

## Legislation Text

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**File #:** 17-230, **Version:** 1

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Presenter

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

Discuss and consider a waiver from the requirement to construct public sidewalks adjacent to proposed Lots 1 and 2, Block 1, Kerlick Place Subdivision.

**BACKGROUND / RATIONALE:**

**Case No.:** PL-17-023

**Council District:** 3

**Owner/Applicant:** Brenda Kerlick  
264 Kerlick Lane  
New Braunfels, TX 78130  
(830) 625-6413

**Surveyor:** D. A. Mawyer Land Surveying (Drew Mawyer)  
132 Caddell Lane  
New Braunfels, TX 78130  
(830) 632-5092

**Staff Contact:** Matt Greene, Planner  
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Section 118-49a2 of New Braunfels' Platting Ordinance requires the construction of 4-foot wide public sidewalks on lots adjacent to streets that serve as either Residential Locals or Collectors. Sidewalks are required to be constructed at the time of individual lot improvement or at the time of street construction where adjacent to drainage easements, open space and unbuildable lots.

The Planning Commission has approval authority for land subdivision (platting) and waivers to most of the Platting Ordinance development standards including the denial of a waiver request to not construct sidewalks or to escrow funds in lieu of sidewalk construction. However, sidewalk waiver requests or escrows for sidewalk construction recommended for approval by the Planning Commission are to be considered by City Council (Attachment 8).

The subject property consists of 0.767 acres on Kerlick Lane across from Mission Drive and is zoned "R-2" Single and Two-Family District. The existing tract has 167 feet of frontage on Kerlick Lane. The

proposed plat divides this tract into two lots, with the existing single family residence remaining on Lot 1 and proposed Lot 2 remaining undeveloped at this time.

**The applicant is requesting a waiver from the requirement to construct public sidewalks along Kerlick Lane adjacent to proposed Lots 1 and 2, citing:**

- There are no sidewalks within the existing neighborhood or general area.
- The nearest sidewalks are located approximately 690 feet away on Walnut Avenue.

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

X	No	<b>City Plan/Council Priority:</b> <b>Comprehensive Plan</b>	<b>Con: Goal 25B-6</b> <i>Sidewalks should be provided for all new development, offset from street wherever possible</i>
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**FISCAL IMPACT:**

Cost of potential future sidewalk construction may be at the expense of the City of New Braunfels' taxpayers in the future if the waiver is granted.

**COMMITTEE RECOMMENDATION:**

In considering this waiver request, the Planning Commission had three options:

1. To deny the waiver request and require sidewalk construction at the time of new development on the property;
2. To recommend the applicant escrow the estimated amount of sidewalk for construction by the City at a later date; or
3. To recommend waiving the sidewalk requirement.

The Planning Commission recommended **approval** of the waiver request at their April 4, 2017 meeting (5-2) with Commissioners Laskowski and Sonier opposed and Commissioners Tubb and Conkright absent.

**STAFF RECOMMENDATION:**

Staff recommends denial of the requested sidewalk waiver. Sidewalks are important for safe mobility as well as for community health. In situations where sidewalks were not originally constructed and the nearest sidewalk connection opportunity is several lots away, the sidewalk network is being built property by property based upon current development regulations. Exempting individual projects will weaken the effectiveness of this endeavor. The surrounding area is residential and having sidewalks along the street will facilitate safe and convenient pedestrian mobility.

**Attachments:**

1. Aerial Map
2. Application
3. Proposed Plat
4. Sidewalk Exhibit
5. Excerpt from draft meeting minutes of Planning Commission meeting of April 4, 2017