

## Legislation Text

---

**File #:** 21-999, **Version:** 1

---

**PRESENTER:**

Applicant: INK Civil (Shan Klar, P. E.)  
Owner: SmithCo Development (Jim Smith)

**SUBJECT:**

FP21-0332 Approval of the final plat for SmithCo 35 and 306 with conditions.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** City Council District 5

**BACKGROUND INFORMATION:**

Case #: FP21-0332

Owner: SmithCo Development  
Jim Smith  
1400 Post Oak, Suite 900  
Houston, TX 77056  
jim@smithcodevelopment.com

Applicant: INK Civil (Shane Klar, P. E.)  
2021 SH 46 W, Suite 105  
New Braunfels, TX 78132  
(830) 358-7127 shaneklar@ink-civil.com

Case Manager: Matt Greene  
(830) 221-4053 mgreene@nbtexas.org

Description: Platting 18.763 acres into 5 commercial and multifamily residential lots

**ISSUE:**

The subject property is located within the City Limits of New Braunfels in Comal County on the northwest corner of the intersection of IH 35 and FM 306, is zoned "C-1B AH" General Business District, Airport Hazard Overlay District and "MU-B AH" High Intensity Mixed Use District, Airport Hazard Overlay and is currently undeveloped. The plat proposes 5 commercial/multifamily residential lots on 18.763 acres.

**Drainage:**

The Public Works Department reviewed project drainage with the Letter of Certification process as required by Section 118-51e of the Subdivision Platting Ordinance and in accordance with Chapter 143 Municipal Drainage

Utility Systems and the drainage and Erosion Control and Design Manual. The proposed subdivision has drainage easements for stormwater conveyance within detention ponds and channels, however, a proposed channel within Lot 5 is missing a drainage easement and will need to be shown on the plat prior to recordation. Drainage plans specific to the development of each individual lot will be reviewed at the time of building permit.

No portion of the subject property is within the 100-year floodplain.

**Utilities:**

Electric, water and wastewater services will be provided by New Braunfels Utilities (NBU). Utility Easements will be required to be added to the plat prior to plat recordation.

**Transportation:**

Regional Transportation Plan:

The plat is in compliance with the Regional Transportation Plan. FM 306 is designated as a 150-foot wide Major Arterial with an existing right-of-way width of 120 feet. A 15-foot right-of-way dedication for FM 306 will occur with the recordation of this plat. No additional right-of-way is required along the existing IH 35 Access Road.

Hike and Bike:

There are no trails identified on the City's Hike and Bike Trails Plan within or adjacent to the subject property. The applicant is not proposing any trails and the plat is in compliance with the City's Hike and Bike Trails Plan.

Sidewalks:

Six-foot wide sidewalks exist along FM 306 and will be constructed by the developer of each lot at the time of building construction adjacent to the IH 35 Access Road.

**Roadway Impact Fees:**

The subject property is hereby assessed Roadway Impact Fees for Roadway Impact Fee Service Area 3 with the approval of this final plat. The Roadway Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule for the intended use.

**Parkland Dedication and Development:**

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. This subdivision is proposed for non-residential and multifamily residential use and is not proposing any parkland dedication or improvements. Should the property be developed with residential units, the owners of the property will be required to comply with the ordinance prior to building permit issuance through the payment of park land dedication and development fees for each dwelling unit.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

To meet the requirements of the City's Subdivision Platting ordinance and other adopted codes, the plat must comply with the conditions noted below. Staff recommends approval of the proposed plat subject to the following conditions of approval:

1. Add a “Block 1” label to the plat. *(CONB 118-29(b)(3))*
2. The bearings and distances of the boundary survey must be referenced to a known monument. *(NBCO 118-29(b)(1))*
3. Add the following note to the plat: “No structures, walls or other obstructions of any kind shall be placed within the limits of the drainage easements shown on this plat. No landscaping, fences, or other type of modifications which alter the cross sections of the drainage easements or decrease the hydraulic capacity of the easements, as approved, shall be allowed without the approval of the City Engineer. The City of New Braunfels (and County) shall have the right of ingress and egress over grantor’s adjacent property to remove any obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements”. *(NBCO 118-24(15))*
4. Add the following note to the plat: “This subdivision is subject to the Airport Hazard Zoning District standards and regulations of the City of New Braunfels Zoning Ordinance *(NBCO 118-24(15))*.”
5. Add a note to the plat stating: “There is an existing six (6) foot wide sidewalk adjacent to FM 306. Six (6) foot wide sidewalks will be constructed per City standards adjacent the IH 35 Access Road by the owner/builder of each lot at the time of building construction.” *(NBCO 118-49(a)(1))*
6. Provide a drainage easement for the proposed channel on the northern part of Lot 5. *(NBCO 118-51(e)(2))*
7. Add a plat note stating: “All drainage easements within the lots shall be owned and maintained by the property owner.” *(NBCO 118-24(15))*
8. Revise the boundary of the right-of-way dedication from a dashed line to a solid line. *(NBCO 118-24(6))*
9. Revise plat note #4 to indicate the proposed use of the subdivision is “commercial and or multifamily residential” rather than “single family residential”. *(NBCO 118-24(15))*
10. Revise plat note #5 to indicate “5 lots” rather than “53” and “52” lots. *(NBCO 118-24(15))*
11. Revise plat note #8 to state: “No portion of the subdivision is located within the existing Special Flood Hazard Zone A, 100-year flood boundary, according to the adopted flood maps of the City of New Braunfels, as defined by the Comal County, Texas, Flood Insurance Rate Map Number 4891C0455F, Effective date September 2, 2009 as prepared by the Federal Emergency Management Agency.”. *(NBCO 118-30(j))*
12. Show and label the shared emergency access easement(s) on the plat. *(NBCO 118-24(15))*
13. Show and label the center line and dimension of adjacent rights-of-way. *(NBCO 118-118-29(b)(2))*
14. Show boundaries of interior lots with solid lines rather than dashed lines. *(NBCO 118-29(b)(3))*

15. Revise plat note #6 to state: “This subdivision is subject to the 2018 City of New Braunfels Park Land Dedication and Development Ordinance. No residential dwelling units are included with this plat. At such time that any residential dwelling units are constructed within this subdivision, the owner of the lot(s) shall notify the City of New Braunfels and comply with the ordinance for each dwelling unit.” *(NBCO 118-24(15))*
16. Remove plat note #10 as it does not apply to this subdivision. *(NBCO 118-24(15))*
17. Add a 20-foot wide Utility Easement adjacent to FM 306 outside of the 15-foot right-of-way dedication. *(NBCO 118-51(a))*
18. Add a 20-foot wide Utility Easement adjacent to the IH 35 Access Road. *(NBCO 118-51(a))*
19. Add a 10-foot wide Aerial Easement (overhang & clearance) around Lot 7-A, Block 1, Phillips Properties Subdivision. *(NBCO 118-51(a))*
20. Label and dimension the easement shown along the northwest boundary of Lots 4 and 5. *(CONB 118-29(b)(3))*
21. Show and label the shared access easement(s) or provide a note indicating that all lots shall provide vehicular, emergency and pedestrian access across all lots to and from both FM 306 and IH 35 Access Road in non-restrictive and safe manner. *(NBCO 118-24(15))*
22. If individual access easements are shown on the plat, add a plat note stating which lot owners are authorized to utilize the access easement(s). Access must meet Fire Code access standards. *(NBCO 118-24(15))*
23. Remove references to Moeller & Associates on the plat and update with INK Civil company information. *(NBCO 118-24(2))*
24. Add a note to the plat stating: “All lots within the subdivision will be provided water, sewer and electric service by New Braunfels Utilities” and also include in the note who will be providing telephone and cable services. If gas is provided, add the gas utility provider to the note as well. *(NBCO 118-24(15))*
25. Show and label the boundaries of the MU-B and C-3 Zoning Districts. *(CONB 118-24(11))*

**Approval Compliance:**

To obtain final approval of the plat, the applicant must submit to the City a revised plat and written response that satisfies each condition of approval prior to expiration of the plat (Sec. 118-32(b)). In accordance with Chapter 2122, Texas Local Government Code, the City will determine the plat approved if the response adequately addresses each Condition of Approval.

**Attachments:**

Aerial Map  
Final Plat