

Legislation Details (With Text)

File #: 21-5 **Name:**
Type: Plat **Status:** Individual Item Ready
File created: 12/18/2020 **In control:** Planning Commission
On agenda: 1/5/2021 **Final action:**
Title: PL-20-022 Consideration of the final plat for Senaido Dual Crossing Subdivision with waivers.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Aerial, 2. Final Plat, 3. Waiver Request, 4. Turnaround Exhibit

Date	Ver.	Action By	Action	Result
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Contact

Applicant: Brian Mendez; Urban Civil
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SUBJECT:

PL-20-022 Consideration of the final plat for Senaido Dual Crossing Subdivision with waivers.

Plat Information:

Case #: PL-20-022

Owner: Senaido Rodriguez, Sr. Senaido Rodriguez, Jr.
1617 Michigan Street 1886 W. Mill Street
New Braunfels, TX 78130 New Braunfels, TX 78130

Ron & Clare Carrillo
P.O. Box 690483
San Antonio, TX 78269

Engineer: Scott Horowitz, P.E.
Urban Civil
190 S. Seguin Avenue
New Braunfels, TX 78130
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Case Manager: Holly Mullins
(830) 221-4054 hmullins@nbtexas.org

Description: 3 residential lots on 6.4 acres

Waivers: 1) To not require connection to the sanitary sewer system

- 2) To not require cul-de-sacs
- 3) To not require sidewalks

Background:

The subject property is located along IH-35 South between Old Highway 81 and Rusch Lane. An area approximately 100 feet deep along the frontage road is within the City limits, with the remainder in the ETJ in Comal County. The land is currently undeveloped, and this plat proposes three residential lots on a total of 6.4 acres.

Note: the portion of proposed Lot 1 within the City limits is zoned M-1, which does not allow residential use. If residential development is planned, it will either need to be located outside the City limits or the property rezoned to an appropriate district.

Drainage:

The Public Works Department reviewed preliminary drainage with the approved Letter of Certification required by Section 118-51e of the Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual. No portion of this unit is located within the 1% annual chance flood zone.

Utilities:

Water and electric services are being provided by New Braunfels Utilities (NBU).

The applicant requests a waiver to Section 118-51(c) which states: Connection with the sanitary sewer system shall be required except where the planning commission determines that such connection will require unreasonable expenditure, when compared with other methods of sewage disposal. NBU reviewed the request and determined extending sewer lines to this location would require installation of a pump station at the property owners' expense, and that the expense could be considered unreasonable for three residential lots. Therefore, NBU does not oppose the use of an individual onsite septic facility for each lot. The City of New Braunfels Neighborhood Services Division and the Comal County Engineers Office have also reviewed the request for three septic systems and agree.

Waiver criteria are provided below in Commission Findings.

Transportation:

Regional Transportation Plan:

The plat is in compliance with the City's Regional Transportation Plan. No additional right-of-way dedication is required along IH-35.

The applicant requests a waiver to Section 118-46 to not require construction of a cul-de-sac at the end of Jarrett Street and Louella Drive. These are existing dead-end streets which are prohibited by Section 118-46. Development of the subject property is required to either extend the right-of-way to adjacent unplatted property, or construct a cul-de-sac. In this case, adjacent land to the east of the subject property is already platted so extension of the two streets to the opposite property line is not required. An extension and/or cul-de-sac would enable the platting of multiple lots, each with frontage on public right-of-way. However, the applicant states the property owners have no desire to further subdivide the property. They contend platting a single lot at the end of each street does not justify the dedication of right-of-way and construction of a cul-de-sac to City standards..

To address the existing dead-end streets and facilitate emergency and service vehicles, the applicant is proposing a driveway connection between Jarratt Street and Louella Drive. This connection will not be public right-of-way but will be constructed to meet Fire Code standards for heavy vehicles and must be placed within a cross access easement.

Hike and Bike:

The subdivision is in compliance with the City's Trails Plan.

Sidewalks:

Four-foot wide sidewalks are required along the IH-35 frontage road, and along the portions of Jarratt Street and Louella Drive adjacent to the subject property, to be constructed at the time of development. **The applicant requests a waiver to Section 118-49 to not require sidewalk construction.**

The applicant states a sidewalk along the IH-35 frontage road could potentially endanger pedestrians as there is no continuous sidewalk system. TxDOT has no improvement projects that include sidewalks in this area planned within the next 10 years; therefore, having the applicant escrow the cost of sidewalk construction for use in the future is not feasible. Staff recommends the sidewalk along IH-35 be constructed by the developer/property owner at the time of development on Lot 1.

Jarratt Street and Louella Drive end at the proposed subdivision and do not provide further connectivity for vehicles or pedestrians. The only right-of-way adjacent to Lots 2 and 3 will be on either side of the driveway (potentially 10 feet on each side). Because of the importance of sidewalks to the public, the City would typically recommend the developer construct sidewalks or escrow funds for future construction. However, staff does not oppose the waiver for Jarratt Street and Louella Drive due to the limited length of sidewalk that would be constructed on either side of the driveway, and the fact that no road improvement projects with sidewalks are likely in the next ten years to justify an escrow of funds.

The Subdivision Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest secured.

In considering this waiver request, the Planning Commission has these options:

1. Recommend approval of the waiver so that sidewalk construction is not required along any or all of the three streets - Louella Drive, Jarratt Street, and IH-35;
2. Deny the waiver request in whole or in part, and require sidewalk construction along any or all of the streets at the time of development.

Sidewalk waiver requests recommended for approval or approval with conditions (e. g. escrow) by the Planning Commission will be forwarded to City Council for final consideration.

Roadway Impact Fees:

Only the portion of Lot 1 within the City limits is subject to Roadway Impact Fees for Service Area 4. Roadway Impact Fees are assessed with approval of this final plat and payable at the time of building permit for development within the City limits.

Parkland Dedication and Development:

The subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. To comply with the ordinance, the developer must pay a fee of \$1,736 per dwelling unit (x3 = \$5,208) prior to recording the final plat. If more than one dwelling unit is constructed on each lot, the property owner must notify the City and comply with the ordinance for each additional unit.

Commission Findings:

The Planning Commission shall not approve 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.

Staff Recommendation:

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's final plat must comply with the conditions noted below. Staff recommends approval of the proposed final plat **with waivers to allow on-site septic facilities for the three lots; to not require cul-de-sac construction; and to not construct sidewalks along Jarratt Street and Louella Drive; without a waiver to sidewalk construction along IH-35**, and with the following Conditions of Approval:

1. Add a plat note stating a minimum 4-foot wide sidewalk will be constructed per City standards along IH-35 by the developer/property owner at the time of development on Lot 1. (NBCO 118-49)
2. Provide a cross access easement on Lots 2 and 3 to accommodate the driveway connection between Jarratt Street and Louella Drive, and construct the connection to meet Fire Department standards prior to recording the plat. (NBCO 118-46)
3. Add a plat note describing the 50'x60' ingress/egress easement on Lot 3, its purpose and who it benefits. Remove "proposed". (NBCO 118-24)
4. Indicate the 80' channel easement that currently exists on Lot 1. (NBCO 118-24)
5. Provide a description of the dashed line on Russell Subdivision Lot 3 that ends at the subject property. (NBCO 118-24)
6. Remove building setbacks from the final plat. (NBCO 118-24)
7. Remove contour note from Page 2. (NBCO 118-24)
8. The Tracts Being Platted drawing is not required and may be removed, or correct the acreage for proposed Lot 1. (NBCO 118-29)
9. Remove "Approved this the ___ day of __, 2020..." from underneath "Approved for Acceptance." (NBCO 118-30)
10. Provide right-of-way width for IH-35, Louella Drive and Jarratt Street. (NBCO 118-24)
11. Revise Note 3 to state: "No portion of any lot on this plat is within an indicated special flood hazard zone according to the adopted flood maps of the City of New Braunfels" with FIRM panel and date. (NBCO 118-30)
12. Add plat note: The elevation of the lowest floor shall be elevated 10 inches above the finished

grade of the surrounding ground as prescribed in the building regulations and Code of Ordinances. Finished grades shall be sloped to direct stormwater away from the structure. (NBCO 118-30)

13. Provide an exhibit showing how fire hydrants are tying into the existing waterline system and approval from NBU that fire flow will meet requirements. (NBCO 118-43).
14. Add a 20' wide utility easement fronting IH-35. (NBCO 118-48)
15. The outer boundary does not qualify as an accurate boundary. An accurate boundary is required for the plat. (NBCO 118-29b)
16. Add bearings and distances to the outer boundary. (NBCO 118-24)
17. Update the coordinates to grid state plane. (NBCO 118-21)

Approval Compliance:

To obtain approval of the final plat, the applicant must submit to the City a revised final plat and a written response that satisfies each condition of approval prior to expiration of the plat (Sec. 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. Final Plat
3. Waiver Requests
4. Turnaround Exhibit