

## Legislation Details (With Text)

**File #:** 21-836 **Name:**  
**Type:** Plat **Status:** Consent Item Ready  
**File created:** 8/17/2021 **In control:** Planning Commission  
**On agenda:** 9/8/2021 **Final action:**  
**Title:** PP21-0279 Approval of the preliminary plat for Comal ISD 52 Acre Tract with conditions.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Aerial Map, 2. Preliminary Plat

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

Applicant: Pape-Dawson Engineers  
Owner: Comal Independent School District

**SUBJECT:**

PP21-0279 Approval of the preliminary plat for Comal ISD 52 Acre Tract with conditions.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 2

**BACKGROUND INFORMATION:**

**Case #:** PP21-0279

**Owner:** Comal Independent School District (Michael McCullar)  
14040 IH 35 N  
New Braunfels, TX 78130  
(830) 221-2064 michael.mccullar@comalisd.org

**Applicant:** Pape-Dawson Engineers (Jason Diamond, P.E.)  
2000 NW Loop 410  
San Antonio, TX 78213  
(210) 375-9000 jdiamond@pape-dawson.com

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

**Description:** 2 commercial lots on 52.2 acres

**ISSUE:**

The subject property is located on the north side of State Highway 46 East between Prairie View Lane and Deborah Drive in the City Limits of New Braunfels in Guadalupe County. Comal ISD 52 Acre Tract proposes 2 commercial lots on 52.2 acres with a public street extension. An elementary school and a high school are proposed for development on the larger lot adjacent to State Highway 46 East.

**Drainage:**

The Public Works Department reviewed preliminary project drainage with the Letter of Certification process as 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. Final drainage review will be completed with review of the construction plans prior to submission of the final plat.

No portion of this unit is located within the 1% annual chance flood zone.

**Utilities:**

Electric, water and wastewater services will be provided by New Braunfels Utilities. Utilities will be extended by the developer with this subdivision and construction plans will be reviewed prior to submission of the final plat. Utility easements are indicated on the preliminary plat as required by NBU.

**Transportation Plan:**

The plat is in compliance with the City's Regional Transportation Plan and there are no thoroughfares within or adjacent to the subdivision. An extension of Deborah Drive, a 60-foot wide right-of-way, will be constructed with this subdivision, connecting the Urban Heights Subdivision (commercial) to the south with the Saengerhalle Meadows Subdivision (single-family residential subdivision not yet constructed) to the east.

**Hike and Bike:**

The plat is in compliance with the City's Hike and Bike Trail Plan as there are no bike lanes or off-street paths proposed within or adjacent to the subdivision.

**Sidewalks:**

Six (6)-foot wide sidewalks will be constructed adjacent to Deborah Drive, Prairie View Lane and State Highway 46 by the developer at the time of subdivision construction.

**Roadway Impact Fees:**

Roadway Impact Fees for Study Area 6 will be assessed with approval of the final plat and will be collected at the time of building permit based on land use and development units.

**Parkland Dedication and Development:**

This subdivision is subject to the 2018 Parkland Dedication and Development Ordinance. Non-residential development is exempt from parkland dedication or development requirements.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

To meet the requirements of the 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 preliminary plat with the following Conditions of Approval:

1. Revise "Prairie View Road" to "Prairie View Ln" on the plat. *(NBCO 118-24(7)a.)*
2. Revise the plat to provide a 5-foot right-of-way dedication for Prairie View Ln. *(NBCO 118-46(t)(2)a.)*
3. Provide the correct legal description for the lots in the Urban Heights Subdivision to the south. They are currently labeled as "Proma Subdivision". *(NBCO 118-24(4))*
4. Provide elevation contour labels on Sheet 2. *(NBCO 118-24(10))*
5. Show and label the zoning district boundaries for the two different zoning districts for the property. *(NBCO 118-24(11))*
6. Provide a lot and block number for each lot. *(NBCO 118-24(8))*
7. Revise plat note #5 to state: "No portion of the subdivision is located within an indicated Special Flood Hazard Zone according to the adopted flood maps of the City of New Braunfels as defined by the Guadalupe County, Texas Flood Insurance Rate Map Numbers 48187C01010F, 48187Co115F and 48187Co120F, effective date November 2, 2007 as prepared by the Federal Emergency Management Agency." *(NBCO 118-29(j))*
8. Add "Know all men by these presents" to the beginning of the surveyor's certificate. *(NBCO 118-30(a))*
9. Remove the Engineer's certification block and notary public signature block and the notary signature block for the surveyor's certificate as they are not needed. *(NBCO 118-30(a) and 118-30(b))*
10. Remove the owner's acknowledgement and certificate of dedication block and the notary public block as they are not needed on a preliminary plat. If they remain in draft form, revise to conform to Section 118-30(c) of the Subdivision and Platting Ordinance. *(NBCO 118-30(c))*
11. Add a note to the plat stating: "Future development is subject to Chapter 114 (Streets, Sidewalks and Other Public Spaces of the New Braunfels Code of Ordinances". *(NBCO 118-24(15))*
12. Add a note to the plat stating: "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))*
13. Add the missing monument adjacent to the Prairie View Ln. *(NBCO 118-24(15))*
14. Indicate a temporary turnaround easement at the terminus of the extension of Deborah Dr. to be dedicated by separate instrument with the final plat. *(NBCO 118-46(j))*
15. Revise "Deborah Drive" to the correct name "Deborah Dr" on the plat. *(NBCO 118-24(7)a.)*
16. Show and label existing and proposed utility and drainage easements, with dimensions. *(NBCO 118-24(7)a.)*
17. Revise plat note #3 to state the subdivision is within the City Limits of New Braunfels rather than the

Extraterritorial Jurisdiction. *(NBCO 118-24(15))*

18. Remove plat note #13 as no roads within or adjacent to the subdivision are located within the jurisdiction of the county. *(NBCO 118-24(15))*
19. Revise plat note # 10 to state: “This subdivision is subject to the City of New Braunfels 2018 Park Land Dedication and Development Ordinance. At such time that residential dwelling units are constructed within the subdivision, the owners shall contact the City of New Braunfels and comply with the ordinance for each dwelling unit.” *(NBCO 118-24(15))*
20. Replace the sidewalk note under NBU Utilities Notes and add a note under Plat Notes stating: “Six (6) foot wide public sidewalks will be required to be constructed per City standards adjacent to State Highway 46, Deborah Dr. and Prairie View Ln. by the owner/developer of each lot at the time of building construction. *(NBCO 118-49)*
21. Center the plat title on each sheet and revise the plat title to state “Preliminary Plat of Comal ISD 52 Acre Tract Subdivision”. *(NBCO 118-24(15))*
22. Remove the “Commercial Development Plat Note” from Sheet 3. *(NBCO 118-24(15))*
23. Add a plat note stating the Bearing and Reference. *(NBCO 118-24(15))*
24. Add a plat note stating whether the distances are in grid or surface with the scale factor. *(NBCO 118-24(15))*
25. State and label the grid state plane coordinates (two decimal places) that are the farthest from each other on two corners of the outer boundary. *(NBCO 118-24(15))*
26. Add the following TXDOT notes to the plat:
  1. For residential development directly adjacent to State right-of-way, the Development shall be responsible for adequate setback and/or sound abatement measures for future noise mitigation.
  2. The Owner/Developer is responsible for preventing any adverse impact to the existing drainage system within the highway right-of-way. Outfalls for water quality and/or detention ponds treating impervious cover related to the development and structures for reduction of discharge velocity will not encroach by structure or grading into State ROW or into areas of ROW reservation or dedication. For projects in the Edwards Aquifer Recharge, Transition or Contributing Zones, placement of permanent structural best management practice devices or vegetative filter strips within State ROW or into areas of ROW reservation or dedication will not be allowed. No new easements of any type should be located in areas of ROW reservation or dedication.
  3. Access to the State highway from this property will be regulated as directed by TxDOT's, "Access Management Manual". Where topography or other existing conditions make it inappropriate or not feasible to conform to the connection spacing intervals, the location of reasonable access will be determined with consideration given to topography, established property ownerships, unique physical limitations, and/or physical design constraints. The selected location should serve as many properties

and interests as possible to reduce the need for additional direct access to the highway. In selecting locations for full movement intersections, preference will be given to public roadways that are on local thoroughfare plans.

4. If sidewalks are required by appropriate City ordinance, a sidewalk permit must be approved by TxDOT, prior to construction within State right-of-way. Locations of sidewalks within State right of way shall be as directed by TxDOT.
5. Any traffic control measures (left-turn lane, right-turn lane signal, etc.) for any access fronting a state maintained roadway shall be the responsibility of the developer/owner. (*NBCO 118-24(15)*)

**Approval Compliance:**

To obtain final approval of the preliminary plat the applicant must submit to the City a written response that satisfies each condition of approval prior to expiration of the preliminary plat (Section 118-32(k)). In accordance with Chapter 212, Texas Local Government Code, the City will determine the preliminary plat approved if the response adequately addresses each Condition of Approval.

**Attachments:**

Aerial Map

Preliminary Plat