

## Legislation Details (With Text)

<b>File #:</b>	21-42	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	1/5/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	1/25/2021	<b>Final action:</b>	
<b>Title:</b>	Public hearing and consideration of a request for a waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Sidewalk Waiver Request, 3. Photographs, 4. Plat

Date	Ver.	Action By	Action	Result
1/25/2021	1	City Council		

Presenter

*Christopher J. Looney, AICP, Planning and Development Services Director  
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**SUBJECT:**

Public hearing and consideration of a request for a waiver to the Subdivision Platting Ordinance to not require sidewalk construction along Jarratt Drive and Louella Street for the Senaido Dual Crossing Subdivision.

**BACKGROUND / RATIONALE:**

**Case #:** PL-20-022

<b>Owner:</b>	Senaido Rodriguez, Sr. 1617 Michigan Street New Braunfels, TX 78130	Senaido Rodriguez, Jr. 1886 W. Mill Street New Braunfels, TX 78130
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The subject property is located along IH-35 South between Old Highway 81 and Rusch Lane, north of the Snake Farm and Zoo. An approximately 100-foot wide strip along the frontage road is within the city limits, with the remainder in the ETJ in Comal County. The land is currently undeveloped and the applicant’s Senaido plat proposes three residential lots, each about 2 acres in size. The applicant intends to have vehicular driveways into each residential lot directly from the current dead-ends of Jarratt Drive and Louella Street.

Section 118-49 of the Subdivision Platting Ordinance requires four-foot wide sidewalks:

1. Along the IH-35 frontage road, and
2. Along the portion of Jarratt Drive adjacent to the subject property.
3. Along the portion of Louella Street adjacent to the subject property.

The applicant requested a waiver from this requirement. The Planning Commission denied the waiver along IH-35, but recommended approval of the other two. The Subdivision Platting ordinance indicates that any sidewalk waiver requests recommended for approval by the Planning Commission be brought forward to City Council for final consideration. If the Planning Commission denies the waiver request, that denial stands.

The 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.

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

<p><b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan</p>	<p><b>Action 6.4:</b> Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented. <b>Action 7.5:</b> Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. <b>Action 7.19:</b> Improve connectivity for all modes of transportation including bicycles.</p>
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**FISCAL IMPACT:**

Sidewalks not constructed or escrowed with development may have to be constructed later at taxpayer expense.

**COMMITTEE RECOMMENDATION:**

On January 5, 2021 the Planning Commission voted unanimously to approve a waiver to not require

construction of sidewalks along Jarratt Street and Louella Drive.

**STAFF RECOMMENDATION:**

Approval. Jarratt Street and Louella Drive end at the proposed subdivision and do not provide further connectivity for vehicles or pedestrians. The only right-of-way adjacent to Lots 2 and 3 will be on either side of the driveway. Because of the importance of sidewalks to the public, the City would typically recommend the developer construct sidewalks or escrow funds for future construction. However, staff does not oppose the waiver for Jarratt Street and Louella Drive due to the limited length of sidewalk that would be constructed on either side of the driveway, and the fact that no County road improvement projects with connecting sidewalks for the two subject streets are likely in the next ten years to justify an escrow of funds.

**Attachments:**

1. Aerial Map
2. Waiver Request
3. Photographs
4. Plat Exhibit