

SUBDIVISION REVIEW SHEET

CASE NO.: C8-2020-0021.0A

COMMISSION DATE: August 24, 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: 8

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 8 lots on 2.9 acres.

STAFF RECOMMENDATION:

Staff recommends disapproval of the plat for the reasons listed in the comment report dated August 19, 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

ATTACHMENTS

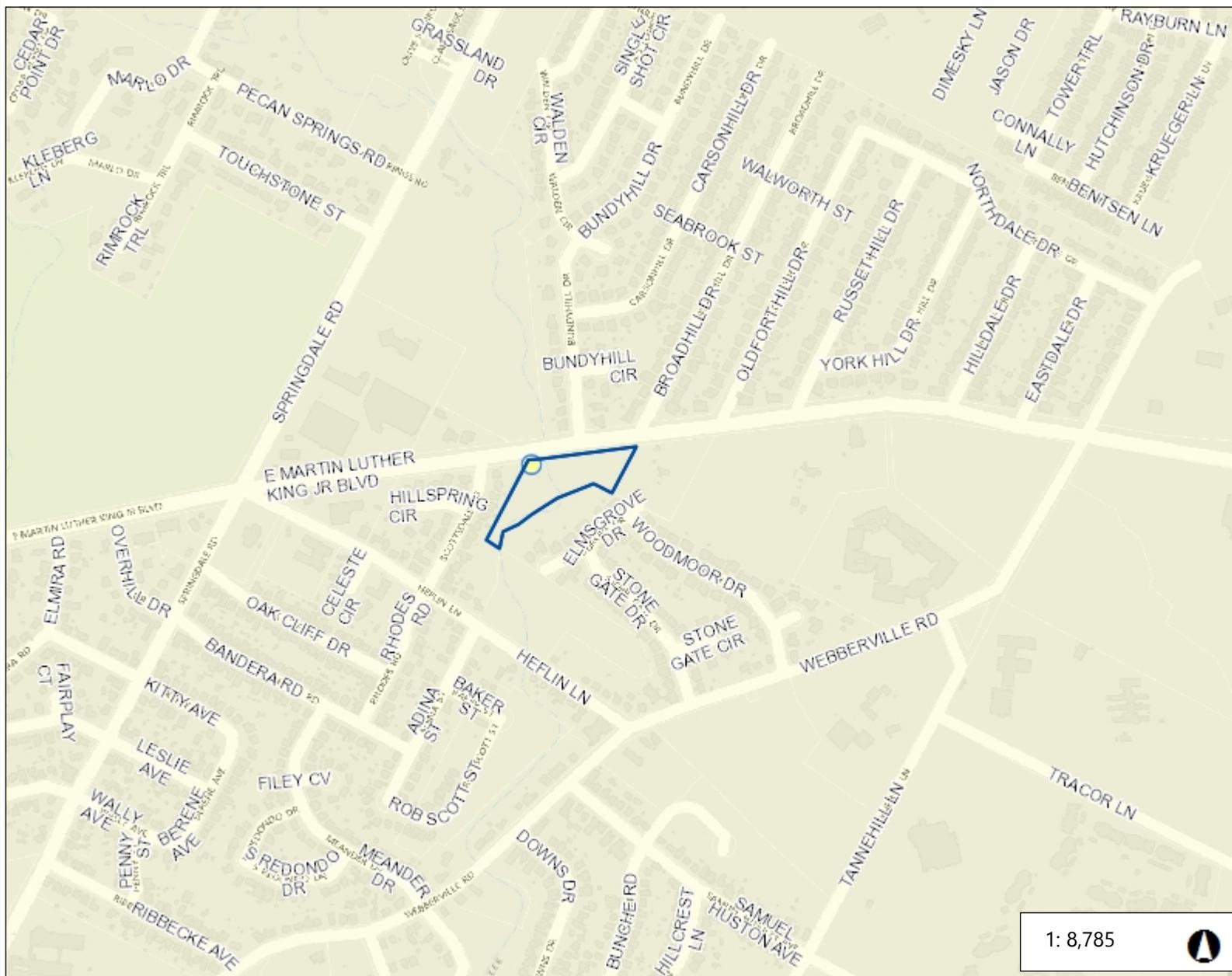
Exhibit A: Vicinity map

Exhibit B: Proposed plat

Exhibit C: Comment report dated August 19, 2021



Property Profile



1: 8,785



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.

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

Notes

SUBDIVISION NAME: Fort Branch
Subdivision

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

FORT BRANCH CREEK SUBDIVISION

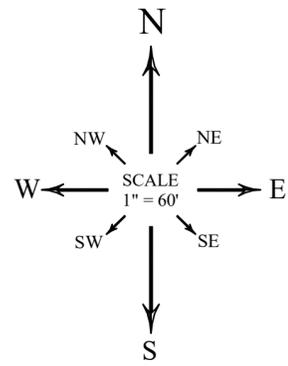
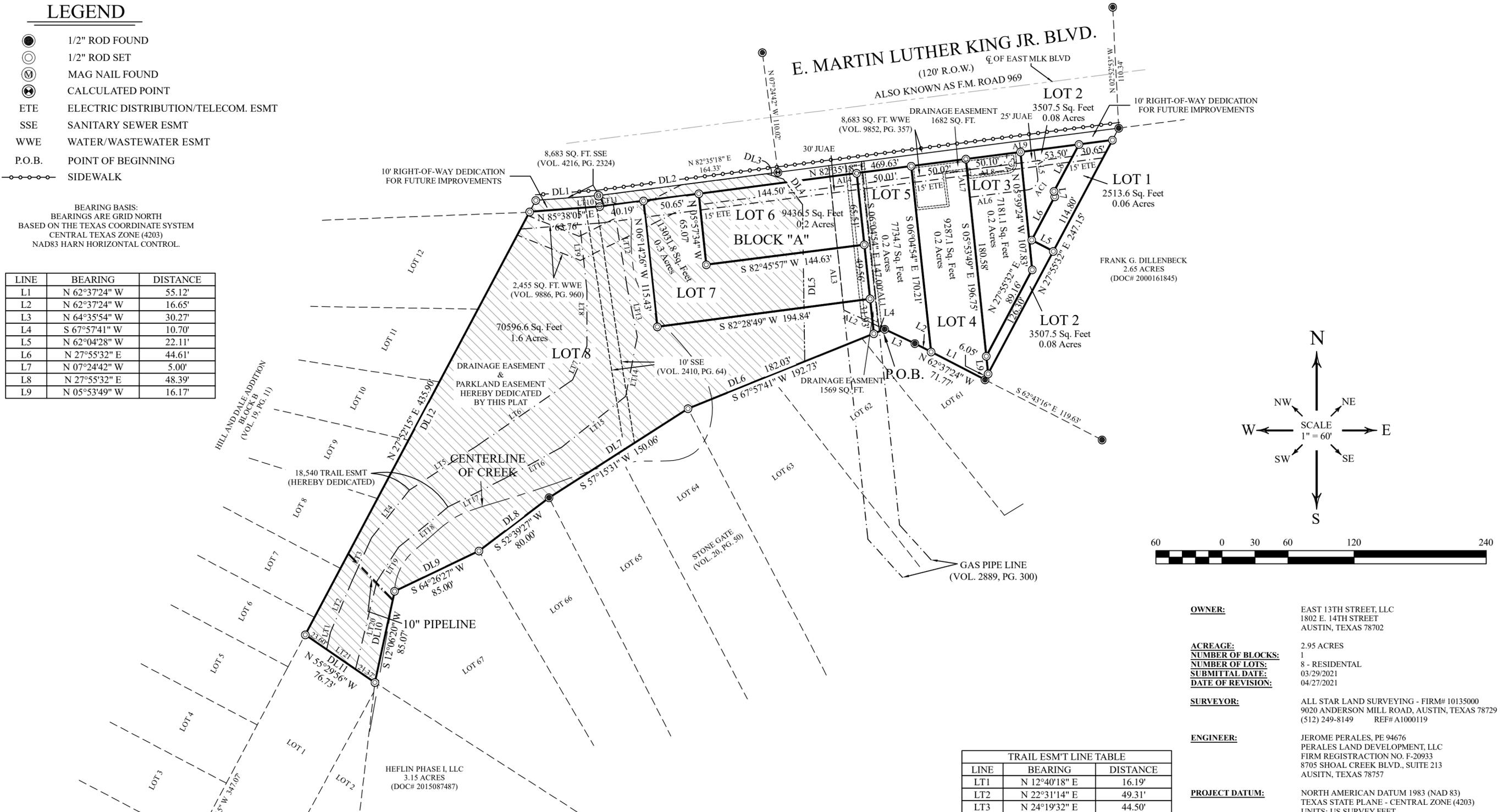
EXHIBIT B

LEGEND

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

BEARING BASIS:
BEARINGS ARE GRID NORTH
BASED ON THE TEXAS COORDINATE SYSTEM
CENTRAL TEXAS ZONE (4203)
NAD83 HARN HORIZONTAL CONTROL.

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'



OWNER: EAST 13TH STREET, LLC
1802 E. 14TH STREET
AUSTIN, TEXAS 78702

ACREAGE: 2.95 ACRES
NUMBER OF BLOCKS: 1
NUMBER OF LOTS: 8 - RESIDENTIAL
SUBMITTAL DATE: 03/29/2021
DATE OF REVISION: 04/27/2021

SURVEYOR: ALL STAR LAND SURVEYING - FIRM# 10135000
9020 ANDERSON MILL ROAD, AUSTIN, TEXAS 78729
(512) 249-8149 REF# A1000119

ENGINEER: JEROME PERALES, PE 94676
PERALES LAND DEVELOPMENT, LLC
FIRM REGISTRATION NO. F-20933
8705 SHOAL CREEK BLVD., SUITE 213
AUSTIN, TEXAS 78757

PROJECT DATUM: NORTH AMERICAN DATUM 1983 (NAD 83)
TEXAS STATE PLANE - CENTRAL ZONE (4203)
UNITS: US SURVEY FEET

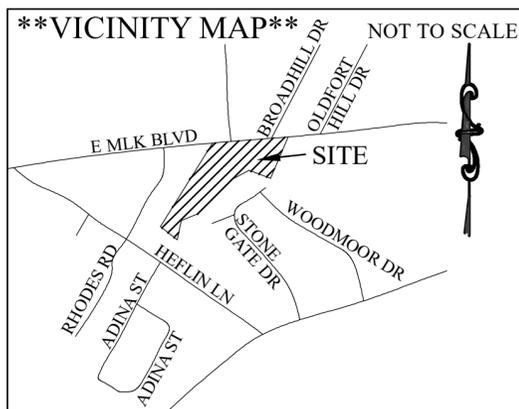
LOT	SQ. FT.	ACREAGE
1	2,513.62	0.06
2	3,507.47	0.08
3	7,181.12	0.16
4	9,287.10	0.21
5	7,734.68	0.18
6	9,436.47	0.22
7	13,031.82	0.30
8	70,596.57	1.62

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'

LINE	BEARING	DISTANCE
AL1	S 05°57'40" E	141.12'
AL2	N 64°53'57" W	35.07'
AL3	N 05°57'40" W	122.26'
AL4	N 82°35'18" E	30.05'
AL5	S 07°24'42" E	25.00'
AL6	S 82°35'17" W	53.50'
AL7	N 05°53'49" W	25.01'
AL8	N 82°35'17" E	27.84'
AL9	N 82°35'18" E	25.00'

CURVE	RADIUS	CHORD LENGTH	CHORD BEARING	ARC LENGTH
AC1	10.00'	14.14'	S 37°35'17" W	15.71'
AC2	10.00'	14.14'	N 37°35'17" E	15.71'

LINE	BEARING	DISTANCE
LT1	N 12°40'18" E	16.19'
LT2	N 22°31'14" E	49.31'
LT3	N 24°19'32" E	44.50'
LT4	N 38°28'49" E	55.35'
LT5	N 56°39'32" E	72.11'
LT6	N 55°21'30" E	106.84'
LT7	N 22°51'09" E	33.35'
LT8	N 00°00'00" W	51.11'
LT9	N 06°08'19" W	75.05'
LT10	N 85°38'05" E	19.68'
LT11	N 82°35'18" E	12.60'
LT12	S 09°24'08" E	76.77'
LT13	S 11°33'23" E	45.49'
LT14	S 11°05'22" W	55.28'
LT15	S 51°21'26" W	73.96'
LT16	S 61°08'21" W	59.41'
LT17	S 63°08'44" W	57.64'
LT18	S 50°51'33" W	57.90'
LT19	S 32°22'52" W	36.89'
LT20	S 13°35'54" W	82.32'
LT21	N 55°29'56" W	31.77'



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/HER 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. 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. THE 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. NO. _____, IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
14. THE LANDOWNER IS RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE, INCLUDING THE WATER AND WASTEWATER UTILITY IMPROVEMENTS.
15. THE 100 YEAR FLOODPLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENT(S) SHOWN HEREON. 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 # 48453C 0470K, DATED JANUARY 6, 2016 FOR AUSTIN, TRAVIS COUNTY, TEXAS.
16. 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).
17. 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.
18. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT PURSUANT TO THE LAND DEVELOPMENT CODE.
19. 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.
20. 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.
21. OFF-STREET LOADING AND UNLOADING FACILITIES SHALL BE PROVIDED ON ALL COMMERCIAL AND INDUSTRIAL LOTS.
22. WATER METERS AND CLEANOUTS SHALL NOT BE LOCATED IN DRIVEWAYS OR SIDEWALKS.
23. A 25' JOINT-USE ACCESS ESMT IS HEREBY DEDICATED BY THIS PLAT FOR ACCESS TO LOTS 2, 3 & 4. AS WELL AS A 30' JOINT-USE ACCESS ESMT IS HEREBY DEDICATED BY THIS PLAT FOR ACCESS TO LOTS 5, 6, 7 & 8.
24. 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 SEPERATE DEVELOPMENT PERMIT.
25. WATERWAY SETBACKS AS DEFINED BY THE LAND DEVELOPMENT CODE MAY BE LOCATED ON THIS PROPERTY. DEVELOPMENT IS LIMITED WITHIN WATERWAY SETBACKS.

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

THAT I, _____ FOR EAST 13TH STREET, LLC, BEING OWNER OF 1.15 ACRES AND 1.80 ACRE TRACT OF LAND, OUT OF AND A PART OF THE JESSE TANNEHILL LEAGUE, SURVEY NO. 29, IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME 1.15 AND 1.80 ACRE TRACTS, CONVEYED BY DEED OF RECORD, RECORDED IN DOCUMENT NUMBER 2018174525, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVID 2.95 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:

"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: _____

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

02/26/2021
DATE



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
PERALES LAND DEVELOPMENT, LLC.
FIRM REGISTRATION NO. F-20933
8705 SHOAL CREEK BLVD., SUITE 213
AUSITN, TEXAS 78757
(512) 297-5019

DATE

ACCEPTED AND AUTHORIZED FOR RECORD BY THE LAND USE COMMISSION OF THE CITY OF AUSTIN, ON THIS, _____ DAY OF _____, 20____.

CHAIR

SECRETARY

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.

CESAR ZAVALA FOR:
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 UPDATE: U1
CASE MANAGER: Cesar Zavala PHONE #: 512-974-3404

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

SUBMITTAL DATE: August 9, 2021
REPORT DUE DATE: August 23, 2021
FINAL REPORT DATE: August 19, 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
ATD Engineering : Bryan Golden
Drainage Engineering : Kyle Virr
Subdivision : Cesar Zavala
Water Quality : Kyle Virr
PARD/ Planning & Design: Thomas Rowlinson

Electric Review - Andrea Katz - 512-322-6957

Comments cleared

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

Outstanding review fee

TR1. The survey tie across E. MLK Blvd./FM 969 has been provided and now confirms the existing right-of-way (ROW) for this road. Since the Austin Strategic Mobility Plan (ASMP) requires 120' of ROW for E. MLK Blvd./FM 969, please dedicate 60' of ROW from the centerline of E. MLK Blvd./FM 969 or submit a formal ROW waiver request to ATD.

U1: Comment cleared.

TR2. 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: Comment cleared.

TR3. No direct access from a lot to a major roadway is permitted on a subdivision plat if the lot has less than 200 feet of frontage on the roadway and alternative access is available. LDC 25-6-381(B). Please clarify the proposed access to E. MLK Blvd./FM 969 from Lots 1-8. Joint access may be required at the time of subdivision approval for abutting lots on a major roadway which have insufficient frontage to allow a driveway approach for each lot in accordance with the requirements of the TCM. LDC 25-6-381(E). Please provide joint use access to E. MLK Blvd./FM 969 from Lots 1-8. A plat note will be required once the JUAE is established.

U1: Comment cleared.

TR4. Please revise the sidewalk plat note to read as follows: "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." LDC 25-6-351.

U1: Comment cleared.

Drainage Engineering Review - Kyle Virr - 512-974-2538

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. CLEARED

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

U1: Comment stands.

DE 3 to DE5. CLEARED

EASEMENTS

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.
U1: Pending approval from pond maintenance group.

ENGINEER'S REPORT

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

U1: Please clarify the following items on the drainage area map:

Contours

Flow paths and Tc path

Area designation (outline, name, size, amount of impervious cover)

Off-site areas draining onto the site

Existing and/or proposed infrastructure (storm sewers, outfalls, ponds, etc.)

Point(s) of analysis

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 to DE11. CLEARED

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.

U1: Pending review, approval and posting of fiscal.

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

EV 1 Cleared

Flood Plain Review - 512-974-9396 (voice message only) Email: shesh.koirala@austintexas.gov

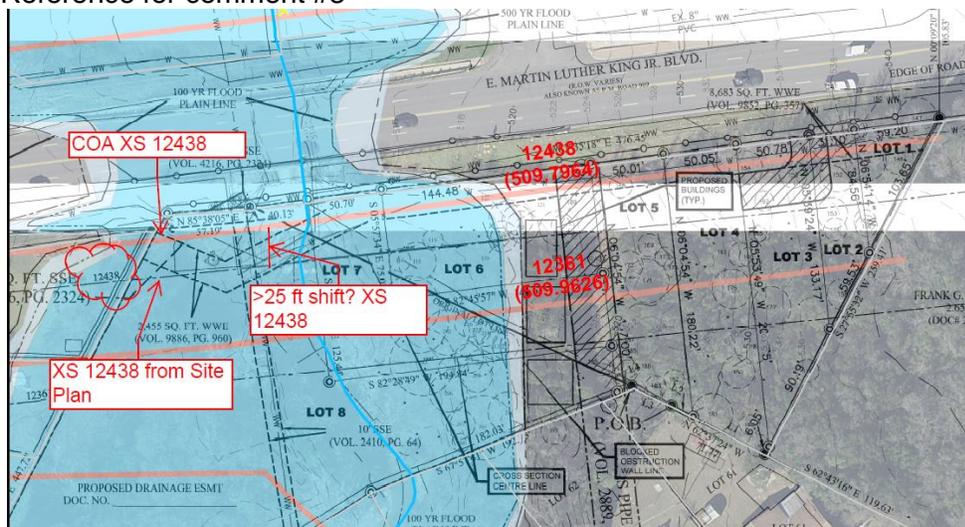
FP Reviewer Note: Doesn't seem to be proposed any development in the FP but need to be confirmed and verified with models and responses requested in this cycle of comment (particularly for comment #3). The requested clarification and responses for comment #3 may clear many of the other comments (comments # 4-6). **U1: All Comments cleared**

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 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.**
8. Additional comments may be added upon review of future updates.

Reference for comment #3



- SR 1. Show all existing easements on the plat, annotate easements accordingly if provided by separate instruments. (L.D.C 25-1-83)
Update 1: Clarify what the hashed area on Lots 6, 7 & 8 is annotating, as shown the hashed area appears to be labeling a Parkland and Drainage Easements. Label easements accordingly and any lots that will be dedicated for Parkland.
Clearly annotate the Joint Use Access Easement on the lots.
Clarify what the 10 inch pipeline shown on the south portion of Lot 8 is for and label accordingly.
- 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.
Update 1: The plat is showing a gas pipeline line within the proposed lots, a determined would be needed stating that the pipeline is not a hazardous pipeline for LDC 25-4-134 section of code not to apply to the case. A certified acknowledgement would be needed stating that the pipelines is not considered hazardous pipeline, refer to [LDC 25-4-134](#) for Hazardous Pipeline definition and requirements.
- 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](#))
Update 1: Proposed Lots 1 through 7 are in Tract 104 as demonstrated in Ordinance 021107-Z-12b which allows Residential Infill Special Use with various residential uses. The proposed lots within the infill special use area can follow [L.D.C 25-2-1534](#) for development standards. Verify that the propose lots meet the criteria listed in L.D.C 25-2-1534, and that the plat meets requirements for the various number of uses the infill list. Note that the development requirements state that Single-Family residential uses are required on land that is adjacent to property zoned SF-3 or more restrictive, small lot uses do not appear to be correct uses for Lots 1 and 2.
- SR 4. Lots should have a minimum width of 50 feet starting at the front building setback line ending 50 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\(C\)](#)
Update 1: Label the lots that will have small lot use, such as Cottage or Urban Home uses, and provide a note listing the lots that will follow the Residential Infill Special Uses.
- SR 5. Comment Cleared.
- SR 6. Comment Cleared.
- 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](#)
Update 1: Provide a callout of the area in Lot 2 along lot lines L5, L6 and the east lot line of Lot 3. The callout is needed to demonstrate that the triangular area and the strip of Lot 2 are connected.
- SR 8. Add the lot totals on the Lot Table. (L.D.C 25-1-83)
Update 1: In the Lot Table show the total acreage and square feet totals, as well as listing the area of the right-of-way to be dedicated.
- SR 9. – SR 12. Comments Cleared.

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)

Update 1: Provide the current deed for the property, the attached deed with Document #2020241924 is listing The Preserve Townhomes, LLC. The deed should match the listed owner on the plat.

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.

Update 1: Update the preamble to list the current owner and match provided deed.

SR 15. – SR 19. Comments Cleared.

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.

Update 1: Comment pending payment of fees.

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)

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

AW 1. Comments released.

Water Quality Review - Kyle Virr - 512-974-2538

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.

PLAN/PLAT NOTES

WQ 1. CLEARED

WATER QUALITY PLAN

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

U1: Please elaborate on the rain garden design (infiltration vs. filtration, R-1 table(s), etc.)

Update 1

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

U1: Acceptance of the easement area is dependent on whether it meets parks standards per § 25-1-603 (see PR 2).

PR 2: 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.

U1: Table documenting credit to comply with § 25-1-603 has not been provided to this reviewer.

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.

U1: Comment remains. Contact this reviewer, Thomas Rowlinson, Principal Planner, to finalize remaining fees in-lieu to comply with § 25-1-605 and § 25-1-606.

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.

U1: Comment remains. Contact this reviewer, Thomas Rowlinson, Principal Planner, to finalize plat note: thomas.rowlinson@austintexas.gov. Add plat note exactly as provided to document compliance with Chapter 25-1, Article 14 (Parkland Dedication).

END OF COMMENT REPORT