# Legislation Text

**File #:** 21-1006, **Version:** 1

**PRESENTER:**
Applicant: HMT Engineering & Surveying (William B. Ball, P.E.)
Owner: Veramendi PE - Brisbane, LLC (Peter James)
**SUBJECT:**
REP21-334 and WVR21-333 Discuss and consider approval of the replat for Lot 4, Block 12C, Veramendi Precinct 15A, Neighborhood Center with conditions and with a waiver to Section 118-45(b) of the Subdivision and Platting Ordinance, lot frontage.
**DEPARTMENT:** Planning and Development Services
**COUNCIL DISTRICTS IMPACTED:** Outside City Limits

**BACKGROUND INFORMATION:**

| | |
|---|---|
| Case #: | REP21-334 and WVR21-333 |
| Owner: | Veramendi PE - Brisbane LLC (Peter James)<br>387 W. Mill Street<br>New Braunfels, TX 78130<br>(832) 515-6578 james.tipton@asaproperties.us.com |
| Applicant: | HMT Engineering & Surveying (William B. Ball, P.E.)<br>290 S. Castell Ave., Suite 100<br>New Braunfels, TX 78130<br>(830) 625-8555 billb@hmtnb.com |
| Case Manager: | Matthew Simmont<br>(830) 221-4058 msimmont@nbtexas.org |
| Description: | A 3.139 acre replat to create 3 non-residential lots. |

The subject property is located approximately 230 feet east of the intersection of Oak Run Parkway and Geneva Street within Veramendi Sector Plan 1A.

**ISSUE:**
The subject property is Lot 4 within an existing 7 lot neighborhood commercial subdivision. The proposed replat of Lot 4 will establish 3 lots intended for commercial use.

**Drainage:**
The Public Works Department reviewed and approved preliminary project drainage with the original final plat as required by the Development Design & Control Document (DDCD), Section 118-51e of the Subdivision Platting Ordinance and in accordance with Chapter 143 Municipal Drainage Utility Systems and the Drainage and Erosion Control and Design Manual. Final drainage will be reviewed with the commercial development permits.

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

**Utilities:**
Electric, water and wastewater services will be provided by New Braunfels Utilities (NBU) om compliance with the Development Agreement. Water and wastewater services are constructed and accessible to the site. Utility easements are provided as required by NBU.

**Transportation Plan:**
The proposed replat is in compliance with the Master Framework Plan, Sector Plan 1A and the Plat Design Code. Oak Run Parkway was platted with an adjacent subdivision and has been constructed.

Access
**The applicant is requesting a waiver from the requirement to have frontage on an improved dedicated public street for Lot 4R-3**

Staff is not opposed to the request because there is no compelling need for lots in a commercial center with shared drives to have street frontage when there is an access easement to ensure perpetual access for maintenance and service of the properties. The waiver criteria are provided in Commission Findings.

**Sidewalks:**
There are existing six-foot wide public sidewalks along Oak Run Parkway.

**Transportation Improvement Fees:**
Transportation Improvement Fees are hereby assessed with approval of the replat. Transportation Improvement Fees are collected at time of building permit as indicated in the Development Agreement fee schedule for the intended use.

**Parkland Dedication and Development:**
This subdivision is compliant with the parkland requirements that are set forth within the DDCD.

**Tree Protection:**
A tree survey was submitted indicating high value trees located within the plat. A tree preservation and mitigation summary were also submitted. Notes on the plat address tree protection and tree replacement measures that are required with this subdivision. Compliance with tree protection and landscaping requirements will continue to be reviewed with commercial permitting.

**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 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 requested waiver with the following Conditions of Approval:

1. Add recordation information for all adjacent and contiguous easements and subdivisions *(NBCO 118-29 (b))*.
2. Remove sidewalk / accessways notes #1 and #3 as they are not applicable to this subdivision plat *(NBCO 118-21(c))*.
3. Remove plat note #18 as it is not applicable to this subdivision plat *(NBCO 118-21(c))*.
4. Remove plat note #12 as it is not applicable to this subdivision plat *(NBCO 118-21(c))*.
5. Revise the owner signature blocks to reflect the complete subdivision name *(NBCO 118-30)*.
6. Revise the location map to accurately reflect the subject subdivision plat boundary *(NBCO 118-29)*.
7. Label front easement to Oak Run Parkway 20-foot U.E. *(DDCD, Sec. 14.3.9)*.
8. Add the standard NBU note that each lot will be served water and sewer at owner's expense *(DDCD, Sec. 14.3.9)*.

**Approval Compliance:**
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.

**Attachments:**
Aerial Map
Proposed Final Plat