

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8-2020-0021.0A**COMMISSION DATE:** November 2, 2021**SUBDIVISION NAME:** Fort Branch Subdivision**ADDRESS:** 5016 E. Martin Luther King Jr. Blvd.**APPLICANT:** East 13<sup>th</sup> Street LLC (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 October 28, 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

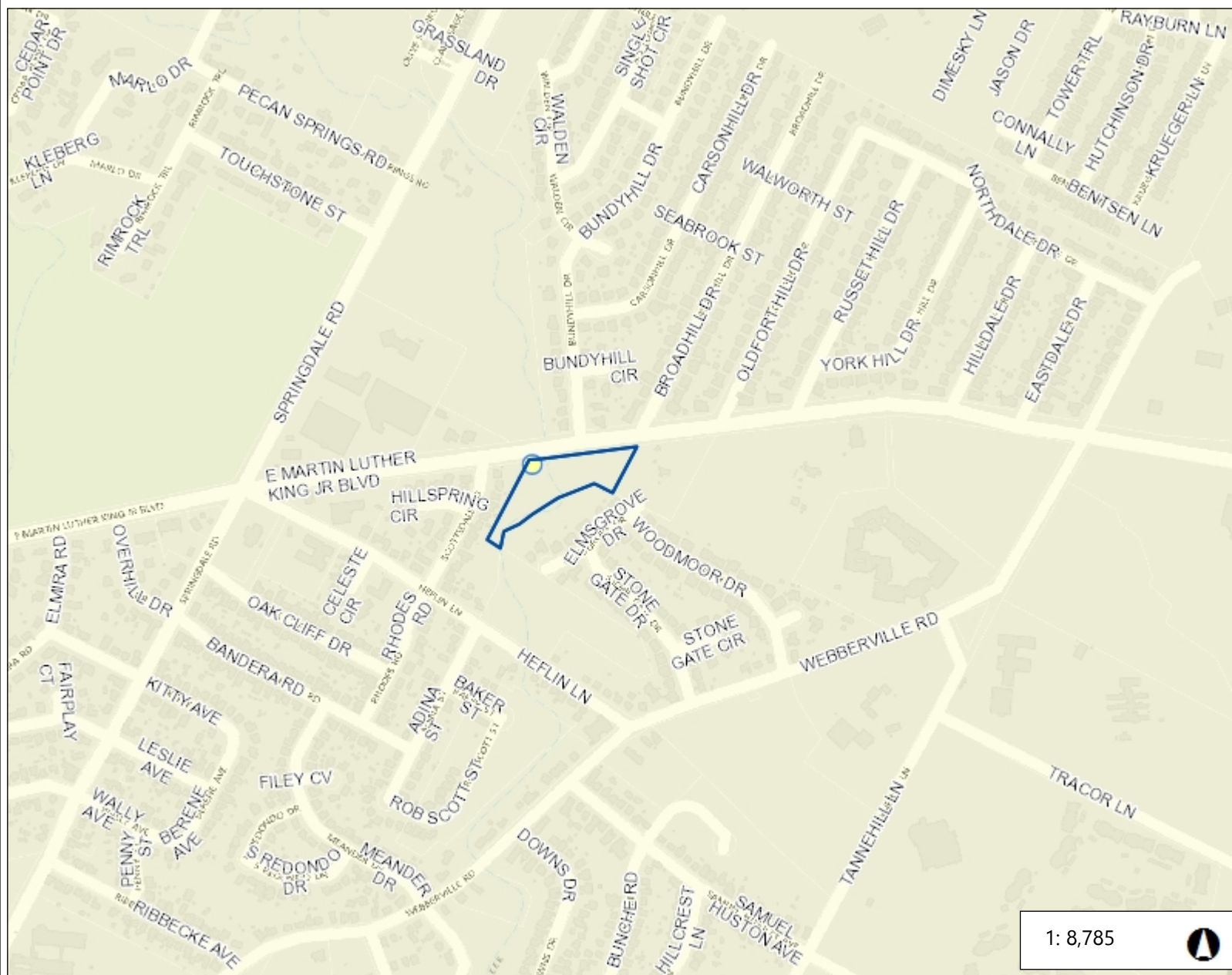
Exhibit B: Proposed plat

Exhibit C: Comment report dated October 28, 2021



B-9

## Property Profile



1: 8,785

## Legend

## Street Labels

## Jurisdiction

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

## Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTION
- 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.

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.



FORT BRANCH CREEK SUBDIVISION

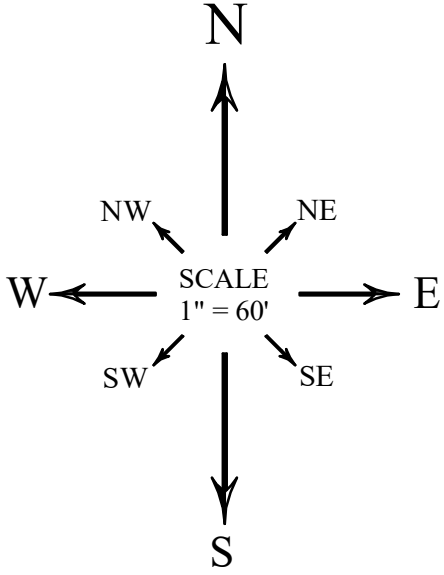
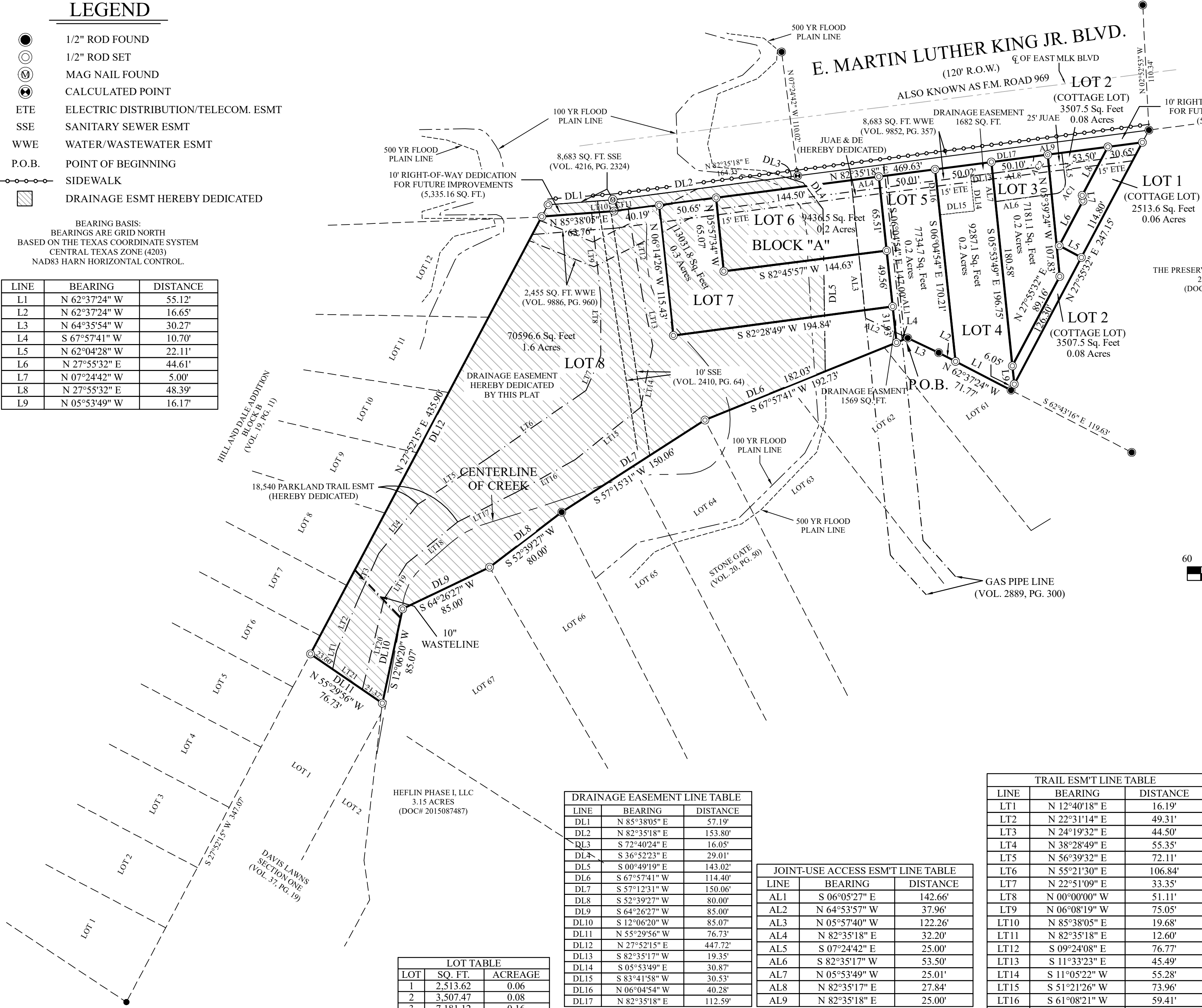
EXHIBIT B

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
- DRAINAGE ESMT HEREBY DEDICATED

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

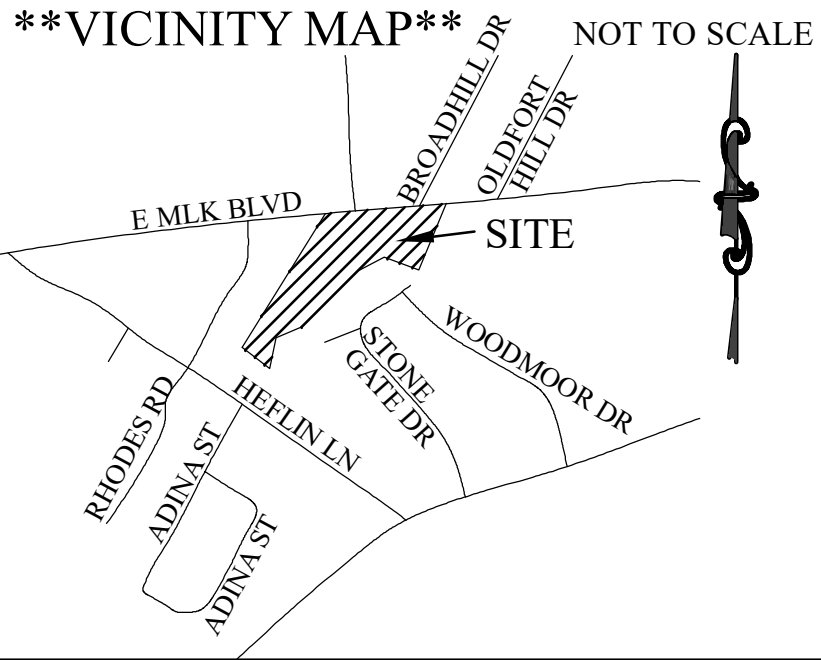
LOT TABLE		
LOT	SQ. FT.	ACREAGE
1	2,513.62	0.06
2	3,507.47	0.08
3	7,181.12	0.16
4	9,287.10	0.21
5	7,734.68	0.18
6	9,436.47	0.22
7	13,031.82	0.30
8	70,596.57	1.62
ROW	5,335.16	0.12

DRAINAGE EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
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°52'23" E	29.01'
DL5	S 00°49'19" E	143.02'
DL6	S 67°57'41" W	114.40'
DL7	S 57°12'31" 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'
DL13	S 82°35'17" W	19.35'
DL14	S 05°53'49" E	30.87'
DL15	S 83°41'58" W	30.53'
DL16	N 06°04'54" W	40.28'
DL17	N 82°35'18" E	112.59'

JOINT-USE ACCESS ESMT LINE TABLE		
LINE	BEARING	DISTANCE
AL1	S 06°05'27" E	142.66'
AL2	N 64°53'57" W	37.96'
AL3	N 05°57'40" W	122.26'
AL4	N 82°35'18" E	32.20'
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'

JOINT-USE ACCESS EASEMENT CURVE TABLE				
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'

TRAIL ESMT LINE TABLE		
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.
26. PARKLAND DEDICATION HAS BEEN PROVIDED FOR 8 UNITS BY THE DEDICATION OF A PARK EASEMENT AND FEE.

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

THAT I, ROBERT E. PENTA JR., 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 2021123454, 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\_\_

\_\_\_\_\_  
ROBERT E. PENTA JR.  
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 ROBERT E. PENTA JR., FOR EAST 13TH STREET, 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

09/15/2021  
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

\_\_\_\_\_  
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

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

CASE NUMBER: C8-2020-0021.0A  
 REVISION #: 00 UPDATE: U2  
 CASE MANAGER: Cesar Zavala PHONE #: 512-974-3404

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

SUBMITTAL DATE: October 18, 2021  
 REPORT DUE DATE: November 1, 2021  
 FINAL REPORT DATE: October 28, 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 . 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 (512-974-1770 or [LURIntake@austintexas.gov](mailto:LURIntake@austintexas.gov)) 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.

**IMPORTANT NOTICE: the City of Austin Mayor and Travis County Judge COVID orders that suspended deadlines are set to end on December 31, 2021. Unless the Covid orders are extended, applications or determinations will begin expiring again on or after January 1, 2022. Please review the coversheet of the most recent staff report to find the expiration date. FYI: Preliminary Plan and Final Plat applications expire after 90 days and Subdivision Construction Plans expire after 1 year unless the application has been approved.**

**REVIEWERS:**

Planner 1 :  
 Drainage Engineering : Kyle Virr  
 Water Quality : Kyle Virr

ATD Engineering : Bryan Golden  
 PARD / Planning & Design : Thomas Rowlinson  
 Subdivision: Cesar Zavala

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

Outstanding review fee.

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 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.

U2: Comment stands.

## 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

U2: Please include offsite flows in the drainage analysis and plans to convey them through the site.

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.

U2: It appears the east rain garden will outlet into the west rain garden. Is the west rain garden sized to accept the outlet flows?

## 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.

U2: Comment stands.

PARD / Planning & Design Review - Thomas Rowlinson - 512-974-9372
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## Update 2

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)

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

**U2: Easement area still does not meet standards; not all of the floodplain on this site, both 25- and 100-year, is dedicated, failing to meet § 25-1-603, specifically (C). Furthermore, the 15 percent cap on urban core sites is inclusive of parkland credits described in § 25-1-603 and the parkland dedication operating procedures; after credit assignment, the proposed parkland trail easement is still substantially less than required. Revise to include the entire drainage easement area into the park easement.**

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.

**U2: Comment remains. Reviewer could not locate required table documenting the encumbrances to assign exact parkland dedication credit. Please send to reviewer directly:**

[thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov)

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.

**U2: Reviewer described how to meet requirement: dedicate all drainage easement as also being park and trail easement.**

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](mailto:thomas.rowlinson@austintexas.gov). Add plat note exactly as provided to document compliance with Chapter 25-1, Article 14 (Parkland Dedication).

**U2: Cleared.**

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

**Update 2:** Clearly delineate the access and drainage easement(s) along the front property line. Show the boundaries of the easement(s) similar to the 8,683 sq. ft. WWE, the WWE has arrows demonstrating the north and south boundaries. Please also show easements with dashed lines, the easement on Lots 2 and 3 should be shown 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 determination 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.

**Update 2:** Applicant provided acknowledgement that the pipeline is no longer in use. Remove the shown pipeline from the plat.

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.

**Update 2:** Provide an exhibit that demonstrates how the proposed plat meets the requirements listed in LDC 25-2-1534(B) Development Regulations. The development regulation requirements list various uses that the property should have for Residential Infill Special Use, such as a certain percentages of uses should be cottage special use, townhome use, and community open space.

LDC 25-2-1534(C) states that Single Family residential use should be on property that is adjacent or next to a property with a use permitted in SF-3 zoning. The neighboring property has an existing single family home that is allowed in SF-3 zoning. Since the proposed Lots 1 & 2 are



next to the property with an existing single family home, Lots 1 & 2 should have single family residential uses with a minimum lot size of 5,750 square feet.

- 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.

**Update 2:** Annotate on the plat that Lot 6 will have cottage use.  
Include a note on the plat that list the lots that will have cottage use.

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.

**Update 2:** As demonstrated on the plat, the area or strip connecting the north and south portion of Lot 2 cannot be deciphered. Provide a callout of the area to show the distance between the lot.

SR 8. – SR 13. Comments Cleared.

- SER 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.

**Update 2:** Update the preamble to list the name of the partnership or company first followed by the representative.

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 2:** The database shows an outstanding balance on the application fees. 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)

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

U2: Please provide a plan to satisfy ECM 1.6.7.4 regarding infiltration rate evaluation.

END REPORT