



290 S. Castell Avenue, Ste 100  
New Braunfels, TX 78130  
TBPE-FIRM F-10961  
TBPLS FIRM 10153600

January 4, 2021

City of New Braunfels  
Planning Department  
550 Landa Street  
New Braunfels, TX 78130

RE: Waiver Request – The Preserve at Elm Creek Subdivision  
Section 118-49(a)(1) - Sidewalks

To Whom It May Concern:

Please accept this letter as a waiver request to The Preserve at Elm Creek Master Plan. HMT is requesting a waiver to Section 118-49(a)(1) – Sidewalks stating that “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.” This waiver is a request to allow for not building a sidewalk along the frontage of FM 2722 in the Preserve at Elm Creek Subdivision.

This request is primarily due to the site's proximity to the ETJ line, since the neighboring Vintage Oaks Subdivision was designed to Comal County standards due to the site being divided by the ETJ line and unincorporated county limits, a sidewalk was not built for this subdivision to tie into. Also, the existing subdivisions along FM 2722 to the south of The Preserve at Elm Creek that are also in the ETJ have not built a sidewalk along FM 2722. Without any possibility of an extension of the sidewalk to the north and without the City's intervention and funding, there is only a slim chance of any extension to the south. This sidewalk would come from nowhere and go nowhere. For reference, this would be the first sidewalk built along FM 2722, with the nearest tie in being at Hwy 46, roughly 4 miles away.

The second reason for this request is that TxDOT has plans to expand FM 2722. As it currently sits, there is hardly space for a sidewalk due to the large channel along the right-of-way. On top of that, a sidewalk would be torn out upon expansion of FM 2722. TxDOT and the City of New Braunfels have already agreed to handle the development of the hike and bike trail for the same reasons.

The other crucial reason being that the state legislature is currently in their bill filing period for the upcoming session. It is expected that bills related to ETJ reduction and/or elimination across the state will be forthcoming and will prevent the continuation of any sidewalk in the ETJ along FM 2722 until City annexation makes its way all the way out there. For the reasons of ETJ line proximity, the expansion of FM 2722, as well as an expectation of new state laws regarding ETJ elimination, it would be a misspent effort to include a sidewalk along FM 2722.

In our professional opinion, the granting of this waiver will not adversely affect the health, welfare and safety of our New Braunfels residents and visitors. We feel this waiver request is in harmony with the intent of the City of New Braunfels Platting Ordinance.

Please contact me if you have any questions or comments.

Thank you,



William B. Ball, PE  
Senior Project Manager

