

Legislation Details (With Text)

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On agenda: 9/24/2018 **Final action:**

Title: Discuss and consider a waiver from the requirement to construct sidewalks along Schumanns Beach Road for the proposed final plat of E & S Subdivision.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial.pdf, 2. Application.pdf, 3. Sidewalk Exhibit.pdf, 4. Plat.pdf, 5. Photograph.pdf

Date	Ver.	Action By	Action	Result
9/24/2018	1	City Council		

Presenter

Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org

SUBJECT:

Discuss and consider a waiver from the requirement to construct sidewalks along Schumanns Beach Road for the proposed final plat of E & S Subdivision.

BACKGROUND / RATIONALE:

Case #: PL-18-098

Owner: Edwin and Shannah Donhauser
342 Schumanns Beach Road
New Braunfels, TX 78130

Applicant/Surveyor: D. A. Mawyer Land Surveying, Inc.
5151 Highway 46 W
New Braunfels, TX 78132
(830) 220-6042

Staff Contact: Holly Mullins, Sr. Planner
hmullins@nbtexas.org
(830) 221-4054

The subject property is located on Schumanns Beach Road, one-half mile northeast of FM 725, within the City's ETJ (extraterritorial jurisdiction). It is situated within the Dunlap Sub Area and near a Scenic River Corridor. The applicant is processing a final plat of the property with one residential lot on approximately two acres.

Schumanns Beach Road extends approximately one mile from FM 725 towards Lake Dunlap and then becomes a private access easement for another two-thirds of a mile, where it terminates at a private driveway. There is no public right-of-way connection to any other streets, and no public access to the river/lake, so usage is limited to private property owners.

The applicant has requested a waiver from the sidewalk requirement along Schumanns Beach Road, citing the rural nature of the properties in the area, the lack of connectivity to other areas, and the absence of existing sidewalks.

New Braunfels' Subdivision Platting Ordinance allows an exemption from the sidewalk requirement for Rural Residential Street Sections with 60 feet of right-of-way width if all lots have at least 100 feet of street frontage. Schumanns Beach does not meet the standards for an exemption as the right-of-way width is 50 feet and, although most lots have at least 100 feet of street frontage, not all do.

Sidewalk connectivity is important for mobility as well as for community health. Where not built by developers as part of new development, the sidewalk network is generally built property by property based upon current development regulations so exempting individual projects weakens the effectiveness of this endeavor. However, there are few sidewalks nearby as most of the surrounding area is rural in nature and the closest sidewalk is along FM 725 at Samuels Court Subdivision, almost one mile away (Attachment 4). Additionally, the majority of properties east of the subject tract, fronting the south side of Schumanns Beach Road, are one acre (or less) limiting the likelihood of redevelopment into additional lots due to minimum size requirements for on-site septic facilities.

The Subdivision Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where 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 secured. A waiver may not be approved unless it is found 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 the regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed in the Subdivision Platting Ordinance; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance (s) of the City.

Sidewalk waivers may only be granted by City Council after a recommendation from the Planning Commission. If approved, sidewalk construction will not be required along Schumanns Beach Road. However, at some point in the future sidewalks may have to be constructed, or other modifications to the right-of-way may have to be made, to be compliant with the Americans with Disabilities Act (ADA).

If the sidewalk waiver is denied, a 4-foot wide sidewalk will be required along the subject property, within the Schumanns Beach right-of-way.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

	City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Located within the Dunlap Sub Area and near a Scenic River Corridor Action 7.3 <i>Prioritize connecting sidewalk gaps through development requirements or public investment.</i> Action 7.5 <i>Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint.</i>
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FISCAL IMPACT:

At some point in the future, sidewalks may have to be constructed, or other modifications made to the right-of-way, to comply with the Americans with Disabilities Act, possibly at taxpayer expense.

COMMITTEE RECOMMENDATION:

On September 3, 2018 the Planning Commission approved the final plat for E & S Subdivision with a recommendation for approval of a waiver from the sidewalk requirement along Schumanns Beach Road.

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request due to:

- the rural nature of the area,
- the fact that Schumanns Beach Road becomes a private access easement and does not connect to any other public streets,
- the limited likelihood of redevelopment of additional lots due to the minimum acreage requirement for on-site septic systems, and
- the distance to the next nearest sidewalk.

Attachments:

1. Aerial Map
2. Application and Waiver Request
3. Plat
4. Sidewalk Exhibit
5. Photograph of Schumanns Beach Road