

## Legislation Text

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File #: 21-204, Version: 1

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## Contact

*Applicant: James Ingalls, Moeller & Associates Engineering; Owner: NB Smokehouse  
(830) 358-7127 - [plats@ma-tx.com](mailto:plats@ma-tx.com)*

**SUBJECT:**

REP21-053 WVR21-052 Public hearing and consideration of the replat of Lot 2 Smokehouse Subdivision and Lot 1, Block 1 Cornelius Brothers Subdivision, establishing Lots 2R, 3R and 4R, Smokehouse Subdivision, with a waiver.

**Plat Information:**

**Case #:** REP21-053 and WVR21-052

**Owner:** New Braunfels Smokehouse, Inc. (Dudley Snyder)  
146 SH 46 South  
New Braunfels, TX 78130  
[dsnyder@nbsmokehouse.com](mailto:dsnyder@nbsmokehouse.com)

**Engineer:** James Moeller, P.E.  
Moeller & Associates Engineering Solutions  
2021 SH 46 West, Suite 105  
New Braunfels, TX 78130  
(830) 358-7127 [jamesingalls@ma-tx.com](mailto:jamesingalls@ma-tx.com)

**Case Manager:** Holly Mullins  
(830) 221-4054 [hmullins@nbtexas.org](mailto:hmullins@nbtexas.org)

**Waiver:** To allow a lot with no street frontage

**Background:**

The subject property is located near the intersection of North Business 35 (Elliott Knox) and Loop 337 and is the site of the former New Braunfels Smokehouse restaurant. The purpose of this replat is to reconfigure two platted commercial lots into three.

**Drainage:**

The Public Works Department reviewed preliminary 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. Project drainage for new construction will be reviewed with the building permit. No portion of the subject property is located within the 1% annual chance flood zone.

**Utilities:**

Electric, water and wastewater services are provided by New Braunfels Utilities (NBU). Utility easements are indicated on the plat as required by NBU.

### **Transportation:**

#### **Regional Transportation Plan:**

The plat is in compliance with the City's Regional Transportation Plan. Business 35 is identified as a 120-foot wide minor arterial. Adequate right-of-way exists and no additional right-of-way dedication is required.

#### **Hike and Bike:**

The plat is in compliance with the City's Hike and Bike Trails Plan as there are no proposed trails or bike lanes adjacent to the subject property.

#### **Sidewalks:**

Sidewalks do not currently exist along Business 35 at this location. Six-foot wide sidewalks will be required with new development on Lots 3R and 4R. Sidewalks will be installed in the right-of-way by the developer at the time of building construction and must be permitted by TxDOT and the City.

### **Street Frontage:**

Section 118-45 of the Subdivision Platting Ordinance requires non-residential lots to have at least 60 feet of street frontage. **The applicant is requesting a waiver to allow Lot 2R to be platted with no street frontage.** Proposed Lot 2R is already developed with commercial office buildings. There is an existing shared access easement from Business 35 along Lot 3R, extending 30 feet into Lot 2R, and then between Lots 1AB and 1C to Loop 337 (see Attachment 4). This easement was established in 2009 to facilitate redevelopment of the property when the Smokehouse Restaurant moved to Business 35 from its original location on the Loop.

Waiver criteria are provided below in Commission Findings. Staff does not oppose the waiver because the existing easement provides adequate access to Lot 2R; Lot 2R is already developed; and cross access throughout the development is critical to managing traffic flow for all of the businesses.

### **Roadway Impact Fees:**

Roadway Impact Fees for Study Area 2 are hereby assessed with approval of the final plat. Fees will be collected with building permits for new development at the then current rate based on use.

### **Parkland Dedication and Development:**

This plat is a non-residential subdivision and is not subject to parkland dedication or development.

### **Commission Findings:**

The Planning Commission shall not approve 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 ordinance(s) of the City.

#### **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 a waiver to allow a lot with no street frontage**, and subject to the following Conditions of Approval:

1. Title the plat as *Final Plat of Lots 2R, 3R and 4R Smokehouse Subdivision, being a Replat of Lot 2 Smokehouse (recording information) and Lot 1 Block 1, Cornelius Brothers Subdivision (recording information)...* (NBCO 118-34)
2. Add a boxed drawing of the existing lot layout labeled Area Being Replatted with a detailed "purpose for replat" statement. (NBCO 118-34)
3. Revise Note #2 to state location of sidewalks (e.g. at least 4 feet from the curb or edge of pavement) and that sidewalk construction will be at the time of new development on Lots 3R and 4R. (NBCO 118-49)
4. Add the following to Note #9: *Non-residential use subdivisions are not subject to Park Land Dedication and Development requirements. However, at such time that any dwelling units are constructed, the owner of the lot shall contact the city and comply with the ordinance for each dwelling unit.* (NBCO 118-57 et seq)
5. In Note #10, remove "and Comal County" for plats within the City limits.
6. Remove Note #17 regarding contours.
7. Label right-of-way width for Elliott Knox/Business 35. (NBCO 118-24)
8. Add a shared access easement for the existing driveway on Lots 3R and 4R. (NBCO 118-29)
9. Include a Block Number for the subdivision. (NBCO 118-29)
10. Verify the legal description of adjacent Lot 2A-1 and address accordingly. (NBCO 118-24)
11. 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 118-21)

#### **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. Final Plat
3. Shared Access Easement