

## Legislation Details (With Text)

**File #:** 22-913 **Name:**  
**Type:** Plat **Status:** Consent Item Ready  
**File created:** 7/20/2022 **In control:** Planning Commission  
**On agenda:** 8/2/2022 **Final action:**  
**Title:** FP22-0289 Approval of a final plat establishing the Preserve at Elm Creek, Unit 1, with conditions.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Aerial Exhibit, 2. Preserve at Elm Creek Unit 1 final plat

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

Applicant: Haynie Consulting, Inc.; Timothy Haynie

Owner: Grand Endeavor Homes; James Jacobs

**SUBJECT:**

FP22-0289 Approval of a final plat establishing the Preserve at Elm Creek, Unit 1, with conditions.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** ETJ**BACKGROUND INFORMATION:**

Case #: FP22-0289

Owner: James Jacobs  
Grand Endeavor Homes  
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Case Manager: Matthew Simmont  
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Description: A 89.374-acre final plat establishing 58 lots for single-family residential.

The Preserve at Elm Creek Subdivision is a single-family residential development located on the west side of

FM 2722 near the intersection of FM 2722 and Bear Creek Trail on the north-west side of the City. The subdivision is located within the City's extraterritorial jurisdiction (ETJ). The approved master plan for the overall subdivision consists of a total of 4 units/phases, 294.75-acres, and a total of 207 residential lots. This is the first unit requesting approval in the approved master plan.

**ISSUE:**

This final plat is approximately 89.374-acres and proposes the establishment of 58 residential lots, dedication of rights-of-way, and common area lots for the purpose of drainage.

**Drainage:**

The Public Works Department reviewed project drainage with the construction drawing approval process as required by Section 118-51(e)r of the Platting Ordinance and in accordance with the requirements of Chapter 143 Municipal Drainage Utility Systems and the Drainage and Erosion Control Design Manual. Drainage improvements will be constructed with subdivision construction.

**Utilities:**

Water services will be provided by Canyon Lake Water Service Company (CLWSC). Electric utilities will be provided by New Braunfels Utilities (NBU). Wastewater services will be through on-site sewage facilities (OSSF) to be permitted by Comal County. Utility easements are provided as required by NBU and CLWSC. Water utilities will be extended with this plat in accordance with the approved construction plans.

**Transportation:**

The proposed plat is in compliance with the City's Regional Transportation Plan (RTP). No future roads or additional ROW is required for dedication with this final plat or the overall subdivision, per the City's RTP and the approved Master Plan.

Internal streets will be dedicated and constructed within the subdivision and are proposed to be 60-foot-wide large lot local streets (no sidewalk required). Street names have been approved and are indicated on the plat.

**Sidewalks:**

Sidewalks are not required on the internal streets and a sidewalk is not required to be constructed along FM 2722 pursuant to a waiver that was approved by City Council on February 22, 2021 (WVR21-010).

**Hike and Bike:**

This proposed plat is in compliance with the City's Hike and Bike Trails Plan. No hike or bike trails are required to be dedicated with this final plat.

**Roadway Impact Fees:**

The subdivision is located entirely within the City's ETJ. Therefore, no roadway impact fees are required.

**Parkland Dedication and Development:**

This final plat is subject to the 2018 Parkland Dedication and Development Ordinance. The developer intends to pay fees-in-lieu-of park land dedication and development with no intent to construct a private park for credit. The developer is required to pay parkland dedication and development fees for the proposed residential home sites prior to plat recordation. With the development of up to 58 dwelling units within this unit, park fees in the amount of \$130,268 are required to be paid prior to plat recordation.

**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 final plat with the following Conditions of Approval:

1. Payment of parkland dedication and development fees, \$130,268, for the 58 proposed dwelling units prior to plat recordation. (NBCO 118-60(b))
2. Add block numbers to the plat. (NBCO 118-29(6))
3. Add all street details (centerline, cul-de-sac radii, degree of curvature) as required. (NBCO 118-29(3))
4. Add a note on the plat which specifies the maintenance responsibility of the homeowners' or property owner' association for common areas or easements including Lots 22 and 33. (NBCO 118-45)
5. Add the following parks plat note (NBCO 118-60) *This subdivision is subject to the 2018 City of New Braunfels Park Land Dedication and Development Ordinance. This plat is approved for 1 dwelling unit per buildable lot with a maximum of 58 buildable lots. At such time that additional dwelling units are constructed; the owner of the lot shall contact the city and comply with the ordinance for each dwelling unit.*
6. Add the following drainage easement statement to the plat. (NBCO 118-24(15)) *No structures, walls or other obstructions of any kind shall be placed within the limits of the drainage easements shown on this plat. No landscaping, fences, or other type of modifications which alter the cross sections of the drainage easements or decrease the hydraulic capacity of the easements, as approved, shall be allowed without the approval of the City Engineer. The City of New Braunfels and Comal County shall have the right of ingress and egress over grantor's adjacent property to remove any obstructions placed within the limits of said drainage easements and to make any modifications or improvements within said drainage easements.*
7. Add the following finished floor note to the plat. (NBCO 118-24(15)) *Finished floor elevation must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plan.*
8. Add the following statement to the plat. (NBCO 118-24(15)) *Future development is subject to Chapter 114 (Streets, Sidewalks and Other Public Spaces) of the New Braunfels Code of Ordinances.*
9. Revise the owner's certification statement to be in accordance with NBCO 118-30(c).
10. Revise the County Clerk certification statement to be in accordance with NBCO 118-30(e).
11. Remove the Commissioners Court and County Judge certification statement. (NBCO 118-24(15))
12. Remove plat note #5. (NBCO 118-24(15))
13. Label the purpose of what appears to be a drainage easement located between Lots 17 and 18. (NBCO 118-24(15))
14. All referenced easements that are created by separate instrument must be recorded with document numbers added to the plat prior to recordation. (NBCO 118-29(2))
15. Remove NBU plat note #4 as this project is outside of NBU water and wastewater service areas.

(NBCO 118-48)

16. Add plat note indicating a waiver to sidewalk along FM 2722 was granted by the City of New Braunfels City Council on February 22, 2021 (WVR21-010). (NBCO 118-49)
17. Add a plat note regarding the required 25-foot wide Emergency Access Easement identified on Lots 10 and 11. The note shall specify the minimum improvements and maintenance standards for said easement including prohibition of obstructions, etc. for access by emergency responders. Note shall be in compliance with requirements of the Fire Code and TxDOT. (NBCO 118-46)
18. Add note specifying the limitations associated with the identified sight easements included within the PUE detail and shown on the corners. (NBCO 118-29)
19. Update drainage easement detail on Sheet 3 to reflect correct lot number, 58. (NBCO118-51)
20. Identified “future drainage easement” shall be revised to include separately recorded information or removed from plat. (NBCO 118-51)
21. Remove plat note #9 as it is not applicable to a final plat. (NBCO 118-51)

**Approval Compliance:**

To obtain final 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 the 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.