

Alternative Compliance	2420 S IH 35
AC-24-01	Proposed Hotel



Summary

Request:	Alternative compliance to vary from the Build-To Zone requirements of Section 4.3.3.3 of the Land Development Code, allowing positioning of the building behind the primary setback range according to the submitted site plan.		
Applicant:	Randy Warner 1909 Woodall Rodgers Frwy., 3 rd floor Dallas, TX 75201	Property Owner:	Daniel McCutchen 125 Ash Juniper Dr. New Braunfels, TX 78132
Interior Floor Area:	54,000 sq. ft. proposed	Outdoor Floor Area:	N/A
Parking Required:	124 spaces 5 accessible spaces	Parking Provided:	136 standard spaces 5 accessible spaces
Days & Hours of Operation:	24/7 upon completion		

Notification

Posted:	N/A	Personal:	February 16, 2024
Response:	None as of the date of this report		

Property Description

Legal Description:	Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2		
Location:	Located between S IH 35 and Barnes Dr. frontages, approx. 960 ft. southwest of Barnes Dr. and Thermon Dr. intersection		
Acreage:	3.04 acres	PDD/DA/Other:	N/A
Existing Zoning:	Heavy Commercial (HC)	Proposed Zoning:	Commercial (CM)
Existing Use:	Vacant land	Proposed Use:	Hotel
Preferred Scenario:	Employment Center	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	4
Utility Capacity:	Available	Floodplain:	Yes – 100-yr. floodplain
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	LI	Office	Employment Center
South of Property:	GC	IH 35/ Industrial	Employment Center
East of Property:	LI	Manufacturing	Employment Center
West of Property:	HC	Office	Employment Center

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> 1. Site design shall incorporate a greenway as required by the Transportation Master Plan (TMP) along IH 35 frontage, including a 12-ft. shared use path and a tree buffer between the shared use path and frontage road. 2. Site design shall incorporate streetscape improvements as required by TMP thoroughfare class AV 82-43, including a 14.5-ft. shared use path and a tree buffer on each side of the shared use path. 3. The final site plan will be substantially similar to the conceptual site plan submitted with this Alternative Compliance request. 4. All other code requirements shall be met. 5. This Alternative Compliance shall be effective upon rezoning from Heavy Commercial "HC" to Commercial "CM." 6. This Alternative Compliance shall not expire. 		
Staff: Lauren Clanton, AICP	Title: Chief Planner	Date: February 21, 2023



History

The property was originally platted as part of Thermon Industrial Park No. 2. This area is characterized by 1-story buildings that house manufacturing and service-related uses. Quality of pedestrian infrastructure and landscape varies down the strip.



Barnes Dr. at rear of Mensor facility, facing south

To accommodate the proposed use of a hotel, a concurrent zoning change from Heavy Commercial (HC) to Commercial (CM) has been submitted by the applicant. This introduced a build-to requirement that had previously not been required for the site.

This Alternative Compliance request is one of two applications submitted by the applicant for this site:

- Zoning change from HC to CM (AC-24-01).

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Additional Analysis

Section 4.3.3.3, *Build-To Zone*, defines the build-to zone as “the area on the lot where a certain percentage of the front principal building façade must be located.” This requirement aims to create a sense of place along the street and a unified environment for individuals walking or biking. In the proposed Commercial zoning district, the build-to zone is 10 to 20 ft. from the primary street. 50% of the building façade as a proportion of the lot width must be within this range. Otherwise, an Alternative Compliance is required.

This is a double-frontage lot, meaning the 10 to 20 ft. build-to zone is applied along IH 35 and Barnes Dr. It is permitted by Section 4.3.3.3 to measure the build-to zone from an existing easement. In the site plan submitted with this application, the building is situated 20 ft. from a 20-ft. public utility easement along Barnes Dr. To meet the intent of the build-to zone along IH 35, a cross-access easement allowing entrance to the property occupies the space between the building and the frontage road.

Staff worked closely with the applicant to create the attached, conceptual, site plan, which includes parking behind the front building line and includes additional landscaping toward the front and streetscape improvements.

Staff has assessed the criteria for an Alternative Compliance based on the standards of the Development code, listed below.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec. 4.3.3.3.F)
Consistent	Inconsistent	Neutral	
<u>X</u>			The approved alternate meets the intent of the build-to regulations. <i>Improved streetscape along both frontages is included as a condition for approval, serving to create a sense of place with increased walkability.</i>
		<u>X</u>	The approved alternate conforms with the Comprehensive Plan and other adopted City Plans.
<u>X</u>			The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context. <i>The proposed distance from both IH 35 and Barnes Dr. is consistent with other properties in the industrial park area.</i>
<u>X</u>			The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort, or safety. <i>The site plan shows an ADA-compliant path from the public right-of-way to the building entrance.</i>
<u>X</u>			Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area. <i>An outdoor amenity area is shown on the side of the hotel facing Barnes Dr.</i>
		<u>X</u>	In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

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Evaluation			Criteria for Approval (Sec. 2.8.4.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The request is consistent with the policies embodied in the adopted Comprehensive Plan.
<u>X</u>			The request is consistent with the general purpose, intent and character of the development regulations applicable to the property.
<u>X</u>			There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property. <i>Existence of floodplain on the southeast side of the property necessitates the installation of a detention pond. This feature has been appropriately screened so that landscaping, rather than parking, is the main visual in the first layer.</i>
<u>X</u>			The request is not detrimental to the public health, safety or welfare, or injurious to other property within the area.
<u>X</u>			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 <i>Staff does not find the request to have an adverse impact upon adjacent property or neighborhoods. All other Development Code regulations will apply to the property.</i> b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.
<u>X</u>			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.

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Evaluation			Criteria for Approval (Sec. 2.8.4.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			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.
<u>X</u>			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. <i>The hotel building is located to the southwest side of the lot to allow space for parking, fire access, shared use paths, a billboard easement, drainage, and amenities serving the hotel.</i>