

## Legislation Details (With Text)

<b>File #:</b>	21-893	<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>	WVR21-285 Discuss and consider a waiver request from Section 118-45(b) to not require street frontage for the proposed Veramendi Precinct 20, Unit 2 Subdivision.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Exhibit, 2. Applicant's Justification Letter, 3. Plat Exhibit

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**PRESENTER:**

Applicant: Pape-Dawson Engineers, LLC (Todd Blackmon, P.E.)  
Owner: Veramendi PE - Dawin LLC (Peter James)

**SUBJECT:**

WVR21-285 Discuss and consider a waiver request from Section 118-45(b) to not require street frontage for the proposed Veramendi Precinct 20, Unit 2 Subdivision.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Outside City Limits

**BACKGROUND INFORMATION:**

Applicant: Pape-Dawson Engineers, LLC (Todd Blackmon)  
1672 Independence Drive, Suite 102  
New Braunfels, TX, 78132  
(830) 632-5633      tblackmon@pape-dawson.com

Owner: Veramendi PE - Dawin, LLC (Peter James)  
387 W. Mill Street, Suite 200  
New Braunfels, TX, 78130  
(830) 643-1338      peter@asaproperties.us.com

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

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 under development in compliance with the Development Agreement approved by City Council on February 25, 2013 in the City's consent to the creation of the Comal County Water Improvement District No. 1. The plat will create 1 lot that is intended for multifamily residential development.

Lot Frontage:

**The applicant is requesting a waiver from the requirement to provide frontage onto a dedicated, improved public street.**

The Platting Ordinance required that each lot on a subdivision plat front onto a dedicated, improved public street, with a minimum of 36 feet of frontage.

The plat is proposing to create 1 lot that has no street frontage. The applicant states, "Access is being provided by an offsite ingress/egress easement, created by separate instrument, to a driveway constructed with Veramendi - Word Pkwy Phase 1. This waiver will allow for timely permitting of buildings within this subdivision."

**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 is not opposed to the request because the proposed access easement will guarantee primary access from the property to Word Parkway.

Secondary access will be a code requirement for the proposed project. If the waiver is approved, it is recommended that a condition be made to the waiver requiring easements be recorded guaranteeing primary and secondary access to the property.

**Resource Links:**

Chapter 118-45(b) Lots, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-45LO](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-45LO)

**Attachments:**

1. Aerial Map

2. Applicant's Plat Waiver Justification Letter
3. Proposed Plat Exhibit