

Legislation Text

File #: 19-692, **Version:** 1

Presenter

Christopher Looney, Planning and Community Development Director
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SUBJECT:

Approval of a waiver from the requirement to construct sidewalks along Saur Lane for the proposed New Braunfels Utilities Saur Lane Subdivision.

Plat Information:

Case #: PP19-0235

Owner: New Braunfels Utilities
P.O. Box 310289
New Braunfels, TX 78131
(830) 629-8400 sschorn@nbutexas.com

Applicant/Surveyor: Keith Wooley
Urban Civil
190 S. Seguin Avenue
New Braunfels, TX 78130
(830) 606-3913 kwooley@urbancivil.com

Staff Contact: Holly Mullins, Planner
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Background:

New Braunfels Utilities (NBU) owns the subject one-acre property located on Saur Lane. The property is the site of a proposed NBU capital improvements project, which must be platted before permits for construction can be issued. The proposed lot has 50 feet of street frontage along Saur Lane. Construction of sidewalks along the public right-of-way is a requirement of the Platting Ordinance.

The applicant is requesting a waiver from the sidewalk requirement, stating such a short segment of sidewalk (50 feet less the width of a driveway) along Saur Lane will not benefit the public at this time.

Saur Lane currently retains a rural character, with only 40 feet of right-of-way width and no existing sidewalks. It is identified as a future Principal Arterial (up to 150 feet wide) on the Regional Transportation Plan; however, there are no immediate plans or funding for widening. Major street improvements, including sidewalks, will be required when the project occurs.

Because of the importance of sidewalks to the public, in situations such as this the City would typically recommend construction of the sidewalk or for funds for sidewalk construction to be placed in escrow by the developer for construction by the City at a later date. However, escrowed funds must be used within ten years and the City does not anticipate a Saur Lane project that would include sidewalks within that timeframe.

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:

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| City Plan/Council Priority: Envision New Braunfels Comprehensive Plan | Action 3.19: Improve walkability across town to attract younger generations seeking pedestrian connections. 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:

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 NBU Saur Lane Subdivision with a recommendation for approval of a waiver from the requirement for sidewalks to be built along Saur Lane.

Staff Recommendation:

Staff recommended approval of the applicant's request due to:

- The limited length of sidewalk that would be constructed on either side of the future driveway; and
- No road improvement projects that include sidewalks are 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. NBU Saur Lane Preliminary Plat
3. Waiver Request