]

**City Arborist Review - Taylor Horton - 512-974-1218**

CA1-CA4 Cleared

**PARD / Planning & Design Review - Thomas Rowlinson - 512-974-9372**

PR 1: Parkland dedication is required per Chapter 25-1, Article 14 (Parkland Dedication) of the City Code prior to approval of this subdivision. The parkland should include the Fort Branch creek area in order to comply with City Code 25-1-603. Designate the park area in a park easement, labeled "Park Easement hereby dedicated by plat", to comply with § 25-1-604 (E). Contact this reviewer to discuss: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov)

PR 3: To demonstrate compliance with § 25-1-603 and credit the park easement appropriately, provide to this reviewer a table showing the acreages of parkland dedication that is in the following categories: (A) 25-year floodplain, (B) critical water quality zone, 100-year floodplain, CEF buffers, and easements NOT in 25-year floodplain, and (C) land unencumbered by the above mentioned restrictions.

PR 3: To comply with § 25-1-605 and § 25-1-606, parkland dedication fees will be issued. Payment of the fees is required prior to approval. Once the amount of parkland and credit has been provided (see PR 1 and PR 2), fees may be issued. Please confirm the number of units to issue fees.

PR 4: Once the number of units have been confirmed, add the following note to the plat:

Parkland dedication has been provided for 8 units by the dedication of a park easement and fees.

**END OF REPORT**