

Legislation Details (With Text)

File #: 18-669 **Name:**

Type: Report **Status:** Individual Item Ready

File created: 11/5/2018 **In control:** City Council

On agenda: 1/14/2019 **Final action:**

Title: Discuss and consider a waiver from the requirement to construct sidewalks along East Zipp Road for the proposed Zipp Compound Subdivision.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Maps, 2. Application and Waiver Request, 3. Plat, 4. Sidewalk Exhibit, 5. Photographs of Proposed Private Street Section

Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council		

Presenter

Christopher J. Looney, Planning and Community Development Director
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SUBJECT:

Discuss and consider a waiver from the requirement to construct sidewalks along East Zipp Road for the proposed Zipp Compound Subdivision.

BACKGROUND / RATIONALE:

Case #: PL-18-116

Applicant: Terrance Powell
1439 E. Zipp Road
New Braunfels, TX 78130
(210) 326-7883

Owner: Guadalupe County (Mark Green, County Road Administrator)
2605 N. Guadalupe
Seguin, TX 78155
(830) 379-9721

Engineer: HMT Engineering & Surveying (Dorothy Taylor, RPLS)
410 N. Seguin Ave.
New Braunfels, TX 78130
(830) 221-4053

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

The subject property consists of 0.159 acres (142 feet by 50 feet) of street right-of-way located at the terminus of East Zipp Road in the ETJ in Guadalupe County. The three property owners at the terminus of East Zipp Road (represented as the Zipp Compound Association properties on page 2 of Attachment 1) approached the Guadalupe Commissioner's Court with a request to abandon the segment of East Zipp Road right-of-way (subject property) so the owners could develop the right-of-way as a gated private street (see Attachment 3). The applicant received County approval of the right-of-way abandonment request on May 1, 2018.

The applicant has requested a waiver from the sidewalk requirement adjacent to the proposed East Zipp Road private street section, citing the rural nature of the neighborhood and the absence of existing sidewalks on East Zipp Road, which is approximately 2 miles in length, beginning at FM 725 and ending at the subject property.

The City's 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. East Zipp Road does not meet all of the criteria for an automatic exemption as the right-of-way width is approximately 50 feet and only 3 of the 4 parcels of land adjacent to the subject property have at least 100 feet of street frontage.

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 no existing sidewalks in the subject neighborhood or surrounding neighborhoods. The nearest sidewalks are approximately 0.6 miles away, but are across Lake Dunlap and across State Highway 46 in the Caprock Subdivision (see Attachment 4). The nearest sidewalks on the west side of Lake Dunlap are almost 2 miles away in a new subdivision off of FM 725.

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 the proposed private street section of East Zipp Road.

If the sidewalk waiver is denied, a 4-foot wide sidewalk will be required along the subject property,

within the right-of-way of the proposed private street section.

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 7.5 <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 (ADA).

COMMITTEE RECOMMENDATION:

On December 4, 2018 the Planning Commission approved the final plat for Zipp Compound Subdivision with a recommendation for approval of a waiver from the sidewalk requirement.

STAFF RECOMMENDATION:

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

- The rural nature of the area with a development pattern designed to provide vehicular access to homes on the lake as opposed to pedestrian destinations;
- There are no existing sidewalks within the neighborhood or surrounding neighborhoods, with the nearest sidewalks being inaccessible by foot; and
- The private street section will only be providing access to 4 properties at the terminus of a street with no other pedestrian connections present or planned.

Attachments:

1. Aerial Maps
2. Application and Waiver Request
3. Plat
4. Sidewalk Exhibit
5. Photograph of Proposed Private Street Section