

## Legislation Text

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**File #:** 22-618, **Version:** 1

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**PRESENTER:**

H-E-B, LP; Kathy Strimple, PE

**SUBJECT:**

AMD22-186 Amend W. Merriweather St. abandonment ordinance No. 2017-26 to close the pedestrian access.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 1

**BACKGROUND INFORMATION:**

Case #: AMD22-186

Applicant: H-E-B, LP

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In 2017 City Council approved H-E-B's request to abandon a portion of W. Merriweather with the conditions the area be utilized as a parking lot and pedestrian access be maintained from the neighborhood at the terminus of W. Merriweather. In 2019, as part of the shopping center redesign, H-E-B requested an amendment to the abandonment ordinance to remove the parking lot use restriction allowing the shopping center's retail shops to be relocated to said area. City Council approved the request and subsequently the shopping center began its redevelopment.

H-E-B has submitted a new request to amend the abandonment ordinance to remove the pedestrian access from the adjacent neighborhood and close the opening in the masonry wall. H-E-B indicates they have received requests from residents on Merriweather for the closure due to safety concerns related to vagrancy and use of the pedestrian access by non-residents after hours.

**ISSUE:**

Pedestrian access ways, like the one from Merriweather and across the H-E-B shopping center, are intended to create a more walkable environment. They provide residents a safe and more direct route to shopping and service destinations, reducing reliance on motorized vehicles which helps lessen traffic congestion. The pedestrian access at the terminus of W. Merriweather allows residents within a ¼ mile (a 5-minute walk) the

ability to walk or bicycle to the H-E-B shopping center and access the Walnut Avenue multi-use trail safely without walking or cycling along the IH 35 Access Road. The Walnut Avenue multi-use trail provides a safe route to Downtown and other destinations around town. The existing pedestrian access way to and across H-E-B remains consistent with the following actions from Envision New Braunfels:

- Action 2.12 Use trails, shuttles and complete streets to connect existing and new destinations/experiences.
- Action 2.27 Designate, enhance and advertise the Walnut Avenue improvements as a “trail” or “linear pathway” to have it be utilized to its fullest extent as a great public space.
- Action 3.19 Improve walkability across town to attract younger generations seeking pedestrian connections.
- Action 3.22 Encourage venues within walking distance of neighborhoods and schools.
- Action 7.5 Continue development of sidewalks and trails to increase interconnectivity by five percent each year to support reduction of carbon footprint.
- Action 7.7 Ensure that local development codes which require sidewalks, trails, lanes or paths include healthy living, safety, and vehicular congestion relief as an intent.
- Action 7.8 Enhance pedestrian quality of the City by limiting the realm of the automobile.
- Action 7.19 Improve connectivity for all modes of transportation including bicycles.
- Action 7.21 Ensure there is connected multi-modal access to all public facilities and from all parts of town.
- Action 7.36 Address parking deficiencies by encouraging other modes of access.

However, in recent months, an increase in negative activity has been reported within the neighborhood associated with the pedestrian access. People from outside the neighborhood have been using the pedestrian path in the evening hours, vandalizing property and have left some neighbors who live closest to the pedestrian access way feeling unsafe.

**FISCAL IMPACT:**

Reliance on safe pedestrian access for short trips reduces vehicle impact on roadways, reducing the frequency of needed maintenance and probability of motor vehicle crashes. On the other hand, unsafe pedestrian access can increase need for security monitoring.

**RECOMMENDATION:**

Balancing the needs and goals to create a walkable community that is also safe for pedestrians and the neighborhood residents can be challenging for both existing and future residents. In lieu of closing the pedestrian access permanently, there may be alternatives to maintain the balance of both goals. An alternative may include the construction of a gate that is open/unlocked during business hours and closed/locked during the evenings. Gates can be manually unlocked and opened or they can be remotely locked similar to the City’s Downtown public restrooms. A gate can prevent inappropriate access while maintaining neighborhood resident access during the day.

*Mailed notification:*

Notices of the public meeting were sent to residents within ¼ mile of the current pedestrian opening. To date, the City has received one telephone call from a resident immediately adjacent the pedestrian access expressing support for closing it due to concerns relating the various forms of vandalism that have occurred on their property and personal safety.