

<b>Alternative Compliance AC-23-03</b>	<b>3830 S IH 35 Village at San Marcos (Minimum Two-Story Requirements)</b>
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**Summary**

<b>Request:</b>	Alternative compliance to vary from two-story requirement in a CD-5 Zoning District		
<b>Applicant:</b>	BGE, inc. 1701 Directors Blvd, Austin, TX 78744	<b>Property Owner:</b>	Warren Realty LD/ Sac N Pac 1910 Center Point Road San Marcos, TX 78666
<b>Alternative Compliance Expiration:</b>	N/A		

**Notification**

<b>Posted:</b>	3/24/2023	<b>Personal:</b>	3/24/2023
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Edward Burleson Survey, Tract Part of 2, Acres 63.119		
<b>Location:</b>	Located on IH 35 Frontage and abutting CenterPoint Road		
<b>Acreage:</b>	67.119 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	FD, LI	<b>Proposed Zoning:</b>	CD-5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Residential and Commercial
<b>Preferred Scenario:</b>	Employment Center/ Open Space	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	Sector 4
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	FD	Vacant	Medium Intensity
<b>South of Property:</b>	LI and GC	I 35 and Commercial Retail	Employment Center/ Open Space
<b>East of Property:</b>	HC and GC	Vacant	Employment Center
<b>West of Property:</b>	P	Vacant and Outdoor Storage	Employment Center

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**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>1. The alternative compliance for 1-story buildings shall only apply to the multi-family areas of development as shown in Exhibit A. All other uses will comply with the 2-story requirement;</li> <li>2. The percentage of 1-story multifamily buildings will not exceed 70% of the buildings constructed in area shown in Exhibit A;</li> <li>3. The Alternative Compliance shall be effective upon approval of Character District-5 (CD-5) zoning;</li> <li>4. The Alternative Compliance shall not expire.</li> </ol>		
<b>Staff: Craig Garrison</b>	<b>Title : Planner</b>	<b>Date: April 5, 2023</b>

**History**

The property has remained vacant since annexation in 2001, Ordinance 2001-76. Two other properties in the area were zoned CD-5 within the last two years. Ordinance 2021-38 zoned 6.69 acres from FD to CD-5 and is planned for dense Multifamily near the intersection of Hunter Road and Centerpoint Road. Ordinance 2022-09 zoned 62.5 acres to CD-5 and is the site of the newly permitted Alta at Centrepoint Apartments.

This Alternative Compliance will be effective following approval of the property being zoned to the CD-5 Zoning District. A similar alternative compliance request was recently approved by the Planning and Zoning Commission for AC-21-02 (Legacy Square Single Story Buildings).

**Additional Analysis**

Section 4.3.4.4 Minimum Two-Story Requirements, states that structures within CD-5 zoning shall be a minimum of two-stories in height. The intent of this requirement is to “ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.” The property owner intends to construct a 70% mix of single-story and two-story residential buildings, and also provide commercial uses along the Centerpoint Road.

The applicant is requesting Alternative Compliance in order to construct one-story structures in the proposed CD-5 zoning district. Section 4.4.4.3.6 of the San Marcos Land Development Code requires Building Height be a minimum of 2 stories or 24 feet within the CD-5 district.

The applicant’s request is specific to the multifamily portion of this development. The applicant indicated: 1-story units would allow the applicant to provide housing options to those that cannot utilize 2-story units and the applicant “feels this is the type of housing that provides opportunities for young professionals, fire fighters and police officers to live and work in San Marcos at a younger age and, as well stay in San Marcos as they retire and seek to downsize but stay in the City.”

**Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.4.4 & 4.3.4.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p><b>The request is consistent with the policies embodied in the adopted Comprehensive plan</b>  <i>The “Neighborhoods and Housing” Vision in the Comprehensive Plan includes Goal 3, “Diversified housing options to serve citizens with varying needs and interests”, and Goal 4, “Well maintained, stable neighborhoods protected from blight and encroachment of incompatible land uses”.</i></p> <p><i>The Draft Vision SMTX Comprehensive Plan shows this area as Mixed-Use Medium.</i></p>
		<u>N/A</u>	<p><b>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property;</b>  <i>See Criteria for Approval in Section 4.3.4.4 below.</i></p>
		<u>N/A</u>	<p><b>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property;</b>  <i>None noted.</i></p>
<u>X</u>			<p><b>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area;</b>  <i>Staff does not find the request for one-story structures to be detrimental to the public health, safety or welfare, or injurious to other property within the area.</i></p>
<u>X</u>			<p><b>The request either:</b></p> <ol style="list-style-type: none"> <li data-bbox="771 1312 1526 1711"> <p><b>a. Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or</b>  <i>Staff does not find that the request will have an adverse impact upon adjacent property or neighborhoods. All other Development Code regulations will apply to the property, including parking location requirements in the third layer (behind the buildings), build-to requirements which require structures to be placed along the public streets, landscaping and screening which require tree-lined public streets, drainage and environmental requirements, and front-facing entrances from the buildings to the public street.</i></p> </li> <li data-bbox="771 1732 1461 1837"> <p><b>b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.</b></p> </li> </ol>

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Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods;</p> <p><i>No adverse effects on surrounding properties or neighborhoods are noted for the request to allow one-story structures.</i></p>
<u>X</u>			<p>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and</p> <p><i>None noted.</i></p>
	<u>X</u>		<p>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood.</p> <p><i>The zoning district requires 2-story buildings and surrounding commercial buildings within the CD-5 zoning district will be required to be 2-stories.</i></p>
		<u>X</u>	<p>The approved alternate meets the intent of the minimum two-story requirements. The intent in Section 4.3.4.4.C. states: “The intent of the two-story minimum requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.”</p> <p><i>Staff finds that the alternate does not meet the intent of the minimum two-story requirements. However, the 30% of the multifamily development will include 2-story buildings. Commercial uses are also proposed near which is out of the scope of this request, but will provide a mix of uses.</i></p>
<u>X</u>			<p>The approved alternate conforms with the Comprehensive Plan and adopted City plans;</p> <p><i>The “Neighborhoods and Housing” Vision in the Comprehensive Plan includes Goal 3, “Diversified housing options to serve citizens with varying needs and interests”, and Goal 4, “Well maintained, stable neighborhoods protected from blight and encroachment of incompatible land uses”.</i></p> <p><i>The Draft Vision SMTX Comprehensive Plan shows this area as Mixed-Use Medium.</i></p>

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Consistent	Inconsistent	Neutral	
		<u>N/A</u>	<p>In CD-5D and the five design contexts, the approved alternate conforms to the Downtown Design Guidelines. <i>The subject property is not proposed to be located in a CD-5D zoning district.</i></p>
		<u>X</u>	<p><b>Consider the following:</b></p> <p>a. <b>Is the applicant proposing a one-story portion to a new building or a new building that is just one-story?</b> <i>The applicant is proposing new one-story buildings.</i></p> <p>b. <b>If the proposal includes a one-story portion, is this portion being used to transition to a neighborhood context? Does the one-story portion have a specific use that is best served by a one-story in height building?</b> <i>N/A</i></p> <p>c. <b>Does the one-story portion of the building also include a rooftop amenity space that resembled a second story?</b> <i>N/A</i></p> <p>d. <b>If the proposal is for a one-story building:</b></p> <p>1. <b>Is the location appropriate for just one story? A one-story building may be more appropriate with the Approach design context than the University Edge context.</b> <i>The request is not located in or near downtown.</i></p> <p>2. <b>What is the use and how is the rest of the site being developed? For instance, is the proposed building a restaurant and an outdoor dining area will be incorporated? Is the building a community center but a large community garden will be created on site?</b> <i>The use of the site is multifamily housing with the larger context of the development including commercial along the major roadways.</i></p>