



July 10, 2020

City of New Braunfels  
Planning Commission  
550 Landa Street  
New Braunfels, Texas 78130

Re: Waiver Request for the proposed Navarro Subdivision Unit 1A Sidewalk  
Requirement, Section 118-49(a)(1)

Dear Commissioners,

As a representative of Lennar Homes of Texas Land and Construction Ltd, we are currently working through the approval process for a single-family residential subdivision just north of the corner of S.H. 123 and Harborth Road. According to the New Braunfels Code of Ordinances Section 118-49 (a)(1) "Sidewalks shall be required on the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the city's thoroughfare plan, or a major thoroughfare as determined by the planning commission, and on perimeter streets".

TxDOT does not require sidewalk along Stage Highways and will only allow them if required by a municipality. They will not, under any circumstances, allow sidewalks with the 'clear zone' due to safety concerns. On S.H. 123 the clear zone is 30' from the edge of pavement. TxDOT is requiring that if a sidewalk is constructed it must be constructed along the right-of-way line which is greater than 30' from the edge of pavement.

A significant drainage channel conveys runoff parallel to SH 123 for the full frontage of the proposed development right at the right-of-way line. As a result, a sidewalk constructed to TxDOT's requirements would be constructed within bottom of the drainage channel. This presents another safety concern since the sidewalk would subject to flash flooding even under moderate rain events.

We analyzed alternatives that would raise the sidewalk above the floodplain at the right of way line. However, doing so would cause an increase to the floodplain on adjacent properties. Further putting those properties at risk.

There are no other sidewalks along SH 123 within the Vicinity of this development. The lack of connectivity to other sidewalks combined with the safety concerns for each of the available alternatives; it is our opinion that constructing sidewalks along the S.H. 123 is not in the best interest of public safety and does not meet the spirit of the City's regulations. Therefore, we respectfully request your consideration to approve a waiver to section 118-49(a)(1) for the requirement to install sidewalk along S.H. 123.

Lennar Homes of Texas Land and Construction LTD.

*Richard Mott*

Richard Mott, P.E.  
Director of Land Development