

## Legislation Details (With Text)

<b>File #:</b>	21-522	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	5/19/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	6/1/2021	<b>Final action:</b>	
<b>Title:</b>	MP21-0174, WVR21-177 and WVR21-178 Discuss and consider approval of the master plan for Creekside Terrace Subdivision with waivers to Sections 118-44(b) and 118-46(d) of the Subdivision Platting Ordinance to allow block length to exceed 1,200 feet and to not require projection of streets into adjacent unplatted property.		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Aerial Map, 2. Master Plan, 3. Block Length and Street Projection Waiver Exhibit, 4. Applicant's Letters of Waiver Justification

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Applicant: Pape-Dawson Engineers (Matt Geistweidt, P.E.)

Owner: Charles Grimm

**SUBJECT:**

MP21-0174, WVR21-177 and WVR21-178 Discuss and consider approval of the master plan for Creekside Terrace Subdivision with waivers to Sections 118-44(b) and 118-46(d) of the Subdivision Platting Ordinance to allow block length to exceed 1,200 feet and to not require projection of streets into adjacent unplatted property.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** N/A (Outside City Limits)

**BACKGROUND INFORMATION:**

Applicant: Pape-Dawson Engineers (Matt Geistweidt, P.E.)  
2000 NW Loop 410  
San Antonio, TX 78232  
(210) 375-9000 mgeistweidt@pape-dawson.com

Owner: Charles Grimm  
2912 FM 1101  
New Braunfels, TX 78130

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

Description: Master Plan of 98.94 acres for 500 single-family residential lots and 6 open space lots

**ISSUE:**

The subject property is located in the ETJ in Comal County on the east side of FM 1101 between Holcan Drive and Kroesche Lane. The proposed subdivision will consist of 500 single-family residential lots and 6 open space lots. The subdivision is surrounded by the Heatherfield Subdivision to the north, FM 1101 to the west and undeveloped land to the east and south.

*Drainage:*

The Public Works Department reviewed preliminary drainage with the Letter of Certification process as required by Section 118-51e. 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.

A portion of the subject property is located within the 1% annual chance floodplain and floodway.

*Utilities:*

Electric, water and wastewater services will be provided by New Braunfels Utilities (NBU). Utility Easements will be established with the platting of each phase of development.

*Transportation:*

Regional Transportation Plan

FM 1101 is indicated as a Principal Arterial up to 150 feet in width. The current right-of-way width is 80 feet and a 35-foot right-of-way dedication will be provided on the final plat for Phase 1.

Block Length

**The applicant is requesting a waiver from the maximum block length requirement for the block on the southwest side of Bellflower Dr.**

A block is “a unit of land bounded by streets, other transportation or utility rights-of-way, parks, streams, waterways, or any other barrier to the continuity of development.” The length of a block is measured along the axis of the block.

To meet the 1,200-foot block length requirement along the block to the southwest of Bellflower Dr., an additional street would need to be provided from Bellflower Dr. to the southwest. The applicant claims the orientation of the floodplain would result in a proposed street that would terminate in the middle of the floodplain and floodway in a wide section of Alligator Creek. Bellflower Dr. right-of-way will not exceed 1,200 linear feet in length.

Staff does not oppose the request for maximum block length waiver as compliance with the Subdivision Platting Ordinance would result in a street projection with a temporary turnaround terminating within the floodplain and floodway of Alligator Creek and the length of the actual street right-of-way would not exceed 1,200 linear feet.

Street Projection

**The applicant is requesting a waiver to not require street projections into three adjacent unplatted properties to the south.**

Per Section 118-46(d) of the Subdivision Platting Ordinance, where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area to facilitate connectivity with future development.

The applicant claims one of the adjacent parcels is a small 1.3 acre tract adjacent to Phase 1 and fronting FM 1101 that will require dedication of approximately 40 feet of right-of-way at the time of development, making it impractical for a street to be incorporated into the development of such a small property. The applicant claims the physical orientation of the floodplain restricts the ability to provide practical street projections to the other two parcels to the south, adjacent to Phase 3 (an 80-acre tract and a 9.5-acre tract), and if the code requirement were followed, the street stubs would terminate in the middle of the floodplain.

Staff does not oppose the request for street projection waivers as compliance with the Subdivision Platting Ordinance would result in a street projection to a property too small to accommodate a street extension and two street projections and temporary turnarounds terminating within the floodplain and floodway of Alligator Creek.

#### Hike and Bike:

The City's Hike and Bike Trails Plan includes a 10-foot wide off-street trail along the west side of FM 1101 across the street from this development. Therefore, no hike and bike trail right-of-way dedication is required with this subdivision.

#### Sidewalks

The developer will construct 4-foot wide sidewalks interior to the subdivision adjacent to all non-buildable lots and a 6-foot wide sidewalk adjacent to FM 1101 at the time of subdivision construction. Four-foot wide sidewalks will be constructed adjacent to all residential lots by the builder/owner at the time of home construction.

#### *Airport Hazard Overlay Zoning District:*

This subdivision is located within the Airport Hazard Overlay Zoning District, containing portions of the Inner Precision Approach, Transition Zone, Horizontal Zone and Inner Turning Zone.

#### *Roadway Impact Fees:*

This subdivision is outside city limits and the Roadway Impact Fee Study Area and Roadway Impact Fees do not apply.

#### *Parkland Dedication and Development:*

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. According to the applicant's park letter, this subdivision intends to pay fee-in-leu of parkland dedication and development. The fees will be required to be paid to the City prior to plat recordation.

#### *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:**

To meet the requirements of the City's 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 master plan and requested waivers to block length and street projection with the following Conditions of Approval:

1. Show and label the City Limits boundary adjacent to the subject property *(NBCO 118-22a.(3))*
2. Label the City Limits on the location map. *(NBCO 118-22a.(3))*
3. Add a note to the Master Plan stating: "A portion of this subdivision is located within indicated Special Flood Hazard Zone AE according to the adopted flood maps of the City of New Braunfels, as defined by the Comal County, Texas, Flood Insurance Rate Map Number 48091C046F, effective date September 2, 2009 as prepared by the Federal Emergency Management Agency". *(NBCO 118-22a.(10))*
4. Show and label the location of the floodway. *(NBCO 118-22a.(10))*
5. Add a note to the Master Plan stating: "This subdivision is located within the Airport Hazard Zoning District and is subject to the Airport Hazard Zoning District regulations of the City of New Braunfels Zoning Ordinance". *(NBCO 118-22a.(4))*
6. Add "2018" after "subject to the" in Note #9. *(NBCO 118-22a.)*
7. Remove the "Typical Lot" and "Street Section" exhibits from the Master Plan. *(NBCO 118-22a.)*
8. Show and label the recorded lots and include the recordation document numbers for Heatherfield, Units 3 and 5. *(NBCO 118-22a.(4))*
9. Add bearings to the outer boundary of the Master Plan. *(NBCO 118-21c.)*

*Approval Compliance:*

Pursuant to State Law, if the Planning Commission approves with conditions, to obtain final approval of the master plan, the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the master plan and prior to submittal of the first application for a preliminary or final plat (Section 118-32(b)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the master plan approved if the response adequately addresses each Condition of Approval.

*Attachments:*

Aerial Map

Master Plan

Block Length and Street Projection Waiver Exhibit  
Applicant's Letters of Waiver Justification