

## Legislation Text

---

File #: 19-704, Version: 1

---

Presenter

*Christopher J. Looney, Planning and Community Development Director*  
*clooney@nbtexas.org*

**SUBJECT:**

Discuss and consider a waiver from the requirement to construct sidewalks along Granada Hills for the proposed Red Hawk Trail Subdivision.

**Plat Information:**

**Case #:** PP19-0236

**Owner/**

**Developer:** David Doctor, Trustee  
P.O. Box 310636  
New Braunfels, TX 78131  
(830) 358-8878  
ddoctor@kw.com

**Engineer/**

**Applicant:** Urban Civil (Brian Mendez)  
190 S. Seguin Avenue  
New Braunfels, TX 78130  
(830) 606-3913  
bmendez@urbancivil.com

**Staff contact:** Matthew Simmont, Planner  
(830) 221-4058  
msimmont@nbtexas.org

**Background:**

The subject property is located outside the city limits within the City's ETJ, approximately 350 feet northwest of the intersection of Steeple Run and Granada Hills. The property is surrounded by the River Chase subdivision on three sides and by the Ranches of Comal subdivision to the southwest. The plat associated with this request created 5 residential lots that are at least 5 acres each.

**The applicant is requesting a waiver from the sidewalk requirement** citing there are no sidewalks within the surrounding subdivisions and the streets are rural in nature with no curbs or gutters. Granada Hills was constructed as a Large Lot Residential Local Street with 60 feet of right-of-way width and no sidewalks (minimum 100 feet of lot frontage sidewalk exemption). The Granada Hills plat extension is the construction of a cul-de-sac where a dead-end street exists today. The proposed lots fronting onto the cul-de-sac do not have the minimum 100 feet required for the street

standard to trigger the sidewalk exemption.

The City does not oppose the request to waive the requirement for sidewalks along the extension of Granada Hills based upon the existing design of the surrounding neighborhood and the unlikeliness of redevelopment into higher density or with pedestrian activity nodes.

The Platting Ordinance authorizes waivers to be granted when an undue hardship will result from strict compliance with the ordinance, or where 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 secured. 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 3.19:</b> Improve walkability across town to attract younger generations seeking pedestrian connections. <b>Action 7.3:</b> Prioritize connecting sidewalk gaps through development requirements or public investment. <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>
---	---

**FISCAL IMPACT:**

At some point in the future, sidewalks may have to be constructed, or other modifications made to the right-of-way, to comply with the Americans with Disabilities Act, possibly at taxpayer expense.

**COMMITTEE RECOMMENDATION:**

On September 4, 2019 the Planning Commission approved the preliminary plat for Red Hawk Trail Subdivision with a recommendation for approval of a waiver from the requirement for sidewalks to be built along Granada Hills.

**Staff Recommendation:**

Staff recommends approval of the applicant’s request due to:

- The nature of Granada Hills as a street serving a rural residential neighborhood with no nearby current or planned development to generate or attract pedestrians; and
- No road improvement projects that include sidewalks proposed in the next ten years to justify

the developer's escrow of funds for construction.

**Attachments:**

1. Aerial and Regional Transportation Plan Map
2. Red Hawk Trail Preliminary Plat
3. Waiver Request
4. Sidewalk Vicinity Map