

Legislation Text

File #: 22-605, **Version:** 1

PRESENTER:

Applicant & Owner: Steven L. Glover

SUBJECT:

WVR22-192 Discuss and consider waivers from: Section 118-11(a) to allow an exemption from platting approximately 1.996 acres in the A.M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, recorded in Document No. 202199027363 Official Public Records of Guadalupe County, Texas, addressed at 4040 SH 46 N.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** ETJ**BACKGROUND INFORMATION:****Case #:** WVR22-192**Owner/**

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The owner would like to commercially develop the 1.996 acre lot located on the south side of SH 46 N approximately 475 feet east of Elk Grove Road and is requesting relief from the platting requirement of the Subdivision Platting Ordinance. The subject property is the last tract in the City's ETJ.

ISSUE:**Purpose of Platting**

Section 118-3(b) states that the purpose of platting is to achieve orderly, efficient and environmentally sound development of land. The subdivision platting ordinance, in conjunction with any other land use control tool as may be adopted by the city, provides those guidelines and mechanisms.

Application of Subdivision Platting Ordinance.

The subject property was originally part of the abutting property to the north described as 34.7380 Acres in the A. M. Esnaurizar Survey, Abstract No. 20, previously described as 36.7380 acres in the A. M. Esnaurizar Survey, Abstract No. 20.

The subject property was deeded separately in 2021 under Section 118-10(3) of the Subdivision Platting Ordinance (attached). At that time, no development was planned so the transfer of land was exempted from the

City's Subdivision Platting Ordinance. Platting is now triggered by the proposed commercial development of the deeded tract which has been sold for development.

Section 118-9 of the Subdivision Platting Ordinance requires platting with the division of land into two or more tracts, lots, sites, or parcels within the jurisdiction of the City to be developed.

Drainage and Erosion Control

A Preliminary Drainage Report of the storm drainage system is required with a preliminary plat. The report shall include the following: Preliminary Drainage Site Plan including plat boundary; existing and proposed drainage infrastructure, right-of-way and easements in and adjacent to the plat; proposed stormwater connections and point(s) of development discharge; and proposed changes to floodplain and floodway boundaries. Drainage infrastructure includes inlets, channels, storm sewer, detention, retention and water quality facilities.

The purpose of the Drainage and Erosion Control Design Manual is to establish standard principles and practices for the design and construction of storm drainage, flood protection, erosion control, and water quality facilities within the City of New Braunfels, Texas and its extraterritorial jurisdiction (ETJ). This manual and the City of New Braunfels Code of Ordinances contain requirements for the design of storm drainage, flood protection, water quality, and erosion control facilities.

Criteria in this manual shall apply to all drainage improvements and projects that may have an impact on drainage, both publicly and privately funded, within the City of New Braunfels, Texas and within its ETJ. Criteria in this manual shall apply to any capital improvement or development project, plat, master plan, or building permit except as otherwise noted in the manual.

Safe access to the State Highway System.

Section 118-21(d) requires letters of certification from all reviewing entities, including the Engineering Division, Public Works Division, utility providers, local counties, and pertinent state agencies including TxDOT as part of the subdivision platting process.

The letters of certification allow these entities initial review of the proposal so the applicant's proposal will be most efficiently reviewed by the city. These letters of certification assure the City that the proposal will not be in conflict with the reviewing entities' development standards. A developer is required to dedicate or reserve right-of-way and/or construct street improvements to mitigate adverse traffic impacts demonstrated in the approved TIA. Sec. 118-46(t)(2)(d).

Access to a Texas Department of Transportation roadway for commercial development requires review of the access proposal by TxDOT and confirmation of the necessary right-of-way dedication.

The Planning and Development Services Department will conduct a review of the plat as to its conformity with the major thoroughfare plan, drainage requirements, and standards and specifications of the subdivision platting ordinance. This review ensures the safe and orderly development of land within the city's jurisdiction.

SH 46 is identified as a Principal Arterial on the City's Regional Transportation Plan, up to 150 feet of right-of-way. On October 28, 2013, the right-of-way was established as 120 feet by City Council. The right-of-way appears to be 120 feet in the vicinity of the subject property.

Waiver criteria are provided below in Commission Findings.

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.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Denial. Staff believes the platting process is important to follow to ensure safe access to and from the site, as well as review of the drainage plan for the proposed development to ensure proper handling of increased runoff from increased impervious cover and protection of neighboring properties.

The applicant's submitted position letters are inadequate to justify granting approval of the waivers since they do not provide sufficient detail as to how the proposed waivers 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.

Platting standards set the minimum requirements for subdivision layout and design and ensure the progression of development in and around the city happens in a fair and equitable manner while providing appropriate access to commercial development.

Resource Links:

Chapter 118-3 Authority of the city; extension to extraterritorial jurisdiction; purpose.

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIINGE_S118-3AUEXEXJUPU

Sec. 118-9. - Application of chapter.

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIINGE_S118-9APCH

Sec. 118-21. - General procedures.

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIIGEPLPR_S118-21GEPR

Chapter 118-46 Streets.

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-46ST

City of New Braunfels Drainage and Erosion Control Design Manual 2016 Manual Updates: 2017-1, 2018-1

https://www.nbtexas.org/DocumentCenter/View/12758/NB_DCM_Final_2016_U2018-1?bidId=>

