

<b>Alternative Compliance AC-23-06</b>	<b>NE Corner of Hwy 123 &amp; Redwood Rd Achieve Apartments (Min 2-Story Requirement)</b>
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**Summary**

<b>Request:</b>	Alternative compliance to the CD-5 zoning district's 2-story minimum building height requirement to thereby authorize 1-story structures.		
<b>Applicant:</b>	Luke Caraway 2121 E. 6th St. Austin, TX 78702	<b>Property Owner:</b>	John Haberer 21120 Forest Waters Cir Garden Ridge, TX 78266
<b>Alternative Compliance Expiration:</b>	N/A		

**Notification**

<b>Posted:</b>	7/7/2023	<b>Personal:</b>	7/7/2023
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Barnett K. Kane Survey, Abstract No. 281		
<b>Location:</b>	Northeast corner of the Hwy 123 and Redwood Rd intersection		
<b>Acreage:</b>	17.937 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	ETJ	<b>Proposed Zoning:</b>	CD-5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	1-story apartments
<b>Preferred Scenario:</b>	Medium Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Available	<b>Floodplain:</b>	No
<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>	ETJ	Vacant	Medium Intensity Zone
<b>South of Property:</b>	GC	Medical Office	Medium Intensity Zone
<b>East of Property:</b>	ETJ	Vacant & Single-Family	Medium Intensity Zone
<b>West of Property:</b>	FD & CM	Vacant	Medium Intensity Zone

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/>	<b>Approval with Conditions</b>	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ol style="list-style-type: none"> <li>The alternative compliance shall be effective upon approval of Character District 5 (CD-5) zoning.</li> <li>The alternative compliance shall not expire.</li> <li>All residential structures shall be minimum 24' in height.</li> <li>All street facing facades between 0' and 12' in height must have minimum 40% transparency. <i>And,</i></li> <li>All street facing facades above 12' in height must have minimum 25% transparency.</li> </ol>					
<b>Staff:</b> Will Rugeley, AICP	<b>Title:</b> Planner		<b>Date:</b> 7/19/2023		

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**History**

In addition to this request which seeks alternative compliance to authorize 1-story apartments, applications for both annexation and zoning to CD-5 are being considered concurrently by City Council. 3 existing apartment developments are within a 1-mile radius of the subject site, and all are minimum 3 stories. For reference, past alternative compliance requests seeking authorization of 1-story buildings within CD-5 zoned areas have been considered and include AC-21-02 (Legacy Square) and AC-23-03 (Village at San Marcos).

**Additional Analysis**

San Marcos Development Code (SMDC) Section 4.4.3.6 states that structures within CD-5 zoning shall be a minimum two-stories and 24' in height. The intent of this requirement is to "ensure that 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 applicant intends to construct 235 1-story apartment buildings that will have a peak roof height of 24' 8", which is roughly 4' less than an average 2-story residential structure. Moreover, SMDC 4.3.4.4 states that single story buildings measuring 25' can satisfy the 2-story requirement.

The applicant indicated that their request to authorize 1-, instead of, 2-story apartments will facilitate more economical housing choices and will serve as a market differentiator to the 3 existing, minimum 3 story apartment developments. Section 4.4.4.4 requires the Commission to make the following findings if approving:

1. The approved alternate meets the intent of the maximum two-story requirements.
2. The approved alternate conforms with the Comprehensive Plan and other adopted City plans; and
3. The approved alternate conforms to the Downtown Design Guidelines. (or that this is inapplicable to the location in question).

**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

<b>Evaluation</b>			<b>Criteria for Approval (Sec. 2.8.4.4 &amp; 4.3.4.4)</b>
<b>Consistent</b>	<b>Inconsistent</b>	<b>Neutral</b>	
<u>X</u>			<b><i>The request is consistent with the policies embodied in the adopted Comprehensive plan;</i></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". The Draft Vision SMTX Comprehensive Plan shows this area as mixed-use medium.</i>
<u>X</u>			<b><i>The request is consistent with the general purpose, intent, and character of the development regulations applicable to the property;</i></b> <i>Although just 1-story is proposed, its height is approximately 1' above the minimum CD-5 height requirement (24').</i>
		<u>X</u>	<b><i>There are special circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the subject property;</i></b>

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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 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 1-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> <ul style="list-style-type: none"> <li>a. <b>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></li> </ul> <p><i>No adverse impacts noted. Additionally, all other SMDC 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> <ul style="list-style-type: none"> <li>b. <b>Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts;</b></li> </ul>
<u>X</u>			<p><b>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;</b>  <i>Staff does not conclude that authorizing 1-story structures will have adverse effects on surrounding properties.</i></p>
<u>X</u>			<p><b>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</b></p>
	<u>X</u>		<p><b>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;</b>  <i>CD-5 zoning requires 2-story buildings that are minimum 24' in height.</i></p>
<u>X</u>			<p><b>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;"</b>  <i>Although just 1-story is proposed, its height is approximately 1' above the minimum CD-5 height requirement (24').</i></p>
<u>X</u>			<p><b>The approved alternate conforms with the Comprehensive Plan and adopted City plans;</b>  <i>The alternative addresses the need for "diversified housing options to serve citizens with varying needs and interests".</i></p>

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Evaluation			Criteria for Approval (Sec. 2.8.4.4 & 4.3.4.4)
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 1-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>N/A.</i></p>