

## Legislation Text

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**File #:** 21-93, **Version:** 1

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### Presenter/Contact

*Applicant: Moeller & Associates (James Ingalls, P.E.); Owner: Deborah Pawlik*

### **SUBJECT:**

REP21-012 Public Hearing and consideration of the replat of a portion of Lot 3 and Lot 4, New City Block 1055, Kuehler Addition establishing Lots 3R and 4R, with a waiver.

### **Plat Information:**

**Case #:** REP21-012

**Owner:** Deborah Pawlik  
354 E. Faust Street  
New Braunfels, TX 78130

**Applicant:** James Ingalls, P.E.  
Moeller & Associates  
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**Case Manager:** Matthew Simmont  
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**Description:** A replat to create two separate residential lots

**Waiver:** Street frontage for proposed lot

### **Background:**

The subject property is located on the south side of E. Faust Street, east of its intersection with Kuehler Ave. The proposed 13,500 square foot replat will create two lots that are intended to maintain the existing residential development. The replat will adjust the historic remnant internal lot line to avoid internal setback encroachments of the existing structures.

### **Street Frontage:**

Section 118-45(b) of the Platting Ordinance requires all lots to front onto a dedicated, improved public street. The plat is proposing to create one lot that does not include the minimum required street frontage. **The developer is requesting a waiver to the required lot frontage** to allow for the creation of two individual lots intended to continue residential use. The developer has proposed an access easement that will guarantee access to a public street.

Staff is not opposed to the waiver request as it will facilitate separate ownership of the subject property with two dwelling units, each with separate guaranteed access to a public street.

**Drainage:**

The City's Public Works Department reviewed project drainage with the approved letter of certification as required by Section 118-51.e of the Subdivision Platting Ordinance and in accordance with Chapter 143 Municipal Drainage Utility Systems, and the Drainage and Erosion Control and Design Manual (DECDM).

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

**Utilities:**

Electric, water and wastewater services are currently provided by New Braunfels Utilities (NBU). The existing services have been evaluated and approved by NBU through a letter of certification, no extension of main lines is required.

**Transportation:**

**Regional Transportation Plan:**

The proposed replat complies with the Regional Transportation Plan. East Faust Street is indicated as a 60-foot wide Minor Collector and adequate right-of-way exists.

**Hike and Bike Trail Plan:**

There are no trails identified on the City's Hike and Bike Trails Plan within or adjacent to the subject site. Therefore, the proposed replat is in compliance with the plan.

**Sidewalks:**

Construction of four-foot wide sidewalks will be required along East Faust Street at the time of new or re-development on each lot.

**Roadway Impact Fees:**

The portion of this subdivision located within the city limits is subject to Roadway Impact Fees and is hereby assessed the fees for Service Area 3 with the approval of this replat. The Impact Fees will be collected at the time of building permit as indicated in the then current fee schedule for the intended use.

**Parkland Dedication and Development:**

This subdivision is subject to the City's 2018 Parkland Dedication and Development Ordinance. Because there is an existing residence on each proposed lot, no park fees are required at this time. If additional dwelling units are added, park fees for the new dwelling units will be required to be paid at the time of building permit.

**Staff Recommendation:**

To meet the requirements of the City's Subdivision Platting Ordinance and other adopted codes, the applicant's final plat must comply with the conditions noted below. Staff recommends approval of the proposed replat with the waiver and the following Conditions of Approval:

1. Revise the title of the plat to begin "Final plat establishing New City Block 1055, Kuehler Addition, Lots 3R and 4R, being a replat of..." (NBCO 118-21(c)).

2. Remove note #16 (NBCO118-21(c)).
3. Add a sidewalk note (NBCO 118-49(d)).
4. Include a 20-foot wide utility easement fronting E. Faust Street.
5. A final digital plat must be submitted when proceeding with recordation, format must be in: (NBCO Sec. 118-21(c))
  - a. NAD 1983 State Plane Texas South Central FIPS 4204 (US Survey feet).
  - b. Grid scale.
  - c. All x-referenced files must not be in blocks.
  - d. Dwg format 2013 version or later.

**Approval Compliance:**

To obtain approval of the final plat, the applicant must submit to the City a revised final plat and a 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 final plat approved if the response adequately addresses each Condition of Approval.

**Attachments:**

1. Aerial Map
2. Lot Frontage Waiver Request
3. Proposed Replat