

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: September, 2020



CONTACT INFORMATION

Applicant's Name	Kristal Harris	Property Owner	Warren Realty LD/Sac N Pac
Company	BGE, Inc.	Company	
Applicant's Mailing Address	1701 Directors Blvd, Suite 1000, Austin, TX 78744	Owner's Mailing Address	1910 Center Point Road San Marcos, TX 78666-9443
Applicant's Phone #	512-686-3564	Owner's Phone #	
Applicant's Email	kharris@bgeinc.com	Owner's Email	

PROPERTY INFORMATION

Subject Property Address: 3830 S IH 35, San Marcos, TX 78666 and 3939 S IH 35, San Marcos, TX 78666

Zoning District: Existing: LI & FD; Proposed: CD-5 **Tax ID #: R** 13066 and R13073

Legal Description: Lot _____ Block _____ Subdivision _____

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

Alternative Compliance request to allow for single story products in CD-5 zoning (regularly two story minimum)

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$793* **Technology Fee \$13** **TOTAL COST \$806**

Renewal/Amendment Filing Fee \$423* **Technology Fee \$13** **TOTAL COST \$436**

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Blair Warren (owner name) on behalf of
Sac-N-Pac Stores, Inc. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
3939 S. S IH 35, SAN MARCOS, TX 78666 (address).

I hereby authorize Kristal Harris (agent name) on behalf of
BGE, Inc. (agent company) to file this application for
Zoning Change / Alternative Compliance (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Blair Warren* Date: 2/10/2023

Printed Name, Title: Blair Warren, Vice President

Signature of Agent: *Kristal L Harris* Date: 2/10/2023

Printed Name, Title: Kristal Harris, Entitlements Manager

PROPERTY OWNER AUTHORIZATION

I, Warren Fuel Co, Inc., Blair Warren President (owner name) on behalf of
Warren Realty, Ltd. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
3830 S. S IH 35, SAN MARCOS, TX 78666 (address).

I hereby authorize **Kristal Harris** (agent name) on behalf of
BGE, Inc. (agent company) to file this application for
Zoning Change / Alternative Compliance (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Blair Warren* Date: 2/10/2023

Printed Name, Title: Blair Warren, President

Signature of Agent: *Kristal L Harris* Date: 2/10/2023

Printed Name, Title: Kristal Harris, Entitlements Manager

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: Blair Warren

Date: 2/10/2023

Print Name: Blair Warren, Vice President

Village at Center Point Station

Alternative Compliance Application (Proposed Zoning: CD-5)

Application Items E, F & G

Item E

- Written statement explaining how the organization will comply with any other applicable code standards
 - Development will comply with all requirements as stated in the CD-5 zoning with the exception of the two-story minimum requirement. To allow for variation in product type and to attract a variety of residents, the applicant would like to request a one-story minimum be allowable.

Item F

- Business Details including Business Trade Name, Type of Entity (Individual, Partnership, Corporation, Etc), Entity Contact Person, Address, Email, Phone Number
 - Business Trade Name: ENFR Management LLC
 - Type of Entity: LLC
 - Entity Contact Person: Bryan Freel, Director of National Land Development
 - Address: 6617 N Scottsdale Rd, Suite 101
Scottsdale, AZ 85250
 - Email: bfreel@builtbyempire.com
 - Phone Number: 480-546-7900

Item G

- Detail Entertainment Facilities (on site plan or in writing) including television locations, stages, dancing areas, live music, acoustic music, ambient speaker music, etc
 - Not Applicable



To: Craig Garrison, CFM
Planner | Planning & Development Services
City of San Marcos

From: Kristal Harris, PE
Entitlements Manager
BGE Inc.

Date: March 23, 2023

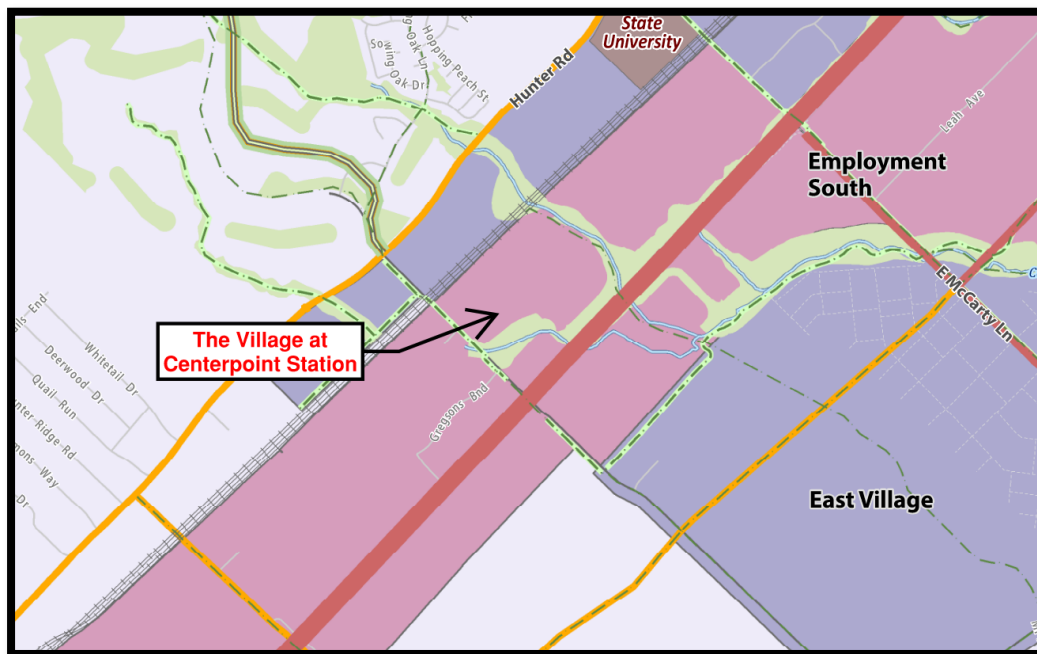
Subject: Village at Centerpoint Station – Alternative Compliance Criteria for Approval

Please see below for the Criteria for Approval on Alternative Compliance Requests as outlined in Section 2.8.4.4 of the City of San Marcos’s Development Code (Amended: November 3, 2021). Each criterion has an associated response stating why the request for one-story residential buildings to be allowed within CD-5 zoning should be acceptable for the purposes of this development, the Village at Centerpoint Station.

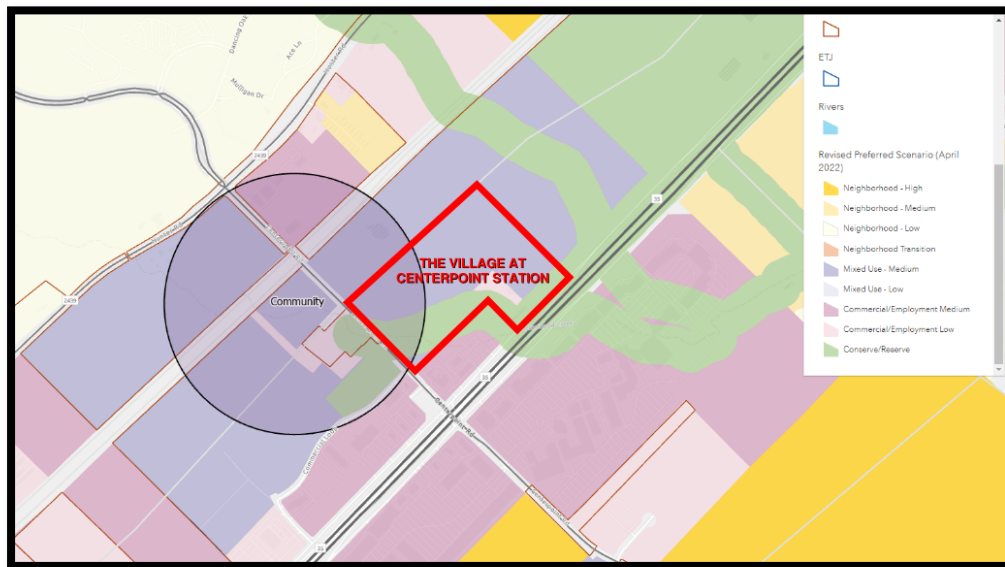
[Section 2.8.4.4 Criteria for Approval](#)

1. *The request is consistent with the policies embodied in the Comprehensive Plan.*

According to the Preferred Scenario Map (Adopted in April 2018 as part of Ordinance 2018-03), the proposed development is within the Employment South Growth Area.



To be in line with the Vision SMTX Comprehensive Plan that is being considered for adoption, our development is shown to be within the Mixed Use, Medium Preferred Scenario area.



The description of “Mixed Use – Medium” from the City’s website (snippet shown below) parallels the goals of the proposed development. It is apparent that the San Marcos Comprehensive Plan Update, “Vision SMTX”, is on the path forward to being adopted so it is the goal of the proposed development to align with the desires set forth within Vision SMTX. The land use (mixed use buildings and medium multifamily), housing density (12+ dwelling units per acre), mobility (the plan calls for construction and dedication of City roads pursuant to the thoroughfare plan), and amenities (open spaces and private recreation facilities) are consistent with the goals of Mixed Use – Medium land use.

Mixed Use - Medium





Land Uses: These areas are primarily characterized by medium to higher scale mixed-use buildings, hospitality uses, and medium to higher scale multifamily. Other uses include mixed use commercial, attached single-family, parks and open space or other public/institutional uses.

Housing Density: The typical density is 12+ dwelling units per acre and 25 jobs per acre.

Mobility: This area should have a higher density road network with complete streets for safe use by all modes of transportation.

Amenities: A range of parks, plazas, and open spaces should be integrated in Mixed Use Medium places, along with civic and cultural uses, public art, and other placemaking elements.



2. *The request is consistent with the purpose, intent, and character of the development regulations applicable to the property.*

The request as part of this Alternative Compliance Application is to allow for the option of single-story residential buildings within the CD-5 zoning category. The opportunity to have single-story and two-story residential buildings allows for a variety of products which fosters the proposed development's objectives of being a multi-generational residential community. 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 as stay in San Marcos as they retire and seek to downsize but stay in the City. Limiting this development to 2-story product eliminates a housing option for the older residents of the City. This alternative compliance request is not intended to alter the overall purpose, intent, or character of the development regulations. Further, this request is only for the residential portion of the overall mixed-use project, not the commercial parcels. See attached exhibit highlighting the portion of the project for which the Alternative Compliance request is applicable.

3. *There are special circumstances/conditions arising from the physical surroundings, shape, topography, or other features affecting the subject property.*

The requested Alternative Compliance does not influence physical surroundings, shape, topography or other features. The request has an impact on internal aesthetics and product variation.

4. *The request is detrimental to public health, safety, welfare, or injurious to other property within the area.*

The request is not detrimental to public health, safety, welfare, nor is injurious to other properties.

5. *The request either:*

- 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*

The request does not have an adverse impact upon adjacent property or neighborhoods.

- b. *Includes improvements either onsite or within public ROW to mitigate any such adverse impacts.*

The request does not impact the public ROW; it only alters the aesthetics and construction of onsite residential buildings.

6. *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.*

The request will be able to provide for more enjoyment and use of the residential buildings since those who don't prefer two-story housing, or those physically incapable of using stairs will have a one-story product available to them.



Memorandum

7. *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.*

The request will not impact the compatibility of development as it relates to the character of adjacent properties.

8. *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.*

The proposed development will comply with the CD-5 zoning requirements except for the two-story minimum requirement, thus this request for alternative compliance.

Thank you,

A handwritten signature in blue ink that reads "Kristal L. Harris". The signature is written in a cursive, flowing style.

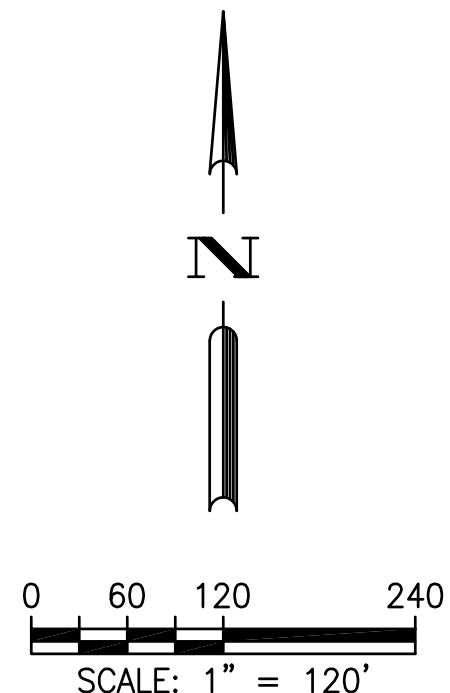
Kristal L. Harris

kharris@bgeinc.com

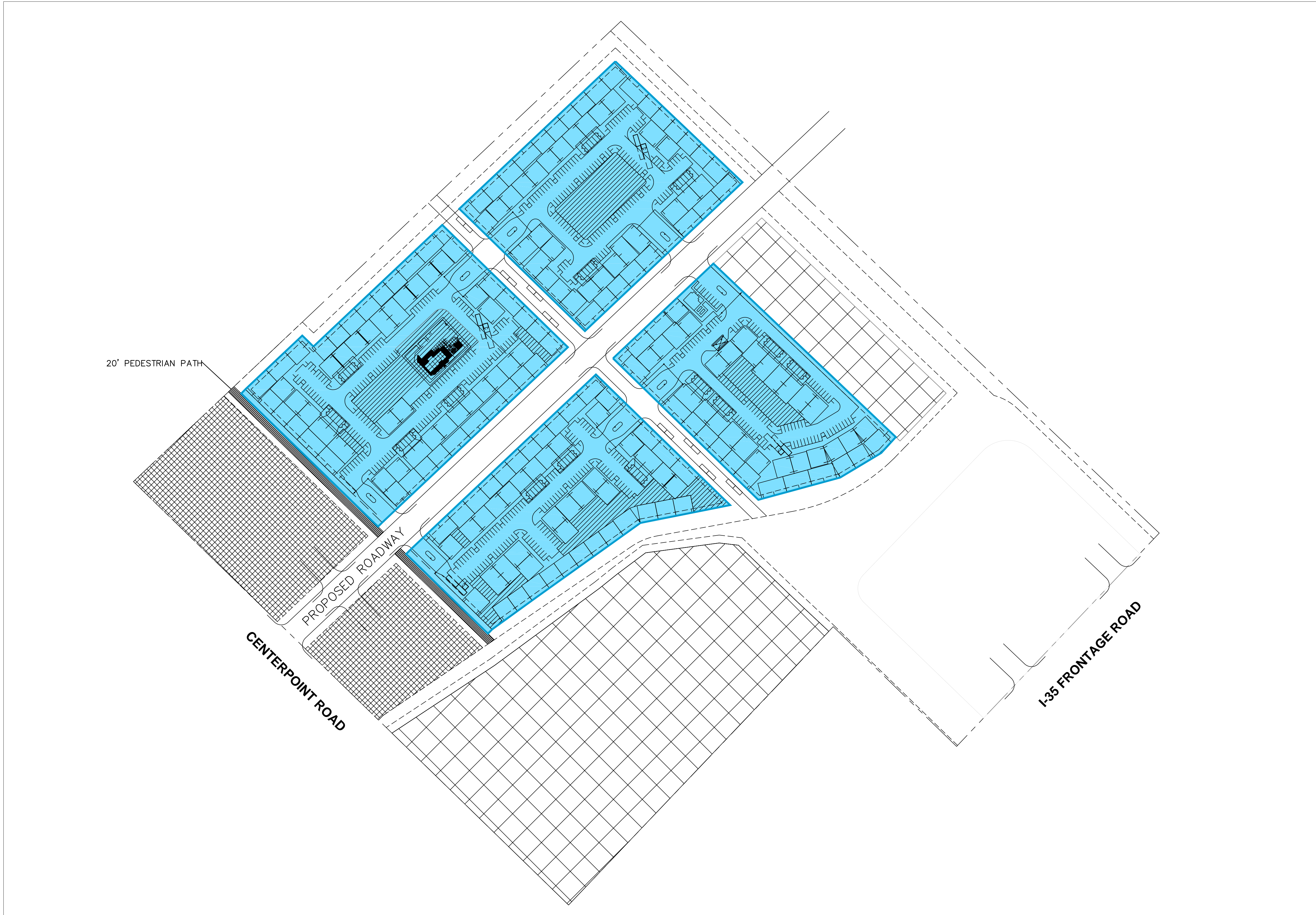
(512) 686-3564

VILLAGE AT SAN MARCOS

3/9/2023

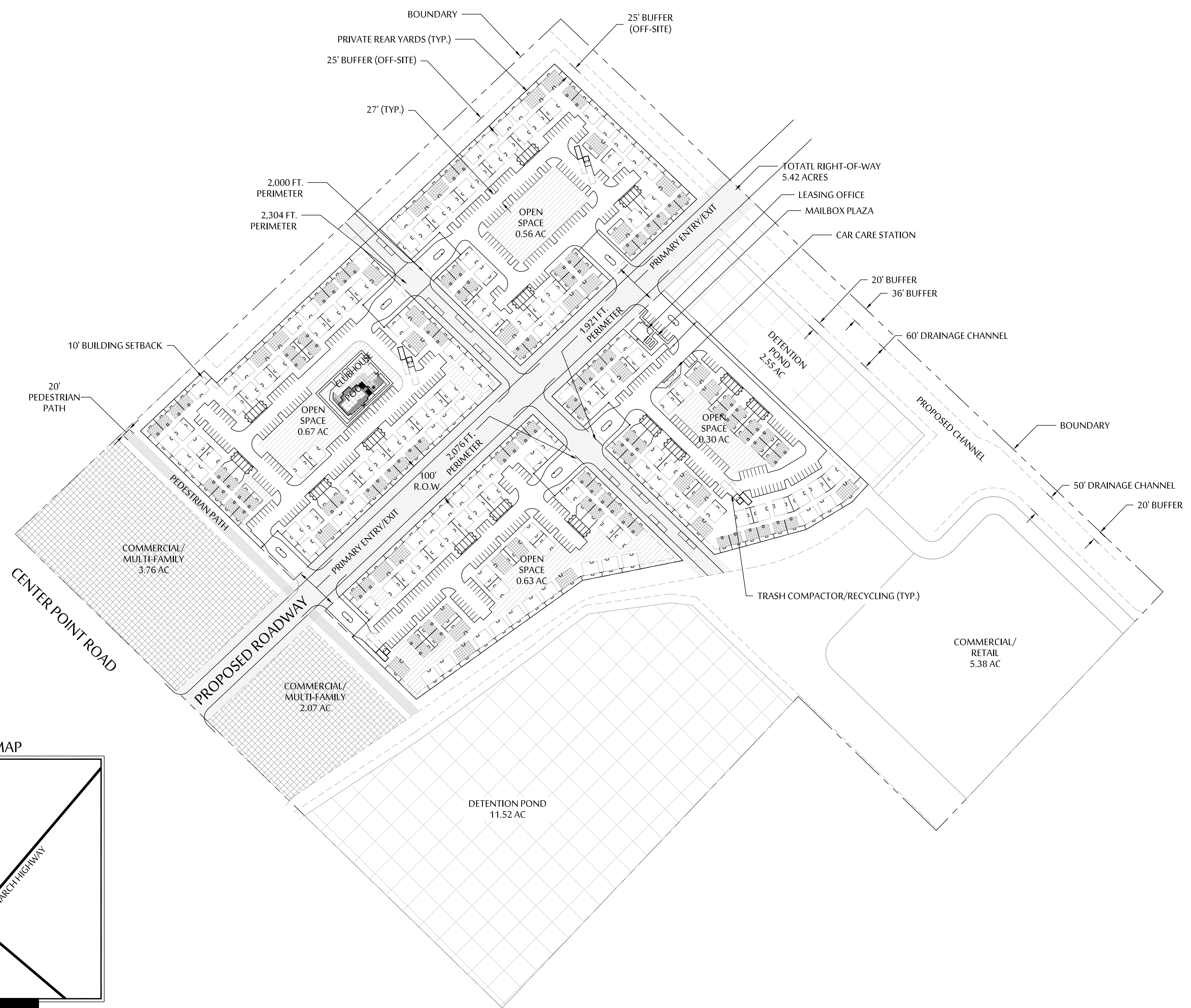


- PROPERTY BOUNDARY
- ALTERNATIVE COMPLIANCE USE

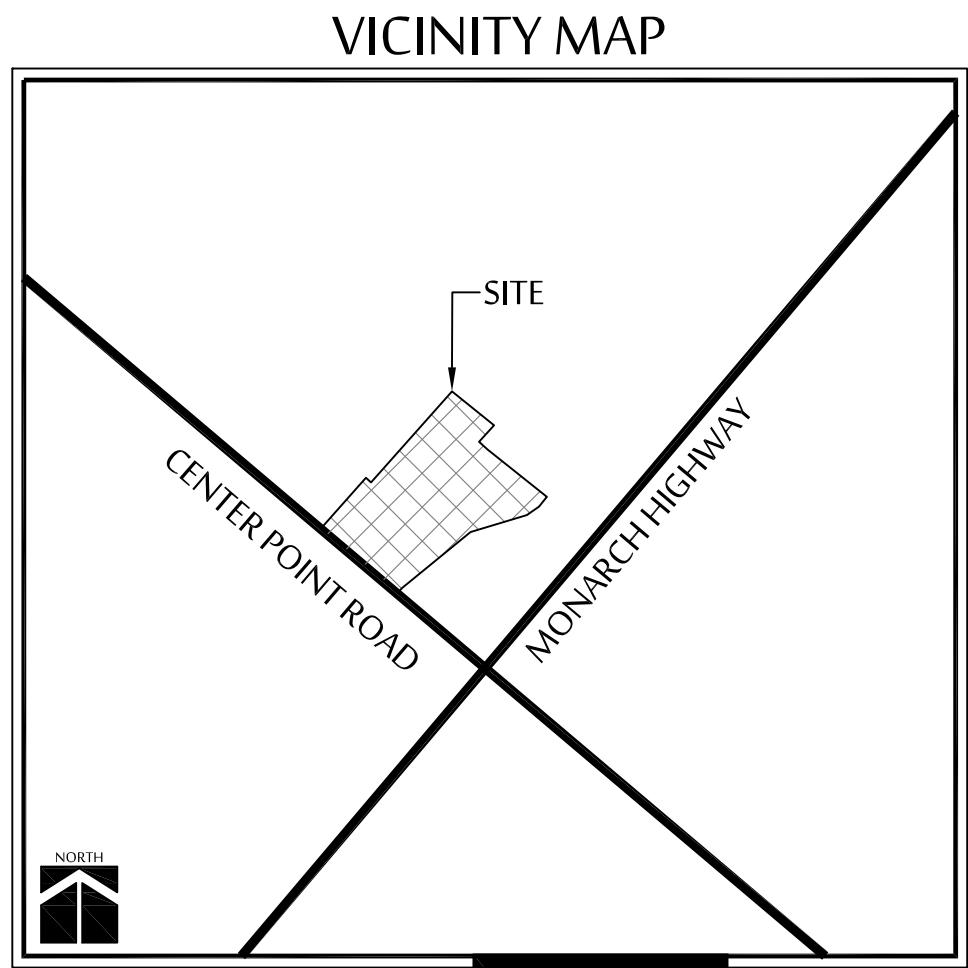


G:\TX\Projects\B\B\By_Empire\10246-00-Village_at_San_Marcos\4_SILD01_CADD\05_Exhibits\2023-03-08 - Block Perimeter Exhibit.dwg Layout: CONCEPT PLAN Plotted: 3/9/2023 9:45:14 AM By: CGALLO

DETACHED SINGLE LEVEL MULTI-FAMILY - SUMMARY



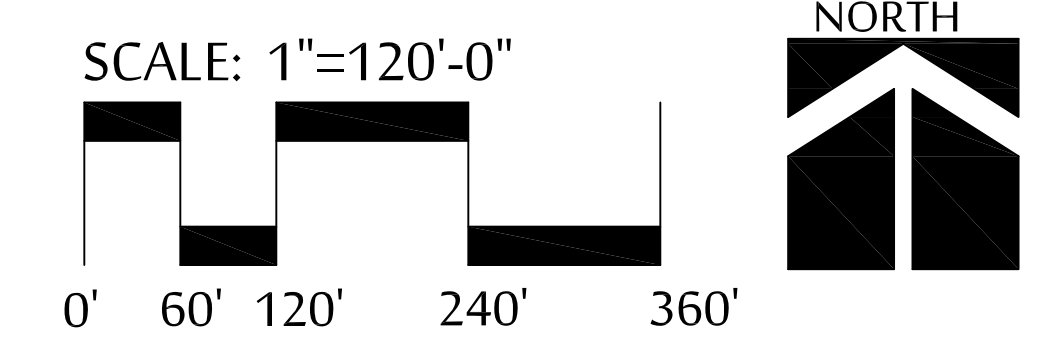
ADDRESS: WEST OF NWC CENTERPOINT RD. & MONARCH HWY. - SAN MARCOS, TX		LEGEND
SITE AREA: 22.75 AC (GROSS) - 5.67 AC (NORTH) - 4.93 AC (EAST) - 5.25 AC (SOUTH) - 6.90 AC (WEST)		 1 BEDROOM UNIT
TOTAL UNITS: 255 (11.21 DU/ACRE)		 2 BEDROOM UNIT
- 1 BEDROOM UNITS: 94 (37.0%) - 2 BEDROOM UNITS: 126 (49.6%) - 3 BEDROOM UNITS: 34 (13.4%)		 3 BEDROOM UNIT
QUADRANT A (NORTH): - PERIMETER: 2,000 LF - AREA: 5.67 AC (GROSS) - TOTAL UNITS: 63 (11.12 DU/AC) - 1 BEDROOM UNITS: 20 (31.7%) - 2 BEDROOM UNITS: 33 (52.4%) - 3 BEDROOM UNITS: 10 (15.9%) - PARKING SPACES: 126 (2.00 / UNIT) SURFACE SPACES: 114 GARAGE SPACES: 12 - OPEN SPACE: 0.56 AC (9.9%)		
QUADRANT B (EAST): - PERIMETER: 1,909 LF - AREA: 4.93 AC (GROSS) - TOTAL UNITS: 54 (10.96 DU/AC) - 1 BEDROOM UNITS: 26 (48.1%) - 2 BEDROOM UNITS: 21 (38.9%) - 3 BEDROOM UNITS: 7 (13.0%) - PARKING SPACES: 111 (2.05 / UNIT) SURFACE SPACES: 95 GARAGE SPACES: 16 - OPEN SPACE: 0.30 AC (6.0%)		
QUADRANT C (SOUTH): - PERIMETER: 2,125 LF - AREA: 5.25 AC (GROSS) - TOTAL UNITS: 61 (11.70 DU/AC) - 1 BEDROOM UNITS: 18 (29.5%) - 2 BEDROOM UNITS: 34 (55.7%) - 3 BEDROOM UNITS: 9 (14.8%) - PARKING SPACES: 122 (2.00 / UNIT) SURFACE SPACES: 110 GARAGE SPACES: 12 - OPEN SPACE: 0.63 AC (12.0%)		
QUADRANT D (WEST): - PERIMETER: 2,283 LF - AREA: 6.90 AC (GROSS) - TOTAL UNITS: 77 (11.16 DU/AC) - 1 BEDROOM UNITS: 30 (39.0%) - 2 BEDROOM UNITS: 41 (53.2%) - 3 BEDROOM UNITS: 6 (7.8%) - PARKING SPACE: 160 (2.07 / UNIT) SURFACE SPACES: 144 GARAGE SPACES: 16 - OPEN SPACE: 0.98 AC (14.1%)		
- PUBLIC RIGHT-OF-WAY TOTATL: 5.42 ACRES		



EMPIRE
 GROUP OF COMPANIES
 Landscape Architects
 Land Planning
 Irrigation

VILLAGE AT SAN MARCOS
 CONCEPTUAL LAND PLAN - 8.1

WEST OF NWC CENTER POINT RD. & MONARCH HWY. - SAN MARCOS, TX
 AUGUST 19, 2022



PRODUCT PLAN 1

ONE BEDROOM, ATTACHED



Right Elevation

Elevation A 1/8" = 1'-0"



Rear Elevation

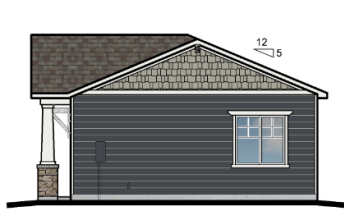
Elevation A 1/8" = 1'-0"



Left Elevation

Elevation A 1/8" = 1'-0"





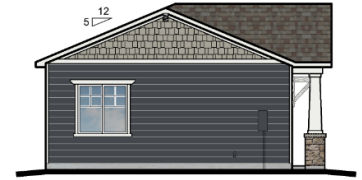
Right Elevation

Elevation B 1/8" = 1'-0"



Rear Elevation

Elevation B 1/8" = 1'-0"



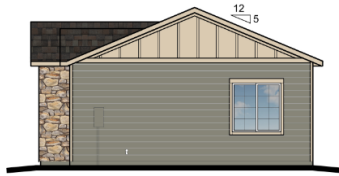
Left Elevation

Elevation B 1/8" = 1'-0"



Front Elevation

Elevation B 1/4" = 1'-0"



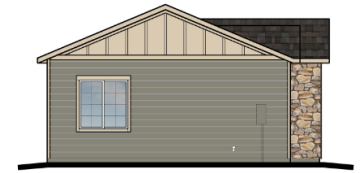
Right Elevation

Elevation C 1/8" = 1'-0"



Rear Elevation

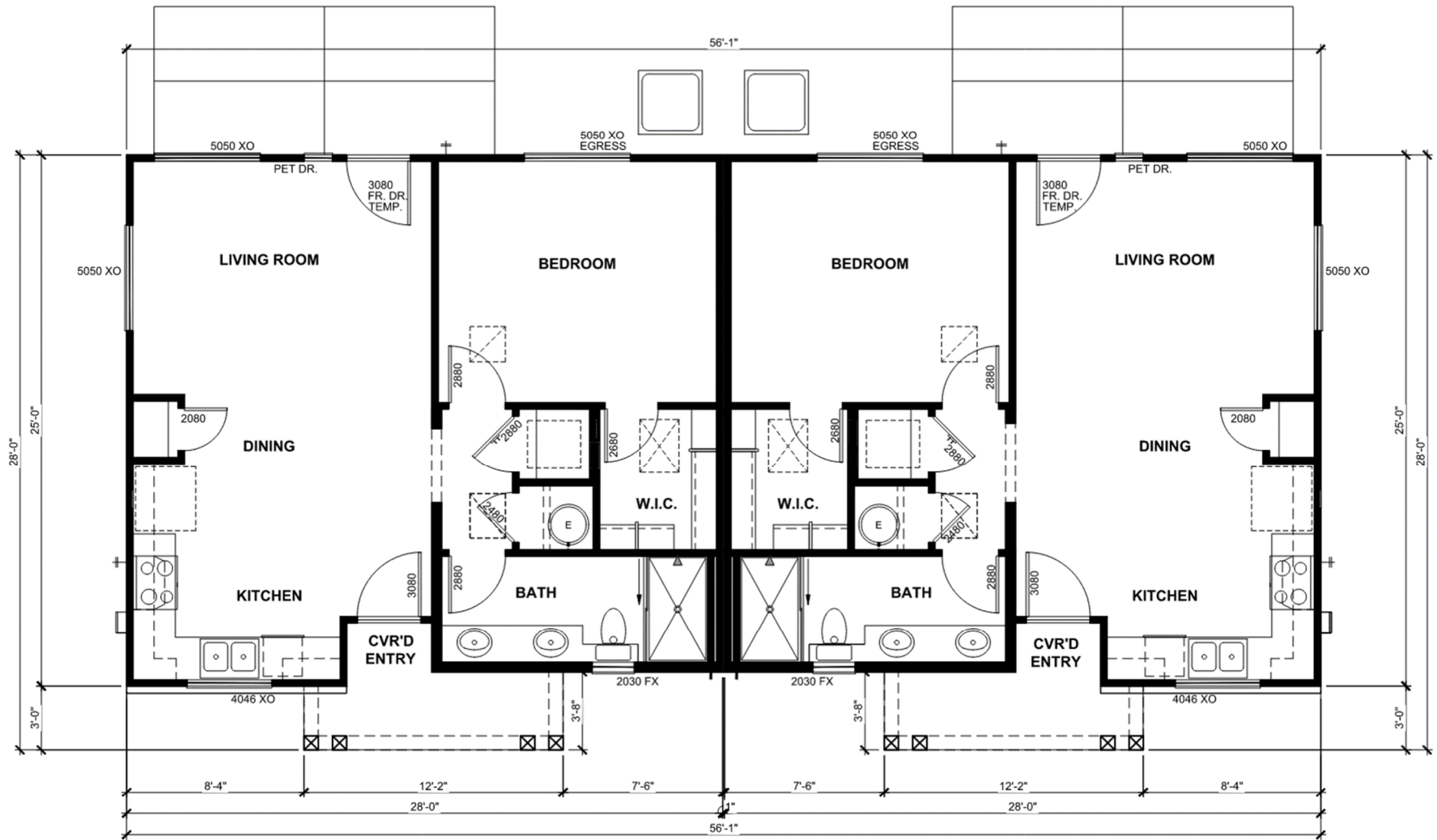
Elevation C 1/8" = 1'-0"



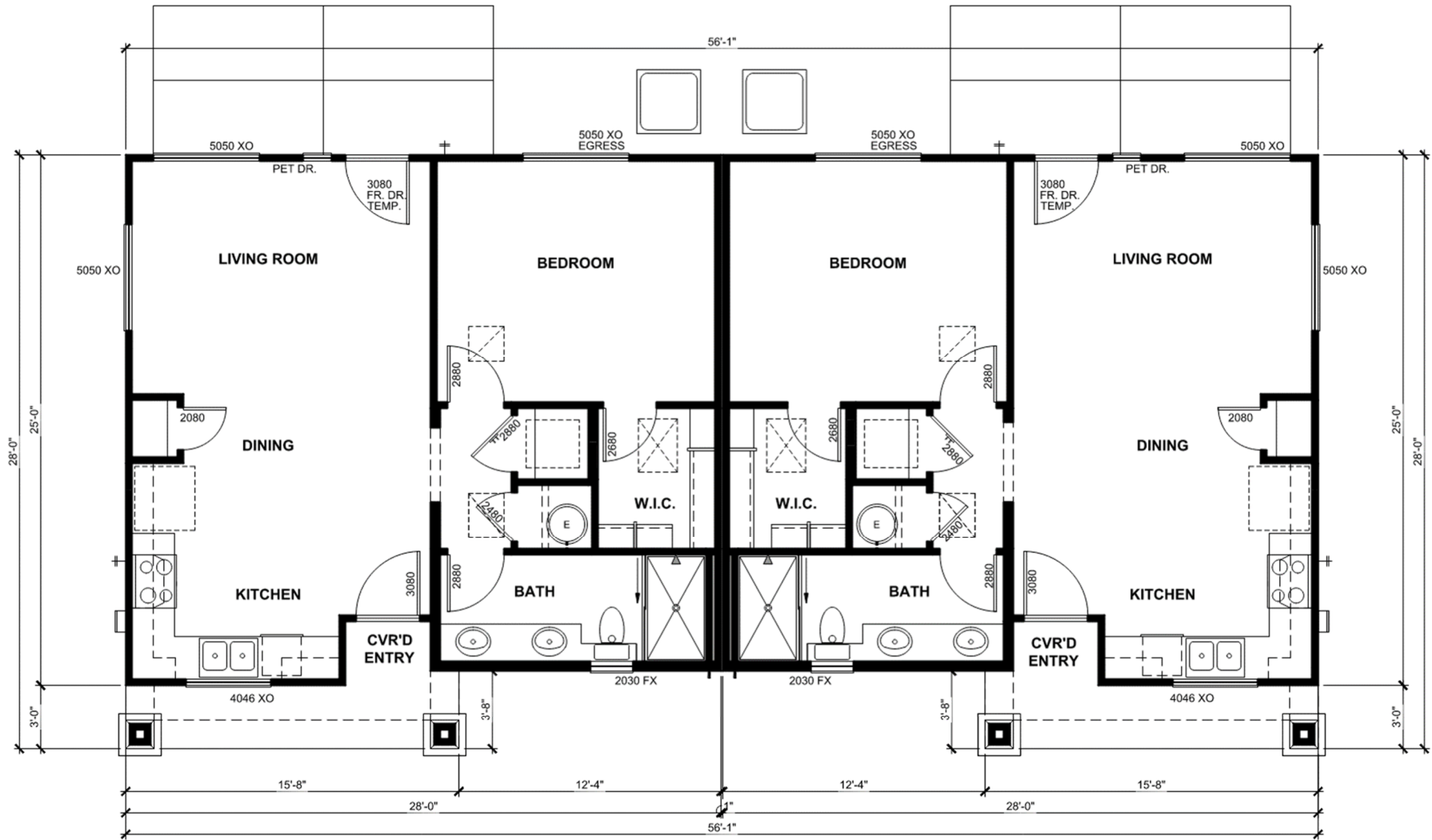
Left Elevation

Elevation C 1/8" = 1'-0"





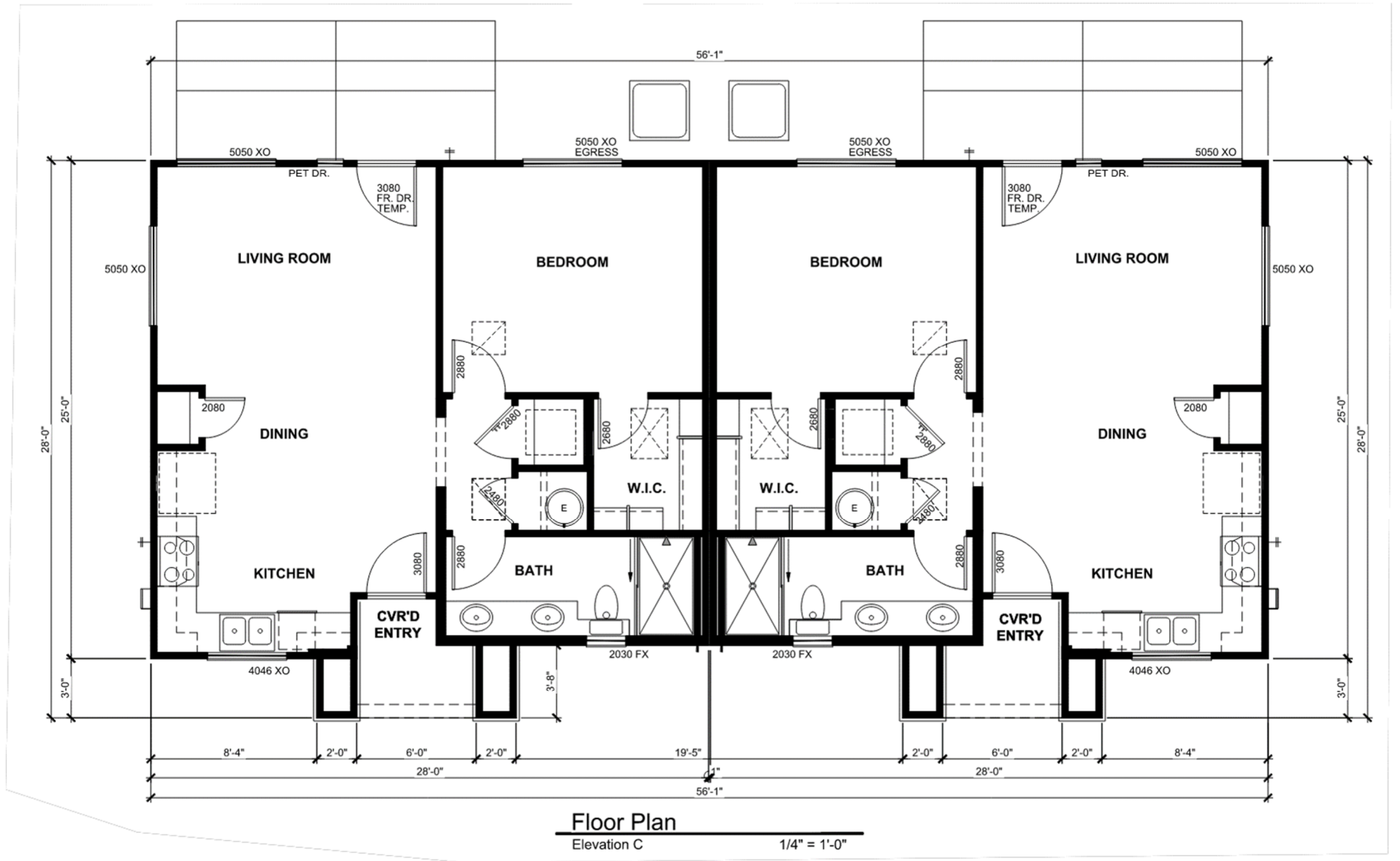
Floor Plan
 Elevation A 1/4" = 1'-0"



Floor Plan

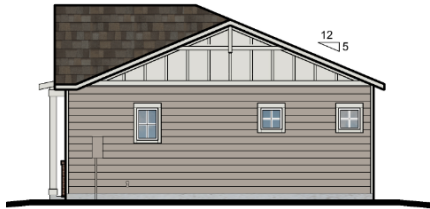
Elevation B

1/4" = 1'-0"



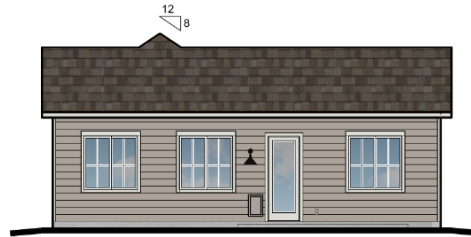
PRODUCT PLAN 2

TWO BEDROOM, DETACHED



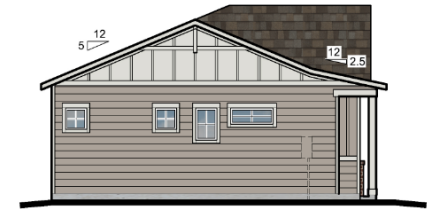
Right Elevation

Elevation A 1/8" = 1'-0"



Rear Elevation

Elevation A 1/8" = 1'-0"



Left Elevation

Elevation A 1/8" = 1'-0"



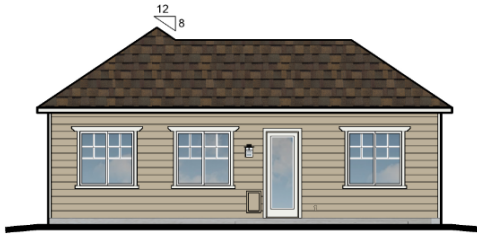
Front Elevation

Elevation A 1/4" = 1'-0"



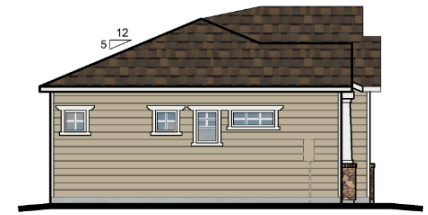
Right Elevation

Elevation B 1/8" = 1'-0"



Rear Elevation

Elevation B 1/8" = 1'-0"



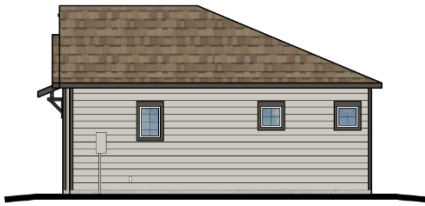
Left Elevation

Elevation B 1/8" = 1'-0"



Front Elevation

Elevation B 1/4" = 1'-0"



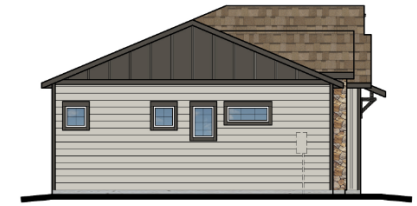
Right Elevation

Elevation C 1/8" = 1'-0"



Rear Elevation

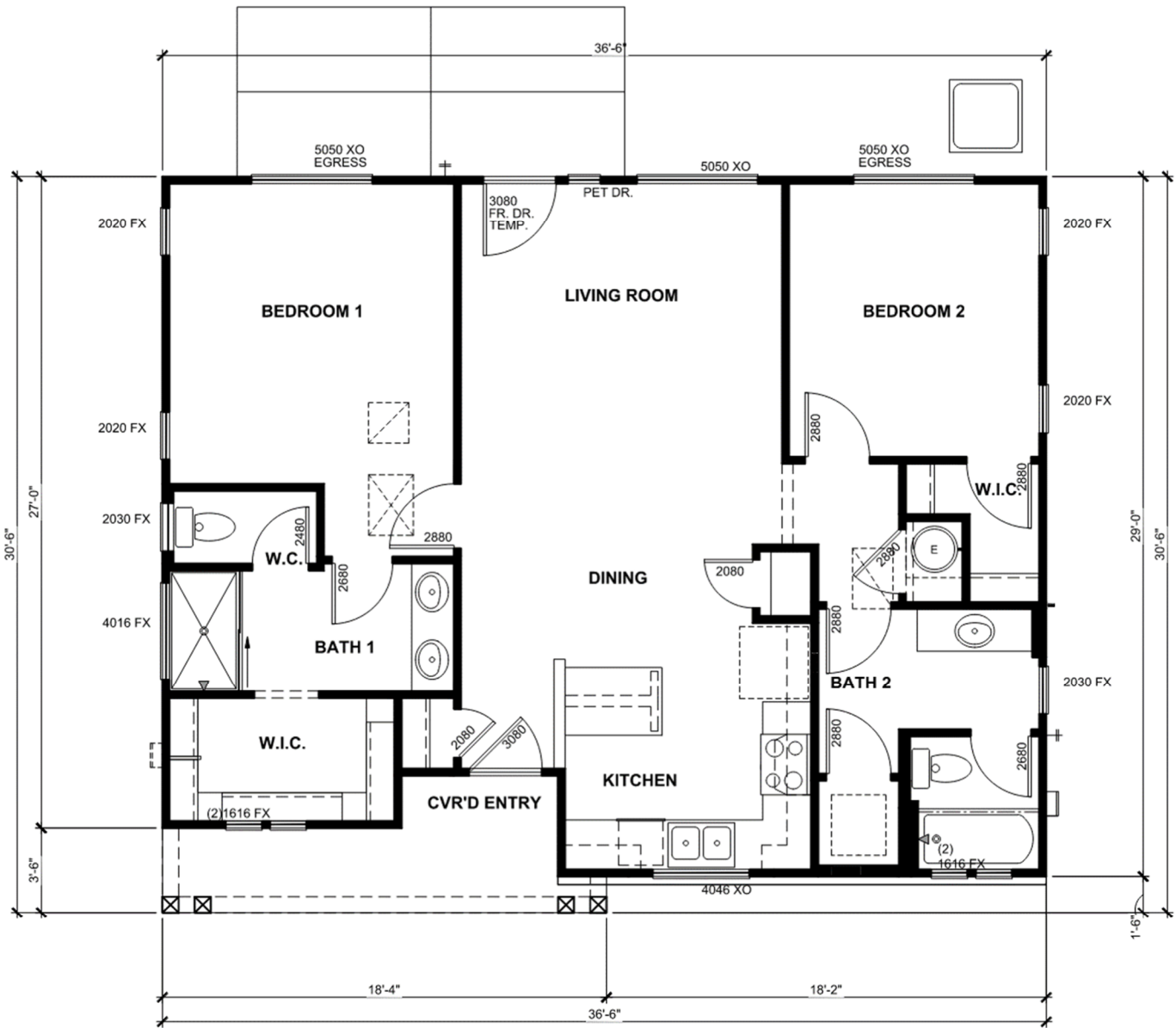
Elevation C 1/8" = 1'-0"



Left Elevation

Elevation C 1/8" = 1'-0"

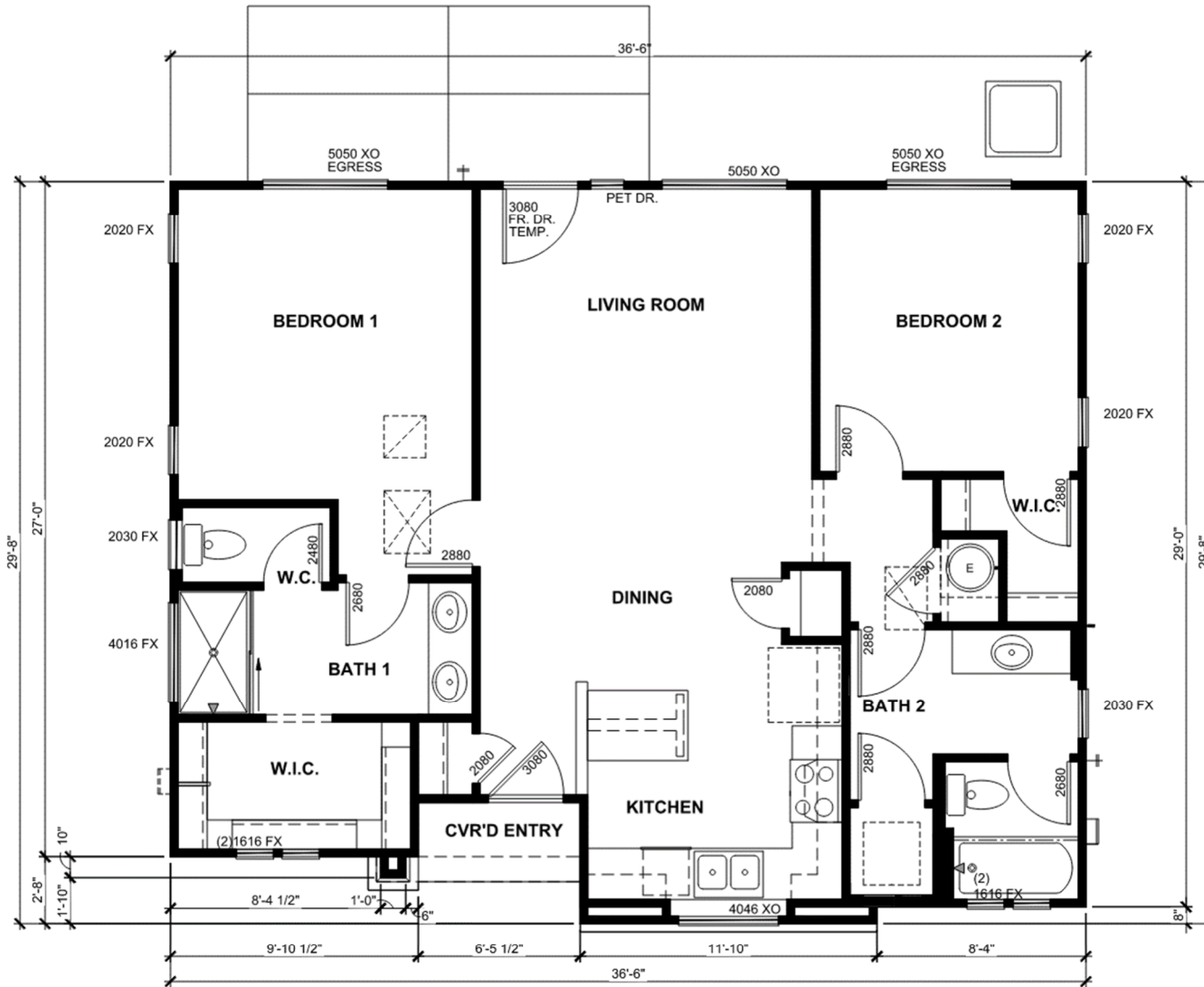




Floor Plan

Elevation A

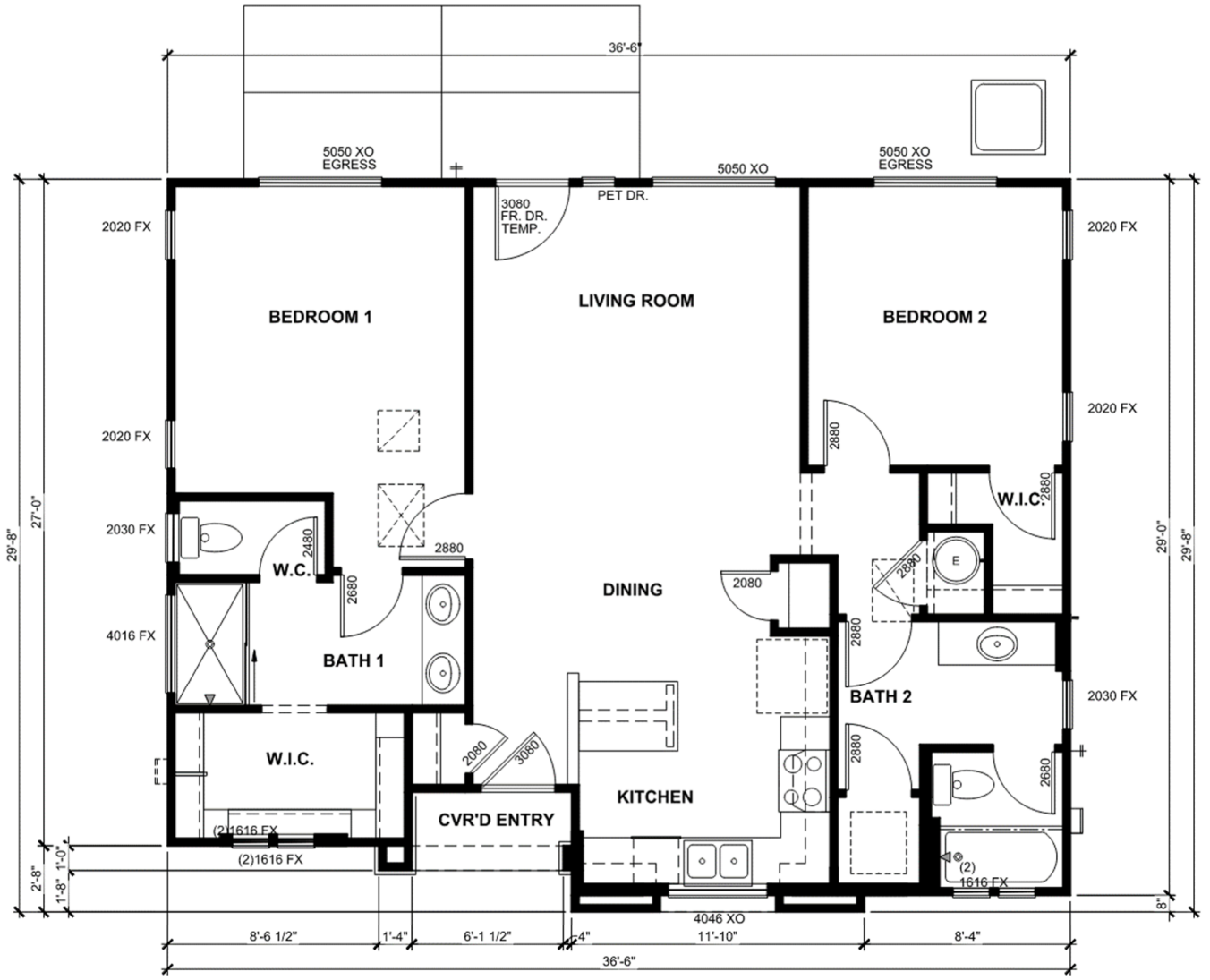
1/4" = 1'-0"



Floor Plan

Elevation B

1/4" = 1'-0"



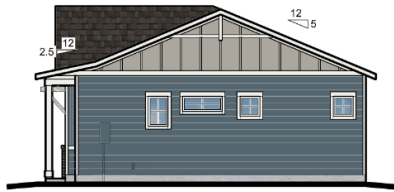
Floor Plan

Elevation C

1/4" = 1'-0"

PRODUCT PLAN 3

THREE BEDROOM, DETACHED



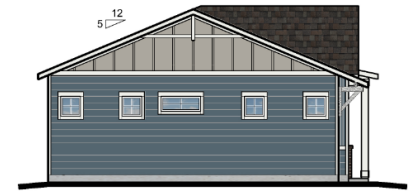
Right Elevation

Elevation A 1/8" = 1'-0"



Rear Elevation

Elevation A 1/8" = 1'-0"



Left Elevation

Elevation A 1/8" = 1'-0"



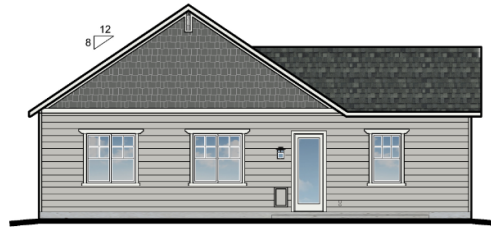
Front Elevation

Elevation A 1/4" = 1'-0"



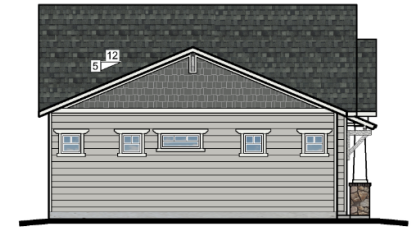
Right Elevation

Elevation B 1/8" = 1'-0"



Rear Elevation

Elevation B 1/8" = 1'-0"



Left Elevation

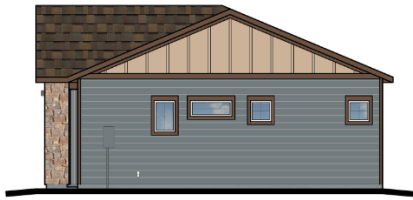
Elevation B 1/8" = 1'-0"



Front Elevation

Elevation B 1/4" = 1'-0"

- DECORATIVE GABLE PEDIMENT
- ASPHALT SHINGLES
- DECORATIVE CORBEL
- DECORATIVE BRACKET
- SHAKE SHINGLE SIDING
- STANDING SEAM METAL SHADE ELEMENT
- ROUGH SAWN WOOD BEAM AND BRACKETS
- DECORATIVE FRONT DOOR
- LAP SIDING 6" EXPOSURE
- TAPERED COLUMN
- MASONRY VENEER



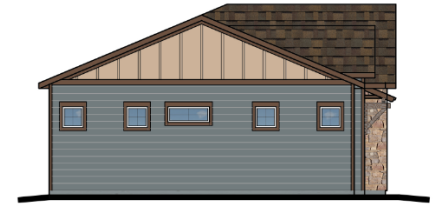
Right Elevation

Elevation C 1/8" = 1'-0"



Rear Elevation

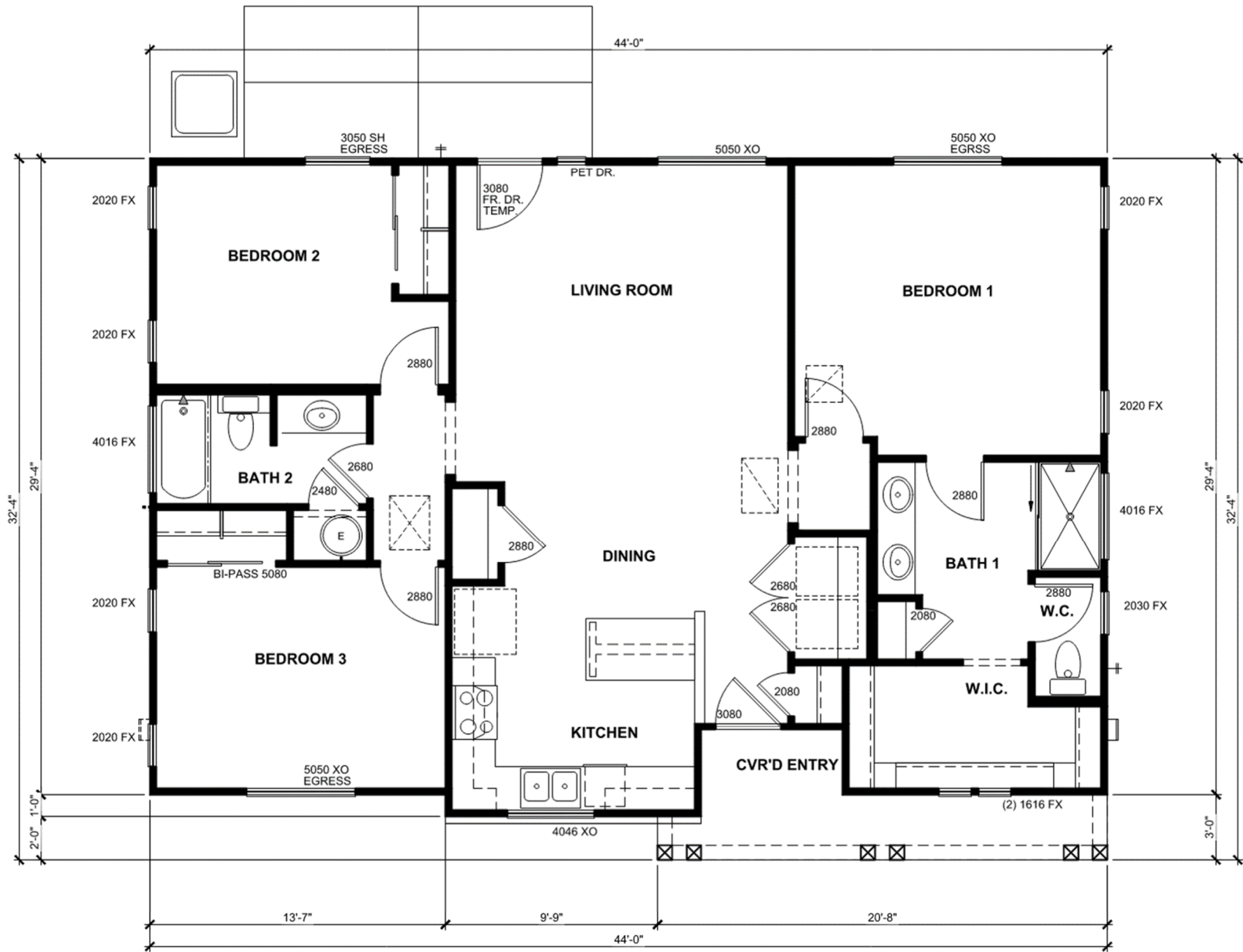
Elevation C 1/8" = 1'-0"



Left Elevation

Elevation C 1/8" = 1'-0"

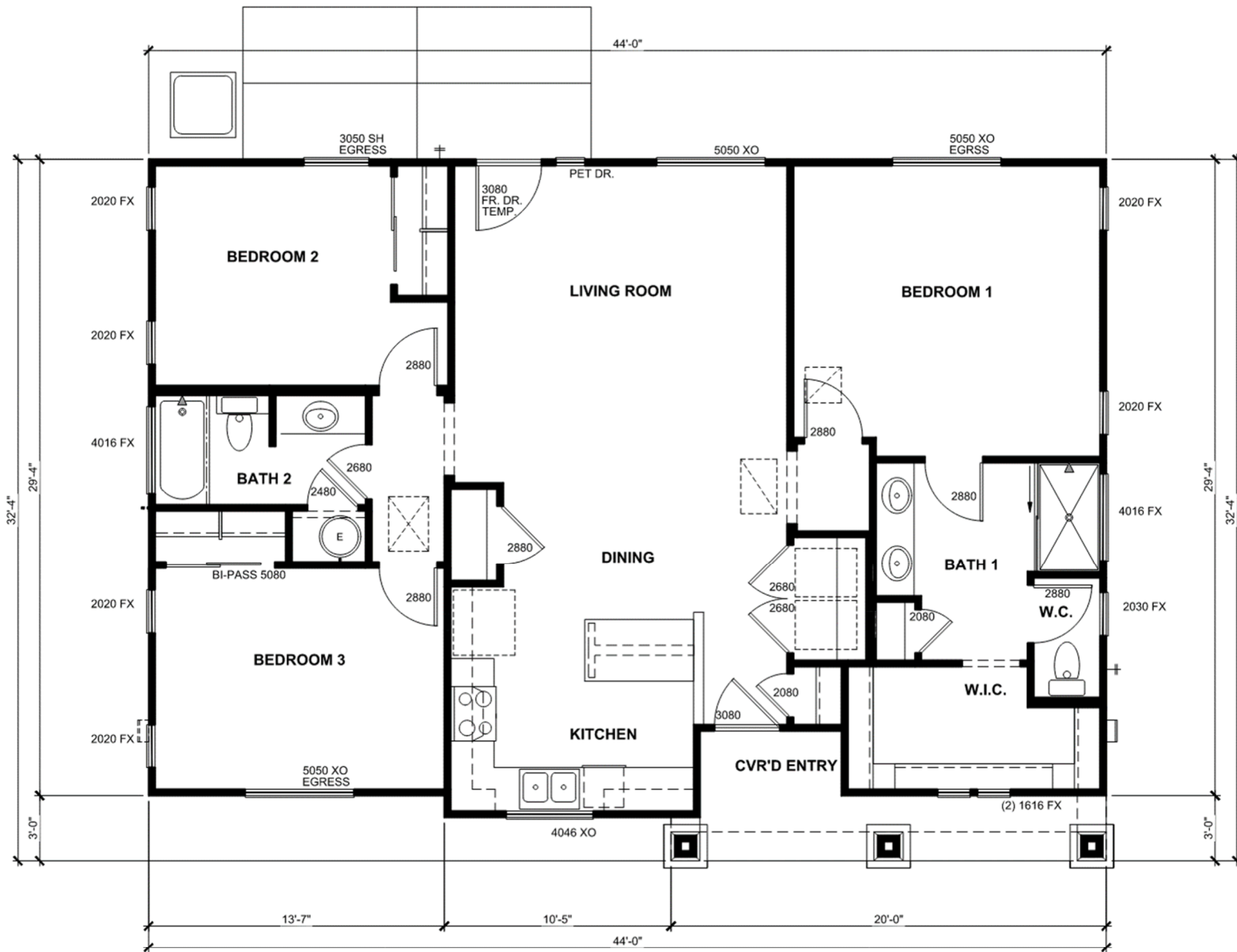




Floor Plan

Elevation A

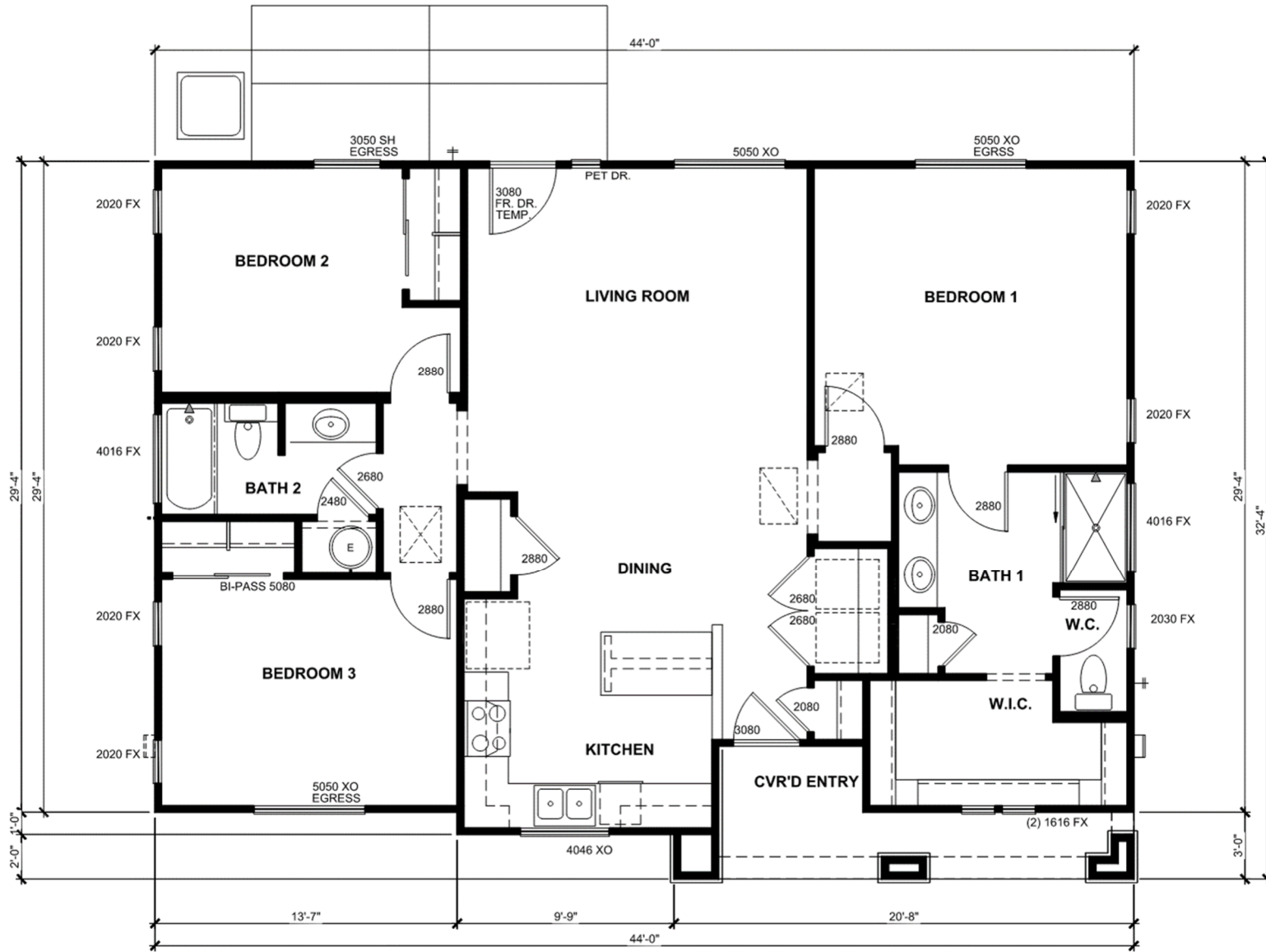
1/4" = 1'-0"



Floor Plan

Elevation B

1/4" = 1'-0"



Floor Plan

Elevation C

1/4" = 1'-0"

PRODUCT PLAN 4

TWO BEDROOM, DETACHED



Right Elevation

Elevation A 1/8" = 1'-0"



Rear Elevation

Elevation A 1/8" = 1'-0"



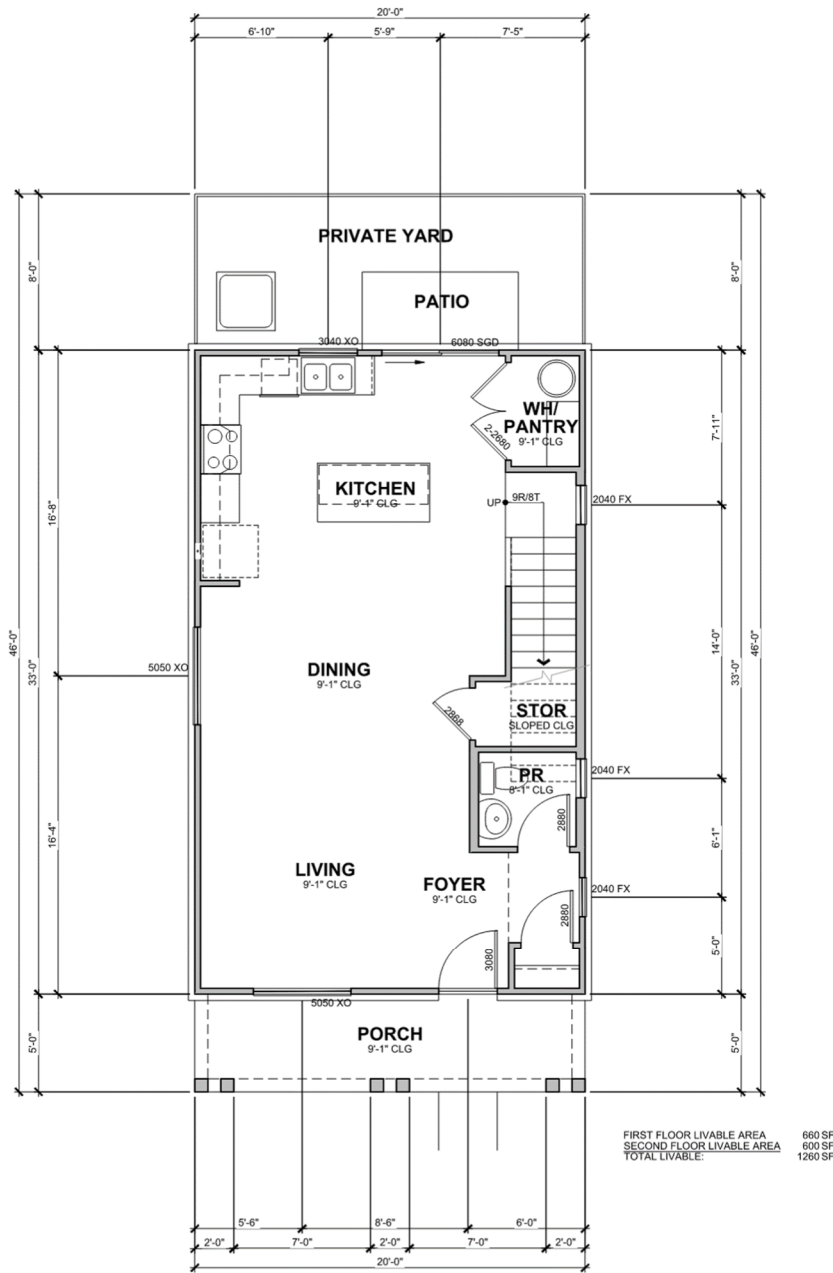
Left Elevation

Elevation A 1/8" = 1'-0"

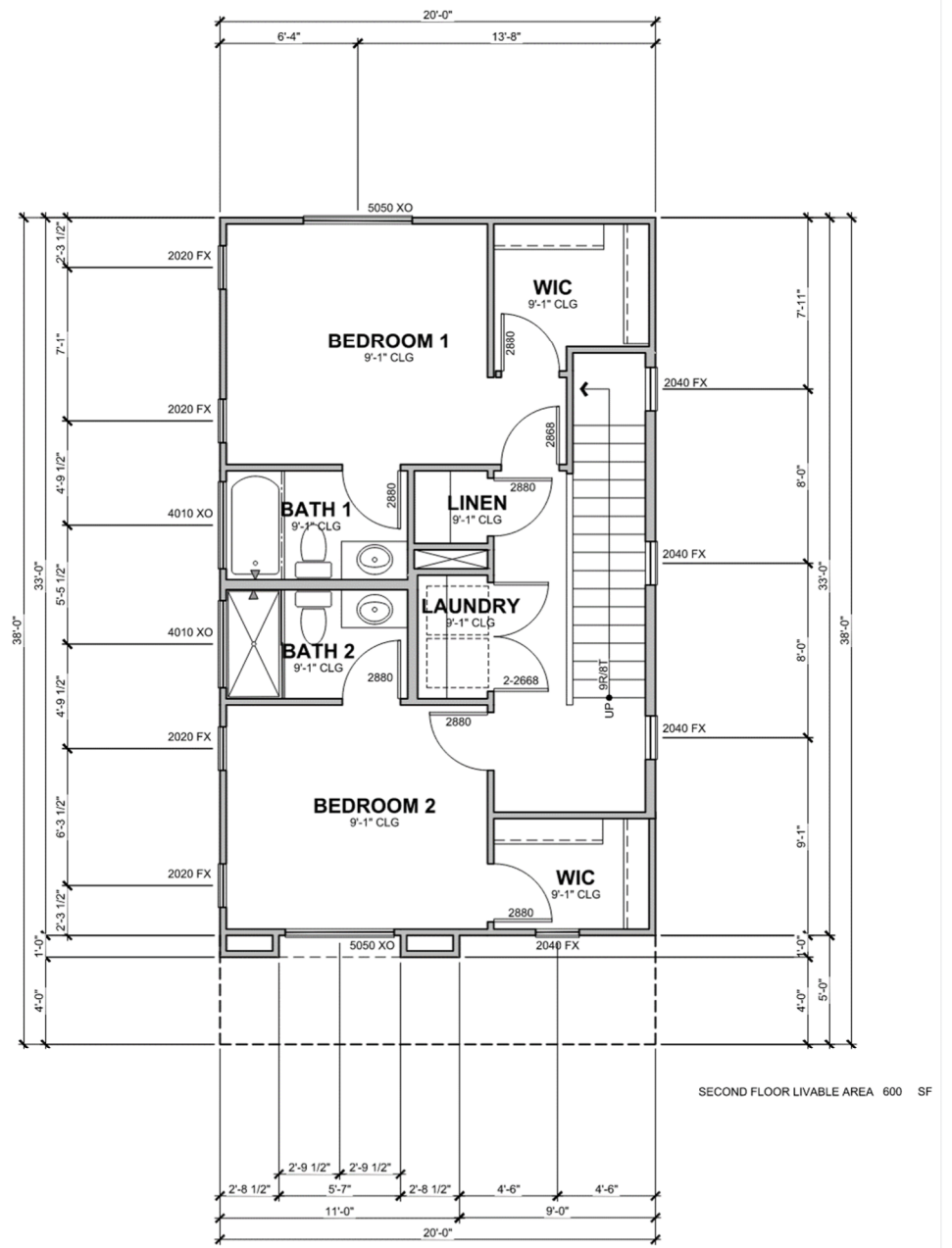


Front Elevation

Elevation A 1/4" = 1'-0"



First Floor Plan
 Elevation A 1/4" = 1'-0"



Second Floor Plan
 Elevation A 1/4" = 1'-0"