

Legislation Details (With Text)

File #:	20-510	Name:	
Type:	Plat	Status:	Consent Item Ready
File created:	7/24/2020	In control:	Planning Commission
On agenda:	8/4/2020	Final action:	
Title:	MP20-0122 Discuss and consider approval of Grace Meadows Master Plan with waivers; escrow in lieu of constructing street improvements, escrow in lieu of sidewalks.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Map, 2. Waiver Requests, 3. Reduced Master Plan (full size master plan provided in packet)		

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

Contact

*Applicant: Tim Gorena, P.E., HMT Engineering & Surveying; Owner: Michael Kivlin, MSSC Investments, LP
(830) 625-4279 - msscinvestments@gmail.com*

SUBJECT:

MP20-0122 Discuss and consider approval of Grace Meadows Master Plan with waivers; escrow in lieu of constructing street improvements, escrow in lieu of sidewalks.

PLAT INFORMATION:

Case #: MP20-0122

Council District: 4

Owner: MSSC Investments, LP (Michael Kivlin)
2732 Morning Moon
New Braunfels, TX 789132
(830) 625-4279; msscinvestments@gmail.com

Engineer: HMT Engineering & Surveying (Tim Gorena, P.E.)
290 S. Castell Avenue
Suite 100
New Braunfels, TX 78130
(830) 625-8555; plats@hmtnb.com

Staff Contact: Matt Greene, Planner
(830) 221-4053; mgreene@nbtexas.org

Description: 323 single family residential lots, 4 drainage lots and 4 park/open space lots, on 106.6

acres in 4 phases.

- Waivers:**
- Escrow funds in lieu of constructing a left turn deceleration lane on Barbarosa Road
 - Escrow of funds in lieu of installing traffic signal
 - Escrow of funds in lieu of constructing sidewalk on Barbarosa Road
 - Escrow of funds in lieu of constructing sidewalk on Alves Lane

Background:

The subject property is located at the north side of Barbarosa Road between the intersections of Alves Lane and Three Mile Creek on the south side of Runway 13 of the New Braunfels Regional Airport. The proposed subdivision consists of 106.6 acres with most of the property located in the ETJ in Guadalupe County and the first 450 of depth adjacent to Barbarosa zoned “R-2” Single and Two-Family District. The subdivision will consist of approximately 323 single family residential lots, 4 drainage lots and 4 park/open space lots to be developed in 4 phases. The large parcel identified as “Residential” in Unit 3 is intended for development of one single-family residence.

Drainage:

The Public Works Department reviewed preliminary drainage with the Letter of Certification (LOC) 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 master plan proposes several drainage lots for capturing runoff and for a detention basin in the subdivision.

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

Utilities:

Water and wastewater services will be provided by New Braunfels Utilities (NBU). A conditional LOC approval letter has been provided by NBU. Utility extensions will occur with the development of this subdivision including the establishment of easements with final plats.

Transportation:

Regional Transportation Plan:

The proposed Master Plan complies with the City’s Regional Transportation Plan. Barbarosa Road is designated as a 150-foot wide Principal Arterial road and approximately 50 feet of right-of-way will be dedicated at the time of final plat. The subdivision includes a portion of the proposed extension of Alves Lane, which is designated as a 90-foot wide Major Collector on the City’s Regional Transportation Plan. Approximately 45 feet of right-of-way will be dedicated at the time of final plat.

Traffic Improvements:

The 2019 City Bond Program includes the improvement of Barbarosa Road to become a four-lane roadway with a raised median and curbs, gutters and sidewalks from FM 1101 to just south of Alves Lane. Final design and construction of the roadway is dependent on overall bond funding. Final determination to fund the project is scheduled for Fiscal Year 2023; however, funding projections indicate that there are insufficient funds for the improvements. Furthermore, the improvements identified in the bond do not extend to the subject property.

The subdivision TIA report indicates the current road conditions will require construction of a left turn deceleration lane for the ultimate buildout of the subdivision. **The applicant has requested a waiver to allow payment of escrow rather than require the construction of the left turn**

deceleration lane. The applicant does not believe it is in the best interest of the City for the developer to construct the improvement and then have it removed by the City with the construction of the Barbarosa Lane 2019 Bond Program project. Staff does not support approval of the waiver and recommends it be the responsibility of the developer to install the left turn deceleration lane once the warrants of the TIA are met. The bond project does not extend to the subject property and the subdivision build out is anticipated in 2022. Furthermore, traffic on Barbarosa Road is increasing with delays in the area and the left turn lane is needed as soon as possible for the safety of subdivision residents and general public. The timing of the left turn deceleration improvement shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance.

The subdivision TIA report indicates the current road conditions will require construction of a traffic signal at the intersection of Barbarosa Lane and Alves Lane for the ultimate buildout of the subdivision. **The applicant has requested a waiver to not be required to construct the traffic signal, or, if the City is not inclined to approve the waiver to the construction requirement for the improvement to allow the escrow of funds in lieu of constructing the traffic signal.** The applicant does not believe it is in the best interest of the City for the developer to install the traffic signal and then have it removed by the City with the construction of the Barbarosa Lane 2019 Bond Program project. Staff does not support approval of the waiver to the requirement to construct the improvement or the request to escrow and recommends it be the responsibility of the developer to install and activate the traffic signal once the warrants of the TIA are met. The bond project includes the intersection; however, funding projections indicate that there are insufficient funds for the project and the signal can be designed under existing conditions for future widening and pedestrian safety. Additionally, the TIA indicates a traffic signal is needed in 2022 and the earliest the city can start construction is in 2025 if project funds are identified. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance. Again, safety of the future residents of the proposed subdivision and the general public is the purpose of the development standard.

Block Length:

The maximum block length for a block is 1,200 feet measured along the longest axis. The block length on the east side of Street I is approximately 2,700 feet long with an access easement to Westmeyer Road approximately 2,100 feet north of Barbarosa. **The block is in excess of the maximum length and must be addressed in the design of the street layout.**

Hike and Bike:

The proposed master plan is in compliance with the City's Hike and Bike Trails Plan as there are no proposed trails within or adjacent to the property.

Sidewalks:

Four-foot wide sidewalks are required to be constructed with this subdivision adjacent to internal streets and 6-foot wide sidewalks are required to be constructed adjacent to perimeter streets per Section 118-49 of the Subdivision Platting Ordinance. **The applicant has requested a waiver to allow payment of escrow rather than construct the required 6-foot wide sidewalk adjacent to Barbarosa Road.** The applicant does not believe it is in the best interest of the City for the developer to construct the sidewalk now and have it removed by the City when the bond project gets under way. Staff does not support the waiver request to allow escrow in lieu of construction of the perimeter sidewalk adjacent to Barbarosa Road. The bond project does not include sidewalks on the north side

of Barbarosa Road (adjacent to the proposed subdivision) and expects it to be the developer's responsibility to construct and install the sidewalks. Additionally, the bond project does not extend to the subject property, the subdivision build out is anticipated in 2022, and sidewalks can connect to sidewalk improvements on Alves Lane constructed with the 2013 bond program and with a protected traffic signal constructed by the development. The sidewalks on Alves Lane ultimately provide sidewalk connection to FM 1101 and adjacent schools through a shared-use path through the August Fields Subdivision.

The applicant has also requested a waiver to not be required to construct 6-wide sidewalks adjacent to the extension of Alves Lane, or, to allow payment of escrow in lieu of construction of the 6-foot wide sidewalk. The applicant does not believe it is in the best interest of the City for the developer to construct the sidewalk now as no design has been developed for the construction of the extension of Alves Lane and there would be additional construction costs to remove the sidewalk when construction of the Alves Lane extension commences. Staff does not oppose the waiver request to allow escrow in lieu of construction of the perimeter sidewalk adjacent to the Alves Lane extension as plans for the street section have not been developed at this time and it would be highly likely sidewalks would be removed for construction of the Alves Lane extension if the sidewalks were constructed in advance.

Airport Hazard Zoning:

A portion of the proposed subdivision lies within the Transition Zone adjacent the Clear Zone of the Airport Hazard Zoning District which prohibits residential development and the Inner Turning Zone of the Airport Hazard Zone Height Limitations. The Transition Zone area is identified as open space on the propose master plan.

Roadway Impact Fees:

The majority of the proposed subdivision is outside the city limits and is not required to pay roadway impact fees; however, the portion of the subdivision that is within the city limits falls within Service Area 6 and roadway impact fees will be assessed at the time of each final plat. Roadway impact fees are collected at the time of building permit as indicated in the then current fee schedule for the intended use. Those lots located within the ETJ are also not subject to building permits.

Parkland Dedication and Development:

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. It requires new residential projects to dedicate park land (or cash in-lieu-of) and pay a park development fee per dwelling unit. According to the applicant's park letter, this subdivision intends to set aside 2.06 acres of land for a private park to be used as credit towards park land ordinance requirements. The proposed location is acceptable, and details will be reviewed with the final plats and appropriate fees collected.

STAFF RECOMMENDATION:

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's proposed master plan must comply with the conditions noted below. Staff recommends approval of the master plan without 3 of the 4 requested waivers to the requirements for the installation or escrow of 1) the left turn deceleration lane, 2) the traffic signal, and 3) the 6-foot wide sidewalk adjacent to Barbarosa Road. Staff does support approval of the fourth requested waiver to 4) allow escrow of the cost of construction of the 6-foot wide sidewalk adjacent to the future extension of Alves Lane, and with the following requirements:

1. Provide a break in the block length adjacent Street I to be in compliance with city standards. *(NBCO Sec. 118-44)*
2. If the waiver to not construct the left turn deceleration lane is denied, it shall be the responsibility of the developer to install the left turn deceleration lane once the warrants of the TIA are met. The timing of the left turn deceleration improvement shall be coordinated with the potential City capital improvements for Barbarosa Road at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance. *(NBCO Sec. 118-46(y))*
3. If the waiver to the requirement to construct or the request to escrow the cost of construction of the traffic signal is denied, it shall be the responsibility of the developer to install and activate the traffic signal once the warrants of the TIA are met. The timing of the improvements shall be coordinated with the potential City capital improvements at the time of final plat and mitigated in accordance with Section 118-46(y) of the Subdivision Platting Ordinance. *(NBCO Sec. 118-46(y))*
4. If the waiver request to escrow the cost of construction of the traffic signal is approved, it shall be the responsibility of the developer to pay the escrow to the City prior to recordation of the final plat that warrants the requirement for installation of the traffic signal. *(NBCO Sec. 118-46(y))*
5. Add Westmeyer Road to the sidewalk note (note #9). *(NBCO Sec. 118-49 (d))*
If either or both sidewalk waiver requests are denied, revise the sidewalk note (note #9) to indicate the owner/developer is responsible for installation of the 6-foot wide sidewalks at the time of subdivision construction along Alves Lane and/or Barbarosa Road.
6. If a waiver to allow escrow is approved in lieu of construction of either or both sidewalks, the sidewalk note (note #9) will need to be revised to indicate escrow was approved by the City Council on August 24, 2020 for the construction of 6-foot sidewalks along Alves Lane and/or Barbarosa Road and will be paid to the City of New Braunfels prior to plat recordation. *(NBCO Sec. 118-49 (d))*
7. If one or both waiver requests to not construct sidewalks is approved, revise the sidewalk note to indicate the City Council on August 24, 2020 approved a waiver to the requirement for the construction of 6-foot sidewalks along Alves Lane and/or Barbarosa Road and sidewalks are not required. *(NBCO Sec. 118-49 (d))*
8. Revise note 12 to include "...Overlay District for Height Limitations." *(NBCO Sec. 144-5.20)*
9. Add note to include "A portion of this subdivision is located within the Transition Zone adjacent the Clear Zone of the Airport Hazard Zoning Overlay District, which prohibits residential land use." *(NBCO Sec. 144-5.20)*
10. Revise the "Preliminary Residential Lot Count" table title to "Preliminary Lot Count" and break the table up in to preliminary lot counts for each unit of development. *(NBCO Sec. 144-5.22(f))*
11. Revise the preliminary Utility Exhibit to show the development looped back to a primary water line (like the one on Barbarosa). *(NBCO Sec. 118-51)*
12. No parallel drainage may exist within 20 feet to Alves Lane extension right-of-way. The first 20 feet to the right-of-way is to be Utility Easement without drainage infrastructure. *(NBCO Sec. 118-51)*
13. No parallel drainage may exist within 20 feet to Barbarosa Road right-of-way. The first 20 feet to the right-of-way is to be Utility Easement without drainage infrastructure. *(NBCO Sec. 118-51)*
14. Off-site three-phase overhead electric extension is required along Alves Lane to reach Street D. *(NBCO Sec. 118-51)*

Attachments:

- Aerial Map
- Waiver Requests
- Reduced Master Plan (full size master plan provided in packet)