

## Legislation Details (With Text)

<b>File #:</b>	21-842	<b>Name:</b>	
<b>Type:</b>	Plat	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	8/18/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/8/2021	<b>Final action:</b>	
<b>Title:</b>	WVR21-301 Discuss and consider a waiver to Section 118-46(t)(2)c.1. of the Subdivision Platting Ordinance to not require adequate access to a perimeter street with a minimum pavement width of 24 feet.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Culpepper Estates Aerial Map, 2. Final Plat Exhibit, 3. Applicant's Letter of Waiver Justification		

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Applicant: HMT Engineering & Surveying  
Owner: Robert Culpepper

**SUBJECT:**

WVR21-301 Discuss and consider a waiver to Section 118-46(t)(2)c.1. of the Subdivision Platting Ordinance to not require adequate access to a perimeter street with a minimum pavement width of 24 feet.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Owner: Robert Culpepper  
450 Cypress Ridge  
McQuenney, TX 78123  
(830) 743-3058      culpepperplumbing@satx.rr.com

Applicant: HMT Engineering & Surveying (Bill Ball, P.E.)  
290 S. Castell Ave., Suite 101  
New Braunfels, TX 78130  
(830) 625-8555      plats@hmtnb.com

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

Description: Proposed subdivision consisting of 4 single-family residential lots on 2.296 acres.

The subject property is located on the south side of Broadway between Rusk St. and Flushing. The property fronts Broadway, a 60-foot wide Collector, but is currently a substandard street as it is improved with only 19 feet of pavement. and the subject property also abuts a 115-foot wide City Drainage Right-of-Way to the rear of the property, just north of the Union Pacific Railroad track. The 2.3-acre property is currently developed with a single-family home constructed in 1920 and two accessory buildings. A Minor Plat was approved in May of this year to subdivide the 2.296 acres into 4 single-family residential lots with a condition requiring the existing pavement along the length of the proposed subdivision to be expanded by 5 feet.

#### ISSUE:

Section 118-46(t)(2)c.1. of the Subdivision Platting Ordinance requires all subdivisions to have access to an adequate perimeter or approach street. An adequate perimeter or approach street is a dedicated public street that has an average pavement width of at least 24 feet adjacent to the area being platted even though such pavement is not to city standards at the time of platting. The Culpepper Minor Plat was approved with the condition for the existing street to be improved by expanding the pavement width by 5 feet.

Fire Code requires fire lanes to be 20feet wide.

The Zoning Ordinance requires two-way drive aisles in parking lots to be 24 feet wide.

Minimum alley pavement width for residential lots without rear entry garages is 12feet.

Minimum alley pavement width for residential lots with rear entry garages is 20 feet.

One-way drives in parking lots are a minimum of 12' 8" to 24 feet wide, depending on the angle of the parking spaces.

**The applicant is requesting a waiver to not require access to an adequate perimeter street.** Broadway has a current average pavement width of approximately 19 feet. The applicant states the waiver is requested due to the site's limited impact on peak hour traffic generation compared to the cost burden of expanding the pavement width of Broadway to 24 feet across the property frontage (268 feet). The applicant also claims traffic generated from 3 new residences only increases the peak hour trips by 3. In addition, the applicant states there would be no benefit in expanding 268 feet of pavement to a width of 24 feet when the existing condition will remain for the remainder of Broadway and that the cost of the pavement expansion is not proportionate to the impact created by 3 peak hour trips.

The Subdivision and Platting Ordinance authorizes waivers to be granted when:

1. An undue hardship will result from strict compliance with the ordinance, or
2. When 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 is secured.

The ordinance also states 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 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.

In considering this waiver request, the Planning Commission has three options:

1. Approve the waiver request as presented;
2. Deny the waiver request and require the pavement width adjacent the property be extended 24 feet;

**FISCAL IMPACT:**

The taxpayer will carry the financial burden of making such improvements in the future.

**RECOMMENDATION:**

Staff recommends denial of the waiver request as the incremental addition of traffic on a substandard street will increase conflicts and lead to further degradation of the roadway. City Fire and Sanitation Departments have indicated the lots could be serviced with the existing 19 feet of pavement but that it would not be ideal, especially if cars are parked on the street side. The 19 feet of pavement width would not meet the minimum requirements for their services if this were construction of a new street.

**Resource Links:**

Chapter 118-46(t)(2)c.1, Adequate Access, of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL)

**Attachments:**

Aerial Map

Final Plat Exhibit

Applicant's letter of Waiver Justification