Legislation Text

File #: 22-801, **Version:** 1

PRESENTER:
Christopher J. Looney, AICP, Planning & Development Services Director

SUBJECT:
Approval of the second and final reading of an ordinance amending Ordinance No. 2017-26, that abandoned 0.23 of an acre at the terminus of W. Merriweather Street, to close the pedestrian access that was an original condition of the abandonment.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 1

BACKGROUND INFORMATION:
Case #: AMD22-186

Applicant: H-E-B, LP
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City Council held a public meeting on June 27, 2022 and unanimously approved the first reading of the ordinance for the applicant's requested closure of the pedestrian access (7-0-0).

In 2017, City Council approved H-E-B's request to abandon a portion of W. Merriweather with the conditions the area be utilized as a parking lot and pedestrian access be maintained from the neighborhood at the terminus of W. Merriweather. In 2019, as part of the shopping center redesign, H-E-B requested an amendment to the abandonment ordinance to remove the parking lot use restriction allowing the shopping center's retail shops to be relocated to said area. City Council approved the request and subsequently the shopping center began its redevelopment.

H-E-B has submitted a new request to amend the abandonment ordinance to remove the pedestrian access from the adjacent neighborhood and close the opening in the masonry wall. H-E-B indicates they have received requests from residents on Merriweather for the closure due to safety concerns related to vagrancy and use of the pedestrian access by non-residents after hours.

ISSUE:

Pedestrian access ways, like the one from Merriweather and across the H-E-B shopping center, are intended to create a more walkable environment. They provide residents a safe and more direct route to shopping and service destinations, reducing reliance on motorized vehicles which helps lessen traffic congestion. The pedestrian access at the terminus of W. Merriweather allows residents within a ¼ mile (a 5-minute walk) the ability to walk or bicycle to the H-E-B shopping center and access the Walnut Avenue multi-use trail safely without walking or cycling along the IH 35 Access Road. The Walnut Avenue multi-use trail provides a safe route to Downtown and other destinations around town. The existing pedestrian access way to and across H-E-B remains consistent with the following actions from Envision New Braunfels:

- Action 2.12: Use trails, shuttles and complete streets to connect existing and new destinations/experiences.
- Action 2.27: Designate, enhance and advertise the Walnut Avenue improvements as a “trail” or “linear pathway” to have it be utilized to its fullest extent as a great public space.
- Action 3.19: Improve walkability across town to attract younger generations seeking pedestrian connections.
- Action 3.22: Encourage venues within walking distance of neighborhoods and schools.
- Action 7.5: Continue development of sidewalks and trails to increase interconnectivity by five percent each year to support reduction of carbon footprint.
- Action 7.7: Ensure that local development codes which require sidewalks, trails, lanes or paths include healthy living, safety, and vehicular congestion relief as an intent.
- Action 7.8: Enhance pedestrian quality of the City by limiting the realm of the automobile.
- Action 7.19: Improve connectivity for all modes of transportation including bicycles.
- Action 7.21: Ensure there is connected multi-modal access to all public facilities and from all parts of town.
- Action 7.36: Address parking deficiencies by encouraging other modes of access.

However, in recent months, an increase in negative activity has been reported within the neighborhood associated with the pedestrian access. The reports indicate people from outside the neighborhood have been using the pedestrian path in the evening hours, vandalizing property and have left some neighbors who live closest to the pedestrian access way feeling unsafe.

FISCAL IMPACT:

Reliance on safe pedestrian access for short trips reduces vehicle impact on roadways, reducing the frequency of needed maintenance and probability of motor vehicle crashes. On the other hand, unsafe pedestrian access can increase need for security monitoring.

RECOMMENDATION:

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Balancing community needs and goals for walkability that is safe for both pedestrians and current/future neighborhood residents can be challenging. In lieu of closing the pedestrian access permanently, there may be alternatives to maintain the balance of both goals. One alternative may include the construction of a gate that is open/unlocked during business hours and closed/locked during the evenings. Gate locking mechanisms can be operated either manually or remotely (similar to the City's Downtown public restrooms). A gate can prevent inappropriate access while maintaining neighborhood resident access during the day. HEB has concerns about responsibility for such a gate; additional research is required to determine if the City could assist HEB with maintenance.

When the site was more open visibly as a parking lot, the pedestrian access was naturally more secure. Now that it is situated behind the rear of a commercial building, lack of public visibility incentivizes bad behavior. CCTV cameras and related signage have shown to be a strong deterrent to bad behavior in pedestrian oriented locations within other communities and could be beneficial in this location.

Since, the overall HEB redevelopment project is not yet complete it may be premature to make a permanent decision until the visibility and access of the pedestrian access is improved with the completion of the parking lot where the previous grocery store was situated. Temporary closure of the pedestrian access until the HEB project is complete and/or cameras or gate systems have been installed may be appropriate.

The Planning Commission held a public meeting on June 7, 2022, and recommended closure of the pedestrian access.

Mailed notification:
Notices of the public meeting were sent to residents within ¼ mile of the current pedestrian opening. To date, the City has received the following responses:

Supporting closure, 3:

- one telephone call, one email/public testimony, and one public testimony. All three expressed support for closing the public access due to concerns relating to various forms of vandalism that have occurred on their property, a burglary, and personal safety. All three live in the 900 block of W. Merriweather.

Opposed to closure, 5:

- two telephone calls, one email, and two public testimonies. Reasons for maintaining the pedestrian access include the need for a safe route to walk and bicycle to the shopping center especially with children, a safe route for elderly and disabled who are unable to drive to access the shopping center, and tenants in apartments use the route to safely reach destinations on the south side of IH 35.

(The 2019 ordinance that amended the 2017 abandonment ordinance (removing the restriction to use the property as a parking lot) did not get signed after the second reading. If the pedestrian access is closed, this new amending ordinance will resolve the 2019 city records issue. If the pedestrian access is retained, a second reading of the previous approved 2019 ordinance will be necessary to complete city records. This will be added to a future agenda if needed.)