

Legislation Details (With Text)

File #:	21-839	Name:	
Type:	Plat	Status:	Consent Item Ready
File created:	8/18/2021	In control:	Planning Commission
On agenda:	9/8/2021	Final action:	
Title:	FP21-0282 and WVR21-283 Discuss and consider approval of the final plat for Herber Estates Subdivision with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot fronting on a public street.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Map, 2. Final Plat, 3. Applicant's Letter of Waiver Justification		

Date	Ver.	Action By	Action	Result
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PRESENTER:

Applicant: HMT Engineering & Surveying

Owners: John and Kimberly Herber

SUBJECT:

FP21-0282 and WVR21-283 Discuss and consider approval of the final plat for Herber Estates Subdivision with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot fronting on a public street.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Outside City Limits**BACKGROUND INFORMATION:**

Owners: John and Kimberly Herber
175 Herber Rd.
New Braunfels, TX 78130
(830) 237-3383

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)
290 S. Castell Ave., Suite 100
New Braunfels, TX 78130
(830) 625-8555 plats@hmtnb.com

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

Description: 2 residential lots on 38.64 acres

ISSUE:

This subdivision proposes 2 residential lots on 38.64 acres.

Drainage:

The Public Works Department reviewed 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.

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

Utilities:

Electric service will be provided by New Braunfels Utilities (NBU), water by Crystal Clear Special Utility District and sewer by existing individual on site sewage facilities (OSSF). No public utilities extensions were required with this plat. Utility easements are indicated on the plat as required.

Transportation Plan:

This plat is in compliance with the City's Regional Transportation Plan. No additional right-of-way dedication is required for IH 35, no proposed thoroughfares cross the subject property and no new streets are proposed with this subdivision.

Access:

The applicant is requesting a waiver from the requirement for Lot 2 to have frontage on an improved dedicated public street.

There are two separate residences currently on the property. The current owner of the property intends to retain ownership of proposed Lot 1 (8.85 acres) and the house located upon it and sell proposed Lot 2 (the remaining 29.79 acres) and the second residence to a proposed buyer.

The property currently has a recorded 30-foot wide Roadway Easement giving IH 35 Access Road access to both residences on the property and an adjacent landlocked 1-acre parcel. There is a second 30-foot wide Utility and Access Easement providing access for the adjacent landlocked 1-acre parcel owned by Crystal Clear Special Utility District.

The entire property as it currently exists only has 38.61 feet of frontage on a public street (IH 35 Access Road). The applicant is requesting a waiver to not require proposed Lot 2 frontage on a public street and be allowed to continue to utilize the existing 30-foot wide Roadway Easement for its access.

Staff does not oppose the waiver request as the 38.64-acre parcel with the two residences is limited to 38.61 feet of public street frontage and the creation of the additional residential lot does not alter the access to the existing improvements.

Hike and Bike:

The plat is in compliance with the City's Hike and Bike Trail Plan. There are no existing or proposed trails internal or adjacent to the subject property per the Hike and Bike Trails Plan.

Sidewalks:

A 6-foot wide sidewalk is required to be constructed along IH 35 per City standards by the owner/developer of

Lot 1, Block 1 at the time of building construction on Lot 1, Block 1. As the lot is already improved and since the property is located within the ETJ where no building permits are issued, it is uncertain when the sidewalk would be constructed. The Planning Commission has the authority to determine when the construction of sidewalks is to occur with a subdivision plat.

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. This subdivision is approved for 2 dwelling units (existing). At such time that additional dwelling units are constructed, the owner of the lot(s) shall notify the City and comply with the ordinance for each new dwelling unit.

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 ordinances(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 final plat and waiver request to not require Lot 2 to have frontage on an improved dedicated public street., with the following conditions of approval:

1. Revise the Location Map to a smaller scale to show the subdivision's location in relation to the city. *(NBCO 118-24(1))*
2. Add a plat note stating: "This subdivision is subject to the Airport Hazard Zoning District standards and regulations of the City of New Braunfels Zoning Ordinance. *(NBCO 118-30)*
3. Revise plat note #10 to state: "A six (6) foot wide sidewalk will be constructed along Interstate 35 per City standards by the owner/developer of Lot 1, Block 1 at the time of building construction on Lot 1, Block 1. *(NBCO 118-30(h))*

4. Revise note #12 to indicate the subdivision is approved for one dwelling unit per lot for a total of two dwelling units. If two additional dwelling units are proposed at this time for a total of four dwellings, payment of \$2,246 per dwelling unit for parkland and development fees is required prior to recordation of the plat. (NBCO 118-65.5))
5. Label the Crystal Clear SUD 1-acre parcel on the Index Map on Sheet 1. (NBCO 118-24(4))

Approval Compliance:

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

Resource Links:

Chapter 118-45(b) Lots, of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-44BL

Chapter 118-49(b) Sidewalks, installation, of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-49SI

Attachments:

Aerial Map

Final Plat

Applicant's Letter of Waiver Justification