

---

## Legislation Text

---

**File #:** 22-716, **Version:** 1

---

**PRESENTER:**

Applicant & Owner: Ronald T. Schmidt

**SUBJECT:**

WVR22-210 Discuss and consider a waiver from Section 118-46(t)(2)(c) to not require an adequate perimeter street for the proposed replat of Lots 1 & 2, Kuehler Estates Subdivision.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 6

**BACKGROUND INFORMATION:**

Case #: WVR22-210

Owner/

Applicant: Ronald T. Schmidt  
1156 Tuscan Ridge  
New Braunfels, TX 78130  
(210) 279-7407

ronschmidtr@aol.com

Staff Contact: Matthew Simmont  
(830) 221-4058

msimmont@nbtexas.org

Lots 1 & 2 of the Kuehler Estates Subdivision are comprised of approximately 8.2 acres located along Kuehler Avenue, approximately 800 feet from its eastern terminus. The subject property is zoned R-2 Single-Family and Two-Family District.

The owner would like to replat both lots to establish 11 residential lots and is requesting relief from the street width requirement of the Subdivision Platting Ordinance.

**ISSUE:**

Adequate Street Width:

The Subdivision Platting Ordinance requires that all subdivisions have access to an adequate perimeter street that has an average pavement width of at least 24 feet adjacent to the area being platted. The subject property has approximately 1,300 feet of frontage on Kuehler Avenue which currently has a pavement width of between 16 and 19 feet. **The applicant is requesting a waiver to not improve Kuehler Avenue in accordance with the adequate access requirement. The Planning Commission has denied this waiver request twice; at the March 1, 2022 and May 11, 2022 regular meetings. A waiver to allow a new “island” subdivision where lots and streets would be accessed only through the floodwaters of the 100-year floodplain was approved at the May 11, 2022 regular meeting.**

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 applicant's submitted position letter is inadequate to justify granting approval of the waiver since it does not provide sufficient detail as to how the proposed 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.

Platting standards that set the minimum requirements for subdivision layout and design ensure the progression of development in and around the city happens in a fair and equitable manner while providing appropriate access. Development standards for public improvements, such as minimum pavement width of streets to be constructed with each subdivision plat ensure the continuous improvement of public facilities and provides safe access for increased traffic to and drawn by new development.

**Resource Links:**

Chapter 118-46 Streets, of the City's Code of Ordinances:

[\\_Sec. 118-46. Streets. | Code of Ordinances | New Braunfels, TX | Municode Library](#)

<[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOR\\_CH118SUPL\\_ARTIVDEST\\_S118-46ST](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH118SUPL_ARTIVDEST_S118-46ST)>