
City Council Regular Meeting

DEPARTMENT: Public Works Department
FROM: Errick Thompson, PE, Deputy Director
MEETING: October 17, 2022

SUBJECT:

3321 John Jones (Case 22-135): Hold a public hearing and consider approval of a waiver to Section 5.1.a "Street and right-of-way basic policies" of the Design Standards Manual for the design criteria for streets within the Sherwood Forest Subdivision. *(Staff Presenter: Errick Thompson, Public Works Deputy Director) (The Planning and Zoning Commission recommended approval by unanimous vote)*

SUMMARY:

On August 22, 2021, Alton Isbell (applicant) submitted an application for a preliminary plat for the Sherwood Forest Addition located in the City's extraterritorial jurisdiction (ETJ). The City Council conditionally approved the preliminary plat on February 7, 2022, subject to the City's curvilinear requirements. A new layout meeting the City's requirements was approved on February 24, 2022.

The developer's engineer submitted the civil construction drawings for review. It was noted in the review that the proposed pavement section was not consistent with the City's standard detail, and either the pavement section should be revised or a waiver to the City's standard detail requested by the developer. The construction drawings were resubmitted, and subsequently, the construction drawings were accepted and released for construction in May 2022.

In June 2022, shortly after the contractor began work on the roadway, it was discovered the detail for the roadway section had not been updated as noted during the review of the construction drawings to reflect the City's standard detail. The developer was contacted immediately before any paving was placed onsite and informed either the roadway section would need to be constructed to City standards or a waiver to the requirement could be requested.

The developer provided a report prepared by a licensed geotechnical engineer recommending a pavement section consistent with the section shown in the construction drawings; however, it was not consistent with the City's standard section. The developer was again informed if he intended to construct the proposed section included in the geotechnical report, a waiver would

be required as staff does not have the authority to waive requirements within the City's design manual.

Staff did not receive a waiver request or updated construction drawings; however, was informed the developer intended to pour a section of the pavement on August 7, 2022. The developer was contacted immediately again and provided the same information regarding the need to meet the City's requirements or request a waiver. The developer also was informed that if he moved forward, the plat may not be filed, and he would not be able to obtain development permits from Johnson County. A portion of the pavement was poured on August 10, 2022, without the benefit of inspection from City staff.

A meeting was held between City staff and the developer on September 1, 2022. The developer was informed staff could support a waiver to the City's pavement section provided the following conditions were met –

- A gate will be installed with a Knox box meeting the City's regulations for a gated entry, and the neighborhood would be considered private. Developer shall file restrictive covenants with Johnson County indicating that the HOA will be the responsible party for maintenance and operation of the private access easement and associated drainage. A copy of the filed covenants shall be provided to the City prior to filing of the plat.
- A revised preliminary plat or final plat submitted with lot lines shown to the center of the private access easement per the City's regulations
- Conceptual approval from TxDOT for the connection of the new road to John Jones Drive (FM 731, a TxDOT roadway) - conceptual approval has been obtained.
- Also prior to filing the plat with the county, all infrastructure will be completed, including the connection to John Jones Drive (FM 731) and any auxiliary lanes required by TxDOT.
- Finally, a letter from Bethesda Water Supply shall be provided accepting the water line improvements associated with the development.

After the meeting, an application was submitted for the waiver to the City's pavement section for consideration on September 21, 2022.

Staff has received similar waiver requests from applicants seeking to develop within the ETJ. The county has notified City staff they have limited ability and funding to maintain roadways constructed to City standards. Due to funding constraints, roadways constructed to city standards will be prioritized lower on the county's maintenance schedule. This can create a burden for the property owners to maintain or reconstruct the roadway when a failure occurs.

The developer proposes a concrete pavement section, increasing the City's section from six to eight inches. The City's standard pavement section requires soil stabilization with either cement or lime, which can provide additional strength and stability to the pavement. The geotechnical engineer has analyzed the soil and provided data that the soil conditions in this area do not require stabilization and has recommended that the soil be compacted to 95%. Below is a table showing the City's standard section and the recommended section from the geotechnical engineer.

	City Standard	Geotechnical Engineer Recommendation
Concrete Thickness	6"	8"
Subgrade	8" stabilized	No stabilization, compaction only
Strength	3600-psi	3600-psi
Reinforcement	#4 on 24" centers	#4 on 24" centers

OPTIONS:

- 1) Approve as presented; or
- 2) Approve with changes; or
- 3) Deny the request.

RECOMMENDATION:

Staff recommends approval of the waiver subject to the geotechnical report recommendations and conditions staff has outlined to the developer.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

October 11, 2022 – The Planning and Zoning Commission recommended unanimous approval of the waiver as presented by staff.

February 7, 2022 – City Council conditionally approved the preliminary plat subject to curvilinear requirements.

February 24, 2022 – New layout meeting the City's requirements was submitted and approved.

FISCAL IMPACT:

N/A

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