

Legislation Details (With Text)

File #: 21-157 **Name:**

Type: Ordinance **Status:** Individual Item Ready

File created: 2/3/2021 **In control:** City Council

On agenda: 2/22/2021 **Final action:**

Title: Discuss and consider a request for a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Waiver Request, 3. Master Plan

Date	Ver.	Action By	Action	Result
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Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
clooney@nbtexas.org

SUBJECT:

Discuss and consider a request for a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Plat Information:**Owner/**

Applicant: JHJ Land & Cattle Company Holdings, LLC (James H. Jacobs)
4411 S IH 35, Suite 100
Georgetown, TX 78626
(512) 844-4333; jj@grandendeavorhomes.com

Representative: HMT Engineering and Surveying (William B. Ball, P.E.)
290 S. Castell Ave.
New Braunfels, TX 78130
(830) 625-8555
plats@hmtnb.com

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

Description: Sidewalk waiver request for a proposed subdivision with 205 lots intended for residential use on 295 acres

The subject tract is located within the ETJ of New Braunfels in Comal County, west of the intersection of FM 2722 and Bear Creek Trail. It lies south of, and adjacent to, the Vintage Oaks at the Vineyard Neighborhood which is mostly outside of the New Braunfels ETJ. The applicant intends to develop a large-lot (minimum 1 acre) subdivision with 205 residential lots.

The Subdivision Platting 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.

All waivers for sidewalks where the Planning Commission has approved or approved with conditions, including the approval of the escrowing of funds for the construction of sidewalks on perimeter streets to be built at a later date, are forwarded to City Council for final consideration. Pursuant to the adopted ordinance, 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.

Regional Transportation Plan:

FM 2722 is designated as a 120-foot wide Minor Arterial and the existing right-of-way as shown on the master plan exhibit is in conformance with platting standards. Any required right-of-way dedication or improvements requested by TxDOT will be addressed during master plan and final plat review.

Sidewalks:

Six-foot wide sidewalks are required to be constructed by the developer along the development side of the TxDOT roadway, FM 2722. **The applicant is requesting a waiver to not construct approximately 3,000 linear feet of the required sidewalk along FM 2722.**

It is likely that bicycle and pedestrian activity will increase along FM 2722 with the progress of development along this transportation corridor. The expansion of safe pedestrian routes and connections is a priority for the community as stated in Envision New Braunfels, the Comprehensive Plan.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 6.4: Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented. Action 7.3: Prioritize connecting sidewalk gaps through development requirements or public investment. Action 7.5: Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. Action 7.19: Improve connectivity for all modes of transportation including bicycles.
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FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION

On February 2, 2021 the Planning Commission recommended that the applicant escrow the cost of construction of the required sidewalk along FM 2722.

STAFF RECOMMENDATION:

Staff recommends the applicant escrow the cost of construction of the required sidewalk along FM 2722. Funds designated for sidewalk installation with future improvements to this roadway will offset these costs to the taxpayer.

Attachments:

1. Aerial Map
2. Waiver Request
3. Master Plan Exhibit