

## Legislation Text

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**File #:** 22-918, **Version:** 1

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**PRESENTER:**

Applicant: INK-Civil; James Ingalls, P.E.

Owner: Randy Harris & Chris Lynch

**SUBJECT:**

WVR22-277 Discuss and consider a waiver to Section 118-45(b), requiring public street frontage for proposed Lot 100, Block 3 of the Clear Creek Subdivision.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case #: WVR22-277

Owners: Randy Harris  
850 SH 46, Suite 5  
New Braunfels, TX 78130    randyharris66@icloud.com

Chris Lynch  
Gehan Homes LTD  
3815 S. Capital of TX Hwy #275  
Austin, TX 78704  
(512) 658-3975    kbolt@gehanhomes.com

Engineer: James Ingalls, P.E.  
INK-Civil  
2021 SH 46 W, Suite 105  
New Braunfels, TX 78132  
(930) 358-7127    plats@ink-civil.com

Case Manager: Matthew Simmont  
(830) 221-4058    msimmont@nbtexas.org

Description: A 26.6-acre project intending to develop 114 lots for single-family residential use.

The subject tract is located within the city limits of the New Braunfels and in Comal County. The approved preliminary plat will create 114 residential lots and is located adjacent to Misty Acres Unit 1 to the north, Rivertree Units 1 and 2 to the south, commercial development to the east, and the Guadalupe River to the west.

**ISSUE:**Lot Frontage:

**The applicant is requesting a waiver from the requirement to have frontage on an improved public street for proposed Lot 100, Block 3.**

Section 118-45(b) of the Subdivision Platting Ordinance requires all newly created lots to have frontage (minimum of 36 feet) on an improved public street. The proposed lot is improved with an existing single family residence and related accessory structures. The preliminary plat was approved with the condition that Lot 100, Block 3, include frontage onto Little Pebble.

The justification letter provided by the applicant indicates the property owner continues to utilize the existing fifty (50) foot-wide access easement the property owner and the adjacent 4 lots access currently to SH 46 and will provide access to Lakefront Avenue with the proposed subdivision. The preliminary plat also proposes a 15-foot wide access easement to Little Pebble from proposed Lot 100 that will allow for street access should the existing access easement be vacated.

The construction drawings for the proposed development indicates a detention basin is proposed to be constructed on the adjacent drainage lot (Lot 903, Block 3). To meet the minimum lot frontage requirement for proposed Lot 100, Block 3, a portion of the detention basin would be required to be contained within the residential lot which is not recommended.

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 ordinances(s) of the City.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff is not opposed to the applicant's requested waiver as proposed Lot 100 contains an existing single-family residence that currently accesses a public street through an existing 50-foot-wide access easement that extends to SH-46. In addition, the preliminary plat includes a 15-foot-wide access easement on proposed drainage area (Lot 903) that guarantees an additional opportunity for future public roadway access.

**Resource Links:**

Chapter 118-45 Lots, of the City's Code of Ordinances:

[Sec. 118-45. Lots. | Code of Ordinances | New Braunfels, TX | Municode Library](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-45LO)

[<https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-45LO>](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-45LO)