

# Conditional Use Permit CUP-19-22

# 132 Jackson Lane Multifamily CUP



## Summary

<b>Request:</b>	A Conditional Use Permit to allow Multifamily (Apartments) located at 132 Jackson Lane.		
<b>Applicant:</b>	Allan Nutt 5121 Bee Cave Road Suite 202 Austin, TX 78746	<b>Property Owner:</b>	Omais Investments 828 Lago Vista Street San Marcos, TX 78666
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	Multifamily
<b>Units Per Acre</b>	40	<b>Proposed Unit Count:</b>	24
<b>Parking Required:</b>	35 (MF) / 20 (Office)	<b>Parking Provided:</b>	60

## Notification

<b>Posted:</b>	August 2, 2019	<b>Personal:</b>	August 2, 2019
<b>Response:</b>	None as of the date of this report		

## Property Description

<b>Legal Description:</b>	Lot 1, Block A, 132 Jackson Lane		
<b>Location:</b>	Near the intersection of Jackson Lane and Thorpe Lane		
<b>Acreage:</b>	1.346 +/-	<b>Central Business Area:</b>	No
<b>Existing Zoning:</b>	Vertical Mixed Use (VMU)	<b>Preferred Scenario:</b>	Midtown Medium Intensity Zone
<b>Existing Use:</b>	Office	<b>Proposed Use:</b>	Multifamily / Office
<b>CONA Neighborhood:</b>	Millview West	<b>Sector:</b>	7
<b>Utility Capacity:</b>	Adequate		

## Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	MF-18/MF-24	Multifamily	Midtown High Intensity Zone
<b>South of Property:</b>	MF-18/MF-24	Multifamily / Single Family	Midtown High Intensity Zone
<b>East of Property:</b>	MF-18/MF-24	Multifamily	Midtown High Intensity Zone
<b>West of Property:</b>	MF-18/MF-24	Multifamily	Midtown High Intensity Zone

<b>Conditional Use Permit</b>	<b>132 Jackson Lane</b>
<b>CUP-19-22</b>	<b>Multifamily CUP</b>



### History

The owner was granted a rezoning for this property in 2016 from Office Professional (OP) to Vertical Mixed Use (VMU). The application for the 2016 rezoning stated that the owner intended to develop a mixed use residential project prior to the adoption of the San Marcos Development Code.

The applicant submitted a site plan in 2017, which was approved in May of 2018, and meets the VMU zoning district standards. This site plan involved demolishing the existing office building on the site and constructing a new mixed use building with ground floor commercial space fronting on Jackson Lane with residential above and behind (in the same building), and parking in the rear of the lot.

The applicant has submitted this Conditional Use Permit (CUP) in order attempt to save the existing office building, rather than demolish it. The applicant has proposed to build the multifamily portion in the far rear of the property. This requires a CUP for *Multifamily (Apartments)* in VMU, as only *Loft Apartments* (apartments above commercial) are allowed by right within VMU.

### Additional Analysis

The code states that the following are key concepts within the Vertical Mixed Use District:

“(1) Residential uses in conjunction with non-residential activities, located above retail and office establishments along retail frontages)

(2) All types of residential uses, including single-family homes, townhouses, and loft-style multifamily units”

The applicant has proposed un-lofted multifamily units, located at the far rear of the property. Staff understands the applicants goal of saving the existing building, however, Staff believes that the proposed Multifamily could be built in a manner that achieves the intent of the VMU zoning district and still save the existing building.

Based on the proposed unit sizes, there appears to be ample room to wrap the multifamily units around the existing structure, or build some units on the opposite side of the existing driveway, adjacent to the street. Additionally, the proposed building is 3 stories tall, while the applicant is allowed to build up to 4 stories by right, which would reduce the size of the footprint needed to fit the units.

Staff has discussed these concerns with the applicant. The applicant did provide a site plan that included an option for two units above the existing building, but the remaining units stayed at the rear of the property.

# Conditional Use Permit

## CUP-19-22

132 Jackson Lane  
Multifamily CUP



### Comments from Other Departments

Police	A fence should be required along the rear and side property lines and the parking lot should be well lit.
Fire	Ensure adequate access.
Public Services	No Concerns
Engineering	No Concerns

### Staff Recommendation

Approval as Submitted	Approval with Conditions / Alternate	<u>X</u>	Denial
Staff: Will Parrish		Title : Planner	Date: January 7, 2019

Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p> <p><i>Vision San Marcos states that diversified housing options should serve citizens with varying needs and interests, It also states that multifamily can be an appropriate use within High Intensity Zones.</i></p>
		<u>N/A</u>	<p>The proposed use is consistent with any adopted neighborhood character study for the area.</p> <p><i>Studies were not complete at time of request.</i></p>
	<u>X</u>		<p>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</p> <p><i>The proposed use of multifamily in the rear of the property is inconsistent with the intent of loft-style multifamily along street frontages.</i></p>
	<u>X</u>		<p>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</p> <p><i>Adjacent multifamily projects are significantly closer to the street frontages, ranging between approximately 20-60 feet, while the proposed multifamily building would be located approximately 260 feet from the street frontage.</i></p>
<u>X</u>			<p>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</p>
		<u>X</u>	<p>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</p> <p><i>This project dedicated Right-Of-Way during the platting process which will allow a greater turning radius for vehicles entering and exiting on Jackson Lane.</i></p>

<b>Conditional Use Permit</b>	<b>132 Jackson Lane</b>
<b>CUP-19-22</b>	<b>Multifamily CUP</b>



Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><i>The applicant proposed a screen wall at the frontage. While this would screen the parking area, it does not address the placement of the residential units.</i></p>
<u>X</u>			<p>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</p> <p><i>The request meets the standards of the VMU zoning district with the exception for the request for Multifamily (Apartments)</i></p>