

Alternative Compliance – 7 Story Building Height AC-23-09	North & Lindsey Street Building Height
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Summary

Request:	Alternative Compliance to increase from 5 to 7 story building height		
Applicant:	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd, Ste 100 Austin, TX 78746	Property Owner:	Daryl Burtshell, 409 North St, San Marcos, 78666 Peggy Taylor, 415 North St, San Marcos TX 78666 Matthew Kenyon, 420 North St LLC and 435 N Comanche St LLC, 420 North St/ 435 N Comanche St, San Marcos, TX, 78666

Notification

Posted:	N/A	Personal:	February 9, 2024
Response:	See attached comments in packet.		

Property Description

Legal Description:	2.6 acres, more or less, out of the J.M Veramendi Survey, Abstract 17		
Location:	On the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St.		
Acreage:	2.6 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D / MF-12/MF-18/MF-24	Proposed Zoning:	CD-5D
Existing Use:	Multifamily/ Residential	Proposed Use:	Purpose Built Student Housing
Preferred Scenario:	High Intensity Zone and Existing Neighborhood	Proposed Designation:	High Intensity Zone
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – High/ Medium

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public and Institutional/ Multifamily-24	Texas State University Campus	Low Intensity
South of Property:	CD-5D (Character District-5 Downtown)	Sorority House/ Multifamily	Existing Neighborhood/ High Intensity- Downtown
East of Property:	CD-5D	Multifamily	High Intensity Zone
West of Property:	Multifamily-24	Multifamily/ single story residential	Existing Neighborhood

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Commission Recommendation

	Approval as Submitted	Approval with Conditions / Alternate	<u>X</u> Denial
<p>Speakers in favor or opposed Dave Anderson (in favor) Matthew Kenyon (in favor) Tyler Opiela (opposed) Lisa Marie Coppoletta (opposed) Isla Ruiz (opposed) Adam Arrdt (opposed) Darla Munoz (opposed) Mikayla Rodi (opposed)</p> <p>Recommendation from the Planning and Zoning Commission Meeting held February 27, 2024. A motion was made by Commissioner Case, seconded by Commissioner Burleson to recommend approval of the request with staff conditions. The vote failed with a 7-2 vote. For: 2 (Burleson, Case) Against: 7 (Agnew, Costilla, Dunn, Garber, Kelsey, Meeks, Spell) Absent: 0</p> <p>A motion was made by Commissioner Kelsey, seconded by Commissioner Meeks to recommend denial of the request. The vote passed with an 8-1 vote. For: 8 (Agnew, Burleson, Costilla, Dunn, Garber, Kelsey, Meeks, Spell) Against: 1 (Case) Absent: 0</p> <p><u>Discussion Topics</u> Visual Continuity/ Height of Adjacent Buildings – Chair Garber stated that the purpose of height warrants (minimum and maximum) was for visual continuity and that over the past 15 years every height warrant request had been approved. He questioned the point of including the height standards in the Code if every time a warrant request was made to go higher or lower, it was granted. He discussed the surrounding building heights and noted that the proposed development would be uphill which would increase the overall height compared to the properties below it. Feasibility of 7 stories on site- Commissioner Agnew asked the developer whether not the construction of seven stories on the site of physically feasible taking into account the topography of the land. The developer responded that they had undertaken several engineering studies which demonstrated that it was feasible. Measurement of height and underground stories. Chair Garber asked staff if a story would be counted if it is built into the ground. Staff responded that the height was determined by the average grade, but depending on the angle of the slope it is possible to have an additional basement story per Section 4.3.4.1.C of the Code.</p>			

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Staff Recommendation

Approval as Submitted	X Partial approval with Conditions	Denial
<ol style="list-style-type: none"> 1. The Alternative Compliance shall only be granted to the land to the east of North Street. 2. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy. 3. The development shall include a publicly accessible pocket park or plaza of at least 0.09 acres in size. The pocket park or plaza shall be provided in addition to any fee in lieu of parkland dedication (subject to Parks Board approval, if applicable) per Chapter 3, Division 10 of the Land Development Code. The park/ plaza shall include public seating. 4. The development shall include 20 signed public parking spaces in addition to any other parking spaces required by the Land Development Code. 5. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code. 6. Compliance with emergency radio communications systems in Chapter 5 of the International Fire Code is required. 		
Staff: Julia Cleary, AICP	Title : Senior Planner	Date: February 9, 2024

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History

The application is being submitted as part of a series of requests for a redevelopment of an existing residential/multifamily site to a 7-story purpose-built student housing complex south of the Texas State University campus.

Additional Analysis

The nearest lots which are zoned Single Family (SF-6) are west of Moore Street, over 600 feet from the subject property. Nearby zoning consists of Character District 5 Downtown, Multifamily 24, 18, and 12, Mixed Use, and Public. To the south, the property zoned Public is used as a sorority house and to the north is Texas State University. The remainder of properties in the vicinity are multifamily and student housing.

Existing buildings east of North Street reach 4 and 5 stories in height and west of the subject property buildings are no more than 2 stories. While 4-story buildings are permitted in the existing multifamily zoning districts, a 7-story building west of North Street would be out of character with the existing neighborhood.

Alternative Compliance requests for additional stories in CD-5D should be considered against the criteria in Section 4.3.4.6 of the Development Code, the majority of which have quantifiable metrics including the provision of affordable housing, additional commercial space, childcare or publicly accessible open space in excess of the required parkland dedication requirements in Chapter 3 of the Development Code. The developer is proposing to meet these requirements by providing additional Open Space, constructing the building to LEED standards and providing 20 additional public parking spaces.

In addition to this Building Height request for 2 additional stories the following applications have also been submitted by the applicant for this site:

- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - (PSA-23-02)
- Zoning Change request from MF-24/MF18 and MF-12 to CD-5D (ZC-23-19)
- Conditional Use Permit for Student Housing - (CUP-23-22)

Comments from Other Departments

Police	No Comment
Fire	In the City of San Marcos any building over 55ft is considered high-rise. Compliance with emergency radio communications systems in chapter 5 of the International Fire Code is required.
Public Services	No Comment
Engineering	No comment

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
		<u>X</u>	<p>The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable.</p> <p><i><u>East of North St</u>-The request is consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) as it is adjacent existing multifamily and higher rise structures (the existing Ponte apartments are 6 stories including the mezzanine) and is over 1000 ft. from any Single-Family zoning districts. The project is also located within a “New Park Area” on page 119 of the Downtown Area Plan and the development will include a small pocket park/ plaza as a condition to the Alternative Compliance approval.</i></p> <p><i>The specific use of student housing does not meet the Downtown Area Plan goals A.4. A.5, and A.7 of new housing “Marketed to all demographics (not just or primarily to students)” however this will be considered separately under CUP-23-22.</i></p> <p><i><u>West of North Street</u> – 7 stories would not be consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) – the surrounding properties are currently 1-2 stories and may only be developed up to 4 stories high per the existing MF zoning.</i></p>
	<u>X</u>		<p>For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1;</p> <p><i>The applicant has stated that they do not intend to provide affordable housing as defined in Section 4.3.1.1.</i></p>
	<u>X</u>		<p>For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1;</p> <p><i>The applicant has stated that they do not intend to provide workforce housing as defined in Section 4.3.1.1.</i></p>
	<u>X</u>		<p>The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities;</p> <p><i>The applicant has stated that they do not intend to provide office or commercial space.</i></p>
<u>X</u>			<p>The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program;</p> <p><i>The applicant has stated that the project will be rated a minimum of a silver in the LEED green building program. This is included as a condition of approval.</i></p>

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
	<u>X</u>		<p>The additional stories provide an opportunity to include childcare within the facility; <i>The applicant has stated that they do not intend to include childcare within the facility.</i></p>
<u>X</u>			<p>The additional stories provide an opportunity to add public parking in or adjacent to the downtown; <i>The applicant has stated that they will provide 20 public parking spaces within the development. This is included as a condition of approval.</i></p>
<u>X</u>			<p>The additional stories provide an opportunity to include on-site publicly accessible open space in excess of the open space required under Section 3.10.1.2. <i>A 0.09 acre plaza or pocket park shall be provided within the development in addition to any parkland dedication or fee in lieu requirements required under Section 3.10.1.2 of the Land Development Code. This is included as a condition of approval.</i></p>
		<u>X</u>	<p>In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines. <i>Part of the site located east of North Street is identified as “University Edge” in the Downtown Design Manual. Per Table 1.1 of the Design Manual, alternatives (additional height) may be considered in the third layer in this area where taller structures will provide greater residential opportunities within proximity to campus and key views to campus are sufficiently maintained.</i></p> <p><i>The applicant is proposing residential opportunities within proximity to campus, however additional height is in the first, second, and third layer.</i></p> <p><i>The project will be required to meet the Varied Massing, Articulation and Activation standards in Chapter 4, Divisions 4 and 5 of the Land Development code.</i></p>
		<u>X</u>	<p>The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. <i>The development will be required to comply with the Varied Massing requirements in Chapter 4, Division 4 and the Activation Standards in Chapter 4, Division 5 of the Land Development Code – please note that these code requirements are not reflected in the exhibits submitted by the applicant (which are indicative only).</i></p>