

Legislation Text

File #: 21-206, Version: 1

Presenter/Contact

*Applicant: HMT Engineering & Surveying; Owner: DR Horton
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SUBJECT:

WVR21-058 Discuss and consideration a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction adjacent to existing Zipp Road for the Highland Ridge Subdivision.

Plat Information:

Case No.: WVRP21-058

Applicant: HMT Engineering & Surveying (Chris Van Heerde, P.E.)
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Staff Contact: Matt Greene
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Description: Proposed subdivision consisting of 338 single-family residential lots, 3 drainage lots, 1 park lot, 1 open space lot and 1 utility lot on 58.62 acres

The proposed Highland Ridge Subdivision is located on West Zipp Road, south of the Legend Pond Neighborhood, is comprised of 58.62 acres proposed for the development of 338 single-family residential lots and is zoned "ZH-A" Zero Lot Line Home District. The subdivision master plan was approved in July of 2019. An application for a Master Plan Minor Revision has been submitted for administrative approval, however, the proposed minor revisions to the master plan have no correlation with the proposed waiver request.

Section 118-49 of the Subdivision Platting Ordinance requires four-foot wide public sidewalks to be constructed by the developer adjacent to all internal subdivision streets and perimeter streets, including existing Zipp Road, a local perimeter street. **The applicant is requesting a waiver to not construct sidewalks along the existing perimeter street section of Zipp Road or to be allowed**

to escrow the cost of improvements for the sidewalk.

The applicant states the waiver is requested due to the proximity of the existing Zipp Road edge of pavement (to be renamed to "Old Zipp Rd."). The applicant believes pedestrians to be at a safety risk if they chose to utilize the sidewalk. Some areas of the sidewalk would be as close as 1 foot to the existing edge of pavement which does not have a curb. The applicant has provided an exhibit identifying sidewalk setback dimensions (see attached Sidewalk Waiver Exhibit).

The applicant also claims the proposed sidewalk path along the Zipp Road extension and Pahmeyer would provide a more streamlined travel distance from one subdivision entrance to the other. The applicant has provided the travel distances on the attached Sidewalk Waiver Exhibit.

In addition, the applicant states sidewalks installed along the subdivision side of existing Zipp Road would overlay on top of the existing roadside drainage swale and would impede stormwater flow along this section of the street.

All sidewalk waiver requests recommended for approval, or approval with conditions, by the Planning Commission will be forwarded to City Council for final consideration. If the Planning Commission denies the waiver request, that denial stands.

The 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.

The ordinance also states 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.

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

1. To deny the waiver request and require sidewalk construction when the property is platted;
2. To require that the developer escrow the estimated amount for the cost of construction of a 4-foot wide sidewalk for construction by the City at a later date; or
3. To recommend approval of the waiver.

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 7.5: 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 may have to be constructed later at taxpayer expense.

STAFF RECOMMENDATION:

Staff does not recommend waiving the requirement to construct the sidewalk or approval to allow escrow in lieu of construction of the sidewalk. Staff believes the developer can provide a safe sidewalk by constructing it within a pedestrian access easement across lots where the street pavement is rather close to the subdivision boundary, which would allow the sidewalk to be constructed further from the edge of street pavement. There are no City projects planned for this section of Zipp Road at this time and therefore escrowing the cost of construction of the sidewalk would not be appropriate either.

Attachments:

Aerial Map
Sidewalk Waiver Exhibit
Applicant's Letter of Waiver Justification
Master Plan Exhibit