

Legislation Text

File #: 20-259, **Version:** 1

Contact

Applicant: Gary Freeland, P.E., Freeland Turk Engineering Group, LLC; and Owner: Benjamin Scott, VP of Real Estate, HEB, LP

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SUBJECT:

REP20-058 Public hearing and approval of the replat of HEB New Braunfels Subdivision and HEB New Braunfels #1 Subdivision, establishing the final plat of HEB S. Walnut Ave Subdivision.

Plat Information:

Case #: REP20-058

Council District: 6

Owner: HEB, LP (Benjamin Scott, VP of Real Estate)
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Engineer: Freeland Turk Engineering Group, LLC (Gary Freeland, P.E.)
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Staff Contact: Matt Greene, Planner
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The subject property is comprised of 13.186 acres located off South Walnut Avenue between Business IH 35 and the IH 35 access road, currently addressed at 651 S. Walnut Avenue. The HEB New Braunfels subdivision was recorded in 1994 and is the location of the current HEB store and retail strip center. The HEB New Braunfels #1 Subdivision was recorded in 2017, platted from 4 residential lots and an abandoned portion of Merriweather Street owned by HEB and was most recently utilized for parking. The applicant is proposing the replat to combine the two lots owned by HEB to accommodate redevelopment of the property.

Drainage:

The Public Works Department reviewed drainage plans as required by Section 118-51.e 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. Subdivision construction plans have been approved.

No portion of the subject property is located within the 1% annual chance floodplain.

Utilities:

Water, sewer and electric service will be provided by New Braunfels Utilities (NBU). The required utility easements are indicated on the plat per NBU.

Transportation:

Regional Transportation Plan:

This plat is in compliance with the Regional Transportation Plan as there are no proposed roadways within or adjacent to the subject property.

Access:

The property is eligible for 1 point of access along Business IH 35 and 1 access point along the IH 35 access road. No vehicular access is allowed to the subject property from Merriweather Street. A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center.

Hike and Bike:

The proposed plat is in compliance with the adopted Trails Plan as there are no planned or proposed trails within or adjacent to the subject property.

Sidewalks:

There are existing sidewalks adjacent to the IH 35 access road, Walnut Avenue and portions of U.S Highway 81. Six-foot wide public sidewalks will be required to be constructed by the developer adjacent to U.S. Highway 81 where sidewalks currently do not exist.

Roadway Impact Fees:

The subdivision is subject to Roadway Impact Fees and will be assessed the fees for Service Area 2 with the approval of the final plat. The Impact Fees will be collected at time of building permit as indicated in the then current fee schedule for the intended use.

Parkland Dedication and Development:

Non-residential development is exempt from parkland dedication and development fees. Any future residential development on the property will be subject to the requirements of the Parkland Dedication Ordinance.

Staff Recommendation:

Staff recommends approval of the final plat, as it is in compliance with the City's Platting Ordinance and development regulations, with the following requirements prior to submittal of the final plat:

1. Revise the title of the plat to read "Final Plat Establishing the HEB S. Walnut Ave Subdivision" and the legal description under the title should read "Being a replat of Lot 1, HEB New Braunfels Subdivision, an addition to the City of New Braunfels, Texas, as recorded in Volume 11, page 13 of the plat records of Comal County, Texas and being a replat of Lot 1, Block 14, HEB New Braunfels #1 Subdivision, an addition to the City of New Braunfels, Texas, as recorded in Document #201706022198 of the plat records of Comal County, Texas.(NBCO Sec. 118-34i.)
2. Relocate the plat title to the top center of the plat sheet. (NBCO Sec. 118-24o.)
3. Remove "Together with Exhibit A, B, C, D of the City Ordinance No. 2015-69 of the City of

New Braunfels, Texas, and is being replatted to combine the two lots into one lot" from The Area Being Replatted exhibit. (NBCO Sec. 118-34k.)

4. In the General Notes, add the following statement: "The purpose of this replat is to combine the two lots into one lot." (NBCO Sec. 118-34k.)
5. Add the following Sidewalk Note to the plat:
SIDEWALK NOTE:
 - A. "Six (6) foot wide sidewalks will be constructed by the owner/developer at the time of building construction adjacent to U.S. Highway 81 where there are currently no sidewalks constructed.
 - B. There is (fill in the correct linear distance) linear feet of existing (fill in the correct width) - foot wide sidewalks constructed adjacent to a portion U.S. Highway 81.
 - C. There are existing (fill in the correct width) - foot wide sidewalks constructed adjacent to South Walnut Avenue.
 - D. There are existing (fill in the correct width) - foot wide sidewalks constructed adjacent to the IH 35 Access Road. (NBCO Sec. 118-30h.)
6. Revise the second sentence in General Note #9 to state "At such time that residential dwelling units are constructed within the subdivision, the owner(s) shall contact the City of New Braunfels and comply with the ordinance for each dwelling unit." (NBCO Sec. 118-57)
7. Revise the owner's acknowledgement and certificate of dedication to conform to Section 118-30c. by removing "except areas identified as private or created pursuant to separate instrument." (NBCO Sec. 118-30c.)
8. Revise note 10 to include at the end "as required per Ordinance No. 2017-26. (NBCO 118-24o.)
9. Remove the 60' Private Access Easement referenced in Document #201606045772. It is no longer needed (NBCO Sec. 118-24o.)
10. Revise note 11 by deleting the second sentence. The access easement was for Lot 1, Block 14, HEB New Braunfels #1 Subdivision and is no longer necessary. (NBCO 118-24o.)
11. State whether the distances are in grid or surface. (NBCO Sec. 118-24.15, 118-21.c and TAC 663-20)
12. Label the grid state plane coordinates (two decimals places) that are the farthest from each other on two corners of the outer boundary. (NBCO Sec. 118-21.c)
13. Include a 10-foot wide Aerial Electric Easement along rear lot line 767.42' for overhang and clearance. (NBCO Sec. 118-24e.)
14. Include a 20-foot wide utility easement fronting IH 35. (NBCO Sec. 118-24e.)
15. Include a 20-foot wide utility easement fronting Business IH 35 (NBCO Sec. 118-24e.)
16. There are existing NBU easements not shown on the plat: if the intention is to apply for abandonment, this process must be completed before the easements can be removed from the plat. Contact NBU Easements 7 ROW department to apply for easement abandonments. If they are not abandoned, include them with reference to recording information. (NBCO Sec. 118-24e.)

Approval Compliance

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

Notification:

Public notices were sent to 30 owners of property within 200 feet of the subject property. Staff has received no responses.

Attachments:

- Aerial Map
- Reduced Plat (full size Plat provided in packet)