

Legislation Details (With Text)

File #:	21-896	Name:	
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File created:	8/30/2021	In control:	Planning Commission
On agenda:	9/8/2021	Final action:	
Title:	WVR21-286 Discuss and consider a requested waiver from the Veramendi Development Design & Control Document (DDCD) Application Submittal Requirements to not require submittal of a tree survey, tree protection plan and tree replacement plan for the proposed Veramendi Precinct 20, Unit 2 Subdivision.		

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Aerial Exhibit, 2. Applicant's Wavier Justification, 3. Plat Exhibit

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: Pape-Dawson Engineers, LLC (Todd Blackmon, P.E.)

Owner: Veramendi PE - Dawin LLC (Peter James)

SUBJECT:

WVR21-286 Discuss and consider a requested waiver from the Veramendi Development Design & Control Document (DDCD) Application Submittal Requirements to not require submittal of a tree survey, tree protection plan and tree replacement plan 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.

Projection of Streets:

The applicant is requesting a waiver from the required submittal of a tree survey, tree protection plan and tree replacement plan.

The Veramendi DDCD requires that each final plat submittal include a tree survey, tree protection plan and tree replacement plan.

The plat is proposing to create 1 lot that is intended for multifamily residential development. The applicant states, "The required tree preservation and tree replacement plans cannot be prepared in advance of a site plan. This waiver allows the property to be platted in advance of site plan determination."

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, with multifamily development, compliance with the tree protection requirements is best evaluated with permitting once a site design has been determined. A preliminary tree survey has been submitted indicating the general location of trees that will be subject to preservation requirements. A tree mitigation summary has also been submitted that will document deferred tree mitigation that is required with the development. Plat notes address tree protection measures that are required.

Resource Links:

Veramendi Development & Design Control Document - Appendix 1, Application Submittal Requirements, 1.5 Final Plat:

<https://www.nbtexas.org/1385/Learn-about-Veramendi>

Attachments:

1. Aerial Map

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