



**Waivers:** - Lot with no street frontage

The subject plat is vacant land located north of the intersection of Loop 337 and Word Parkway, and northeast of Oakwood Church property within Veramendi Sector Plan 2. Veramendi is a 2,400 acre mixed-use project that is being developed in compliance with the Development Agreement approved by City Council in 2013 in the City's consent to the creation of the Comal County Water Improvement District No. 1. The proposed plat will create one lot intended for an elementary school with up to 800 students.

**Street Frontage:**

Section 118-45b. of the Subdivision Platting Ordinance requires that each lot within a subdivision front onto a dedicated, improved public street, with a minimum of 36 feet of frontage. The subject plat is proposing to create 1 lot with no street frontage. **The developer is requesting a waiver from the lot frontage requirement** to allow for the creation of proposed Lot 1. Access to Lot 1 will be provided through an easement that will guarantee access to Word Parkway. In addition, a proposed extension of the arterial roadway Word Parkway is under design and is intended to be constructed prior to occupancy of the subject property, providing frontage in compliance with requirements. A secondary entrance onto Word Parkway is planned to be constructed with development of the subject property.

Staff is not opposed to the request because the proposed access easement will guarantee access to the property and an extension to Word Parkway is anticipated to be completed prior to occupancy of the subject property ensuring code compliance ultimately. The waiver criteria are provided below in Commission Findings.

**Drainage:**

The Public Works Department reviewed preliminary project drainage as required by the Veramendi Development and Design Control Document (DDCD), Section 118-51.e of the Subdivision Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual in place at the time of the execution of the Development Agreement. Final drainage will be reviewed with the commercial permit.

No portion of the subject property is located within the 1% annual chance floodplain.

**Utilities:**

Electric, water and sewer services will be provided by New Braunfels Utilities (NBU) in compliance with the aforementioned Development Agreement. Utility easements are provided as required by NBU. Utility extensions to serve the subject property will be constructed with the plat for Word Parkway, Phase 2 and must be accepted and in service prior to the issuance of a Certificate of Occupancy.

**Transportation:**

**Street Layout**

Word Parkway, a 100-foot wide minor arterial, will be platted adjacent to the subject property providing access to a public street.

**Sidewalks and Accessways:**

A ten-foot wide accessway is required along Word Parkway and will be built at the time of site development of the subject property.

### **Transportation Improvement Fees:**

Veramendi Transportation Improvement Fees are hereby assessed with approval of the final plat. Transportation Improvement Fees are collected at the time of building permit as indicated in the Development Agreement fee schedule for the intended use.

### **Parkland Dedication and Development:**

The subdivision is compliant with the parkland requirements that are set forth within the DDCD.

### **Tree Protection:**

The preliminary tree survey completed indicates potential high value trees to be located on the future elementary school site. A tree survey, tree preservation plan and tree replacement plan will be required to be submitted with the site plan at time of building permit.

### **Commission Findings:**

The Subdivision Platting Ordinance indicates that the Planning Commission shall not approve a waiver request 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.

### **Staff Recommendation:**

To meet the requirements of the Subdivision Platting Ordinance and other adopted codes, the applicant's proposed final plat must comply with the conditions noted below. Staff recommends approval of the applicant's proposed final plat and approval of the applicant's requested waiver as noted above, and with the following Conditions of Approval:

1. A tree survey, tree preservation plan and tree replacement plan will be submitted for review at the time of building permit. DDCD 34.3.3
2. The plat for Word Parkway, Phase 2, that will provide public street frontage and utility services for the proposed subdivision, must be recorded prior to the issuance of a Certificate of Occupancy for any buildings within this subdivision. NBCO 118-38(a)
3. Revise the sidewalk note to include that "sidewalks will be constructed by the *site builder* per city standards..." NBCO 118-46(d)

### **Approval Compliance:**

If the Planning Commission approves with conditions, to obtain approval of the final plat, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the final plat (Section 118-32(k)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the final plat approved if the response adequately addresses each Condition of Approval.

**Attachments:**

1. Aerial Map
2. Waiver Requests
3. Final Plat