


Memo

To: Planning and Zoning Commission via Daisy Marquez, Planner
From: John Nowak, P.E., Engineer 
Date: September 6, 2023
Re: Recommendation for Waiver to Requirement to Improve the Roadway
Adjacent to the Proposed IDV Schertz Subdivision

The request is for a waiver to the requirement in UDC Section 21.14.1.K to construct new or improve substandard roadways adjacent to proposed subdivision plats. The proposed IDV Schertz Subdivision (north side of I-35 between Hubertus Road and Friesenhahn Lane) would be required to construct one half of the David Lack Boulevard extension along their frontage as identified in the Master Thoroughfare Plan and the Comprehensive Land Use Plan. However, during the recent Legislative Session, HB 3699 was passed by the Legislature and the Governor signed the bill into law.

HB3699 took effect September 1, 2023 and precludes the City of Schertz from requiring a developer construct roadway improvements adjacent to their development. In order to be in compliance with the new State Law, a waiver from the requirements of UDC Section 21.14.1.K must be granted as Staff cannot administratively waive construction of the street improvements. Therefore, Staff recommends approval of a waiver to not construct adjacent street improvements for the proposed IDV Schertz Subdivision. The proposed plat is dedicating right-of-way to provide for the future David Lacks extension, even though the developer is not required to as per HB 3699.