

Legislation Details (With Text)

<b>File #:</b>	21-892	<b>Name:</b>	
<b>Type:</b>	Plat	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	8/27/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/8/2021	<b>Final action:</b>	
<b>Title:</b>	WVR21-296 Discuss and consider a waiver request from Section 118-46(d) to not require a street projection into an unsubdivided area with the proposed Kohlenberg Subdivision.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial, 2. Applicant's Justification Letter, 3. Street Projection Exhibit, 4. Proposed Master Plan		

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Applicant: Heartwood Development II, LLC (Paul Powell or Bryan Sims)  
Owner: HKEK LLC (Kenneth Kohlenberg)

**SUBJECT:**

WVR21-296 Discuss and consider a waiver request from Section 118-46(d) to not require a street projection into an unsubdivided area with the proposed Kohlenberg Subdivision.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Outside City Limits

**BACKGROUND INFORMATION:**

Applicant: Heartwood Development II, LLC (Paul Powell or Bryan Sims)  
45 NE Loop 410, Suite 225  
San Antonio, TX, 78216  
(512) 294-4146 paul@hdc-group.com

Owner: HKEK LLC (Kenneth Kohlenberg)  
1492 S. State Hwy 46  
New Braunfels, TX 78130  
(830) 620-8944

Staff Contact: Matthew Simmont  
(830) 221-4058 msimmont@nbtexas.org

The subject property consists of approximately 181 acres located at the southwest corner of the intersection of SH 46 and Weltner Road. The applicant is intending to subdivide the property into 550 residential and 2 non-residential lots.

Projection of Streets:

**The applicant is requesting a waiver from the requirement to provide for street projection into an**

**unsubdivided area with the proposed subdivision.**

The Code of Ordinances requires street projections when adjacent areas are unsubdivided and “the arrangement of streets in the subdivision [subject property] shall make provision for the proper projection of streets into such unsubdivided area.” The proposed layout of this subdivision has resulted in no street projection to the 10-acre Stephen S. Smith tract that is located near the southeast corner of the subject property.

The applicant states, “In looking at the Deer Crest master plan, we noticed that this development was not required to stub a street to the Smith tract, even though their distance was also over 1200’. Since the Smith tract has frontage out to SH 46, and since the precedence was set with the Deer Crest master plan, we do not believe we should be forced to provide an additional street stub in this location.”

**ISSUE:**

Waiver criteria are provided below in Commission Findings.

**Commission Findings:**

The adopted Subdivision Platting Ordinance indicates the Planning Commission shall not approve/recommend approval of a waiver unless it makes findings based upon the evidence presented to it in each specific case that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends denial of the street projection waiver as requested.

- Compliance with the street projection standards is important to provide for adequate access and connectivity with the continuation of development surrounding the city.
- Minimum requirements for subdivision layout and design ensure the progression of development happens in a predictable manner, allowing adjacent properties to continue or enhance the development pattern.
- The long-term improvement of SH 46 as a Principal Arterial (up to 120 feet wide), will likely limit turning movements to and from adjacent properties. It will be critical to continue to maximize internal connectivity to maintain long term accessibility for the future residents.
- The projection of streets into unsubdivided property contributes to public safety by ensuring the continued expansion of a safe and viable road network. A proper road network supports quality development, which includes the ultimate development of the adjacent 10-acre Smith tract.
- There appears to be no topographical limitations of the subject property that would cause development challenges or prevent a street connection.
- The street projection to the Smith tract requirement remains regardless of any projections provided from

other adjacent properties.

Resource Links:

Chapter 118-46(d) Streets, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-46ST](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-46ST)

Attachments:

1. Aerial Map
2. Applicant's Plat Waiver Justification Letter
3. Street Projection Exhibit
4. Proposed Master Plan Layout