

<b>Alternative Compliance</b>	<b>McCarty Ln/FM 110</b>
<b>AC-22-10</b>	<b>McCarty Industrial</b>



### Summary

<b>Request:</b>	Alternative Compliance to the maximum cut and fill, Section 6.1.2.2 of the San Marcos Development Code		
<b>Applicant:</b>	Stacey Weichert Pape-Dawson Engineers, Inc 2000 NW Loop 410 San Antonio, TX, 78213	<b>Property Owner:</b>	Albert Jaster Edmund Jaster Hays County Partnership PO Box 481, Madisonville, TX 77864

### Notification

<b>Posted:</b>	N/A	<b>Personal:</b>	August 12, 2022
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	A 105.417 acre tract out of the Cyrus Wickson Survey, Abstract 474		
<b>Location:</b>	Along McCarty Lane north of the intersection of McCarty Lane and Rattler Road		
<b>Acreage:</b>	105.417 acres	<b>PDD/DA/Other:</b>	
<b>Existing Zoning:</b>	Light Industrial	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Light Industrial
<b>Preferred Scenario:</b>	Medium Intensity	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	NA
<b>Utility Capacity:</b>	Available	<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>	Light Industrial	Industrial	Employment Area
<b>South of Property:</b>	ETJ	Vacant	Medium Intensity
<b>East of Property:</b>	ETJ	Vacant	Medium Intensity
<b>West of Property:</b>	General Commercial	Vacant	Medium Intensity

### Staff Recommendation

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
Staff recommends approval of this Alternative Compliance as requested.		
<b>Staff:</b> Richard Reynosa, P.E.	<b>Title:</b> Assistant Director of Engineering	<b>Date:</b> August 17, 2022

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### History

On February 15th, 2022, the City Council approved Ordinance 2022-10 (case no. AN-22-01), annexing into the City approximately 105.41 acres generally located due North of the Rattler Road and East McCarty Lane Intersection. The City Council also approved Ordinances 2022-11 and 2022-12 for a zoning change from Future Development (FD) to “CD-1” Character District-1 for approximately 17.420 acres (Case No. ZC-22-01, Ordinance 2022-11) and a zoning change from Future Development (FD) to “LI” Light Industrial District (Case No. ZC-22-02, Ordinance 2022-12) for approximately 87.998 acres generally located due North of the Rattler Road and East McCarty Lane Intersection

### Additional Analysis

The applicant is requesting an Alternative Compliance to deviate from the maximum cut and fill standards. The maximum cut and fill allowed is 8 feet per section 6.1.2.2 of the City Development Code. If approved, this request would extend the maximum cut or fill to 13 feet.

In order to meet the cut and fill requirement, the development would not be able to develop the intended industrial development with large buildings.

### Comments from Other Departments

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

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Evaluation			Alternative Compliance Criteria (Sec. 6.1.2.3(B)2 & Sec. 2.8.4.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Enhanced measures identified in the City Stormwater Technical Manual are used to manage construction and post-construction stormwater runoff quality to levels that would be the same or better quality as would result from a cut or fill of not more than four feet.
<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.
<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: <ul style="list-style-type: none"> <li>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</li> <li>b. Includes improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts</li> </ul>
<u>X</u>			The request shall not have the effect of preventing 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
<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.