

## Legislation Text

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**File #:** 21-1296, **Version:** 1

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**PRESENTER:**

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)

Owner: Fred Heimer

**SUBJECT:**

WVR21-400 Discuss and consider a waiver to Section 118-44(b) to allow block length to exceed 1,200 feet for a block along Carlotta Drive within the proposed Park Place, Unit 1A Subdivision.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** City Council District 2

**BACKGROUND INFORMATION:**

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)  
290 S. Castell Ave., Ste. 100  
New Braunfels, TX 78130  
(830) 625-8555 billb@hmtnb.com

Owner: Fred Heimer  
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New Braunfels, TX 78130  
(830) 625-8410 fred.heimer@sv-re.com

Staff Contact: Matt Greene mgreene@nbtexas.org  
(830) 221-4053

The Park Place Subdivision Master Plan consists of 103 acres for single-family residential development and was administratively approved in May of this year with 6 conditions, including the requirement for the block length on the north side of Carlotta Dr. in Unit 1A to be revised so it does not exceed 1,200 linear feet in length.

**Block Length:**

**The applicant is requesting a waiver to allow the block length on the north side of Carlotta Dr. in proposed Unit 1A to exceed 1,200 feet, for a total block length of 1,416 feet.**

The proposed Park Place, Unit 1A Subdivision is adjacent to Zipp Road, south of Legend Pond and South Point Subdivisions. The proposed final plat for Unit 1A is comprised of 25.75 acres proposed for the development of 125 single-family residential lots and is partially located inside city limits with the block in question being completely within city limits.

Section 118-44(b) of the Subdivision Platting Ordinance requires block lengths not to exceed 1,200 feet except

along arterial streets. Maximum block lengths along an arterial shall be 1,600 feet, except under special conditions as determined by the planning commission. The applicant is requesting a waiver to allow for a block length of 1,416 feet, which exceeds the maximum allowed block length by 216 feet.

The block length along the northern boundary line of the block in question is adjacent to the South Point Subdivision, which provides no stub street to connect with the Park Place Subdivision. The South Point Master Plan was previously approved and does not provide a stub street to the Park Place subdivision due to the large drainage way and 50-foot Enterprise gas easement to the south of South Point Subdivision.

The applicant's justifications for the waiver request are attached.

#### **ISSUE:**

Block length waiver requests must be considered by the Planning Commission until final approval of the ordinance amending the Subdivision Platting Ordinance that allows block length waivers to be authorized administratively. This is expected to take place on December 13, 2021.

The ordinance authorizes waivers to be granted when:

1. An undue hardship will result from strict compliance with the ordinance, or
2. When the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest is secured.

#### **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 ordinance(s) of the City.

In considering this waiver request, the Planning Commission has three options:

1. To deny the waiver request and require the proposed block length not to exceed 1,200 feet along Carlotta Drive when the property is platted;
2. To approve the waiver with conditions; or
3. Approve the waiver request as presented.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Approval. The approved and proposed subdivisions of the area include a network of wide drainage easements conveying drainage through the area. While drainage easements in general are capable of being crossed with roadways, in this scenario the adjacent subdivision was designed without a street connection to the southwest into the subject subdivision. The drainage network continues across the subject property to the southeast. The developer could meet the maximum 1,200-foot block length by extending the proposed drainage lot further west which would reduce the block length and meet the platting requirements. However, considering the existing drainage patterns such an adjustment would not likely have a significant impact on the desired connectivity results intended by the standard as there are no existing or proposed streets to connect to adjacent to this block in the neighboring South Point subdivision.

Attachments:

1. Aerial Map
2. Applicant's Plat Waiver Justification Letter
3. Conditionally approved Park Place Subdivision Master Plan
4. Applicant's Block Length Exhibit