

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



Summary

Request:	Requesting an appeal of the decision of the Planning and Zoning Commission on September 10, 2019 to deny the request for Alternative Compliance to the residential garage parking requirements in Section 7.1.4.1. of the Development Code		
Applicant:	James Ingalls, PE Moeller and Associates 2021 Hwy 46, Ste 105 New Braunfels, TX 78132	Property Owner:	Three Rivers Development LLC, 301 Main Plaza Ste 385 New Braunfels, TX 78130
Alternative Compliance Expiration:	The Alternative Compliance shall not expire.		

Notification

Posted:	September 29, 2019	Personal:	October 4, 2019
Response:	None as of date of Staff Report		

Property Description

Legal Description:	192.951 acre tract out of the Barnette O. Kane Survey, Abstract No. 281		
Location:	2357 Redwood Road		
Acreage:	192.951	Central Business Area:	No
Existing Zoning:	"FD" Future Development and "CD-4" Character District – 4. (CD-3, Character District – 3 zoning is requested)	Preferred Scenario:	"Area of Stability – Low Intensity" and "Growth Area – Medium Intensity".
Existing Use:	Vacant	Proposed Use:	Single Family
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Developer is responsible for extending utilities.		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ / "SF-4.5 (Single Family – 4.5)	Vacant / Single Family	Low Intensity / Existing Neighborhood
South of Property:	ETJ / "SF-4.5 (Single Family – 4.5)	Vacant / Single Family / Commercial	Medium Intensity / Existing Neighborhood
East of Property:	ETJ	Single Family Rural	Low Intensity
West of Property:	ETJ	La Vista Retirement Community	Medium Intensity

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



History

The applicant is requesting Alternative Compliance to deviate from the Residential Garage Parking Standards that apply to Character District-3 (CD-3) zoning. A request to rezone the property to CD-3 and annex the property into the City Limits is being considered concurrent with this Alternative Compliance application request. A preliminary Concept Plan provided by the applicant indicates that approximately 410 residential lots are proposed on the property. However, this Concept Plan is not yet approved.

Additional Analysis

Section 7.1.4.1(C) Residential Garage Parking Requirements, outlines that garage placement must match one of the of the following options: Semi-flush, recessed, side-loaded, detached, or alley-loaded. (See attached excerpt from the code). The applicant has requested to not meet the options provided in the code and originally requested to construct all homes with garages that extend a maximum of 6 feet in front of the façade of the home (see attached applicant narrative). This proposed house design requested by the applicant is often referred to as a “snout house” design that is the inverse of the “Semi-Flush” garage condition outlined in the code (please reference code excerpt).

Staff worked with the applicant to create conditions and articulation standards that meet the intent of the code. The recommended conditions by staff aim to align the proposed homes more closely with a “Semi-Flush” garage condition. Additional enhancements are recommended by staff in order to reflect comments from other departments and meet the intent outlined in the Code. The applicant is in agreement on the proposed conditions recommended by staff.

Comments from Other Departments

Police	<p>“Placement of the door on the side of a residence or behind the garage creates dark areas and hiding spots that burglars use to conceal their illegal activities. Front doors that are at the front of a dwelling and open do not offer areas of concealment.</p> <p>Open front door and porch areas offer more area for officers to work. Being confined to small narrow porches and doors creates a funneling effect for gunfire and is deadly for the officer having to work in such an area. The preferred open porch design allows officers to move away from gunfire and engage at different angles instead of head on.”</p>
Fire	<p>Fire commented that a pedestrian connection from the front door of the home to the sidewalk along the street would provide easier access for EMS first responders. Having hose lines, ventilation fans and other equipment placed in a recessed space could cause problems for Fire scene operations.</p>
Public Services	No Concerns
Engineering	No Concerns

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<p>Staff recommends that the request be approved with the following conditions:</p> <p>General:</p> <ol style="list-style-type: none">1. This Alternative Compliance applies to all House and Cottage Building Types constructed on the subject property. All other Building Types shall follow the regulations outlined in the Development Code.2. This Alternative Compliance shall not expire; <p>Garage Location:</p> <ol style="list-style-type: none">3. Garages may extend a maximum of 6 feet beyond the front façade of the house on a maximum of 50% of the homes within the subdivision. All other garages shall not be located in front of the front façade of the house;4. A front porch shall be required on a minimum of 25% of the homes. The front porch shall extend in front of the front façade of the house and shall be a minimum of 6 feet of clear space in all directions and shall have a minimum area of 60 square feet.5. The total width of the garage door (including any center column between two garage doors) shall not exceed more than 55% of the width of the house. <p>Architectural Treatments:</p> <ol style="list-style-type: none">6. A single overhead garage door shall not exceed 16' in width. If two overhead garage doors are proposed, each garage door shall not exceed 8' in width.7. Garage doors shall include architectural trim along the top and sides of the garage;8. An ornamental light fixture shall be provided flanking the doors;9. Garage doors shall include windows on 25% of the homes within the subdivision;10. Garage doors shall include an overhang such as an eyebrow overhang, awning, or trellis that overhangs a minimum of 12 inches over the garage doors.11. A 4' concrete pedestrian sidewalk shall be provided connecting the main entrance of the home to the public sidewalk along the street;		
Staff: Andrea Villalobos, CNU-A	Title : Senior Planner	Date: September 5 , 2019

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



Commission Recommendation

<u>X</u>	Approval as Submitted		Approval with Conditions / Alternate		Denial
----------	-----------------------	--	--------------------------------------	--	--------

Planning and Zoning Commission Meeting: September 10, 2019

Speakers in favor or opposed:

1. Sarah Simpson (opposed)
2. Melanie Whalley (in favor)

Recommendation from the Planning and Zoning Commission Meeting held September 10, 2019:

A motion was made by Commissioner Rand, seconded by Commissioner Moore, to deny AC-19-03. The motion carried 7-2.

- **For:** (7) Chair Garber, Commissioner Rand, Commissioner McCarty, Commissioner Haverland, Commissioner Kelsey, Commissioner Baker, and Commissioner Moore
- **Against:** (2) Vice Chair Gleason, Commissioner Dillon
- **Absent:** 0

Evaluation			Criteria for Approval (2.8.4.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			The request is consistent with the policies embodied in the adopted Comprehensive Plan; <i>Vision San Marcos states that the Medical District Medium Intensity Zone should include a mix of uses to allow residents to live, work, and do many day-to-day tasks within the district. The district should be connected by sidewalks and bike paths to promote pedestrian activity.</i>
<u>X</u>			The request is consistent with the general purpose, intent and character of the development regulations applicable to the property; <i>See Criteria for Approval in Section 7.1.4.1 below.</i>
	<u>X</u>		There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property; <i>None noted.</i>

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



<u>X</u>		<p>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area;</p> <p><i>If the request is approved, staff recommends that several conditions be added to address public health, safety, and welfare. Staff recommends that the garage shall not be located in front of the front façade of the house for 50% of the homes so as not to create a condition where the front entrance of a home is obscured. A garage that is in front of the front façade of a home reduces the natural citizen surveillance within the neighborhood and is more susceptible to criminalization due to limited observability. In addition, staff recommends adding a front porch to 25% of the homes to allow for safer entrances for pedestrians and, if necessary, allows for safer areas for police offers to enter. (Please reference Police Department comments) Lastly, staff recommends that lights be added to either side of the garage doors for added safety.</i></p>
<u>X</u>		<p>The request either:</p> <ul style="list-style-type: none"> 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>With the staff recommended condition regarding the placement of the garage door and porch element, the visual appearance of the street will be more walkable and pedestrian-oriented.</i> b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts. <i>Staff recommends that a 4' pedestrian walkway be added to connect the front door to the public sidewalk (Reference Fire Department comment)</i>
<u>X</u>		<p>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;</p> <p><i>No adverse effects on surrounding properties or neighborhoods are noted.</i></p>
<u>X</u>		<p>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</p> <p><i>None noted.</i></p>

Alternative Compliance (Appeal)

2357 Redwood Road

AC-19-03

Residential Garage Requirements



X

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.

With the recommended conditions by staff, the request for deviations to the garage standards enhances the neighborhood in accordance with the intent statements provided in Section 7.1.4.1.

Evaluation			Parking Location and Design Alternative Compliance Findings (Section 7.1.4.1)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The approved alternate meets the intent of Section 7.1.4.1</p> <ol style="list-style-type: none"> The intent of the private residential parking requirements is to minimize the visual impact of street-facing garage doors. <i>Staff recommends that the garage shall not be located in front of the front façade of the house for 50% of the homes within the subdivision. For the remaining 50% of the homes that may have a garage in front of the façade of the house, staff recommends that the garage not extend more than 6 feet in front of the façade of the home.</i> Where garage doors can be seen from the street, measures should be taken to reduce the visual impact of the doors. <i>Staff recommends that conditions be added to reduce the visual impact of the door including, requiring that a percentage of the homes include a front porch, reducing the total width of the garage door in relation to the house, reducing the size of the garage doors, requiring light fixtures on other side of the doors, and adding articulation to the doors such as windows and overhangs.</i> Measures include garage doors set back from the front wall plane, architectural treatments, translucent garage doors, single doors, projecting elements over the garage doors (such as bay windows) and limits on the total number of doors that face the street. <i>While the garage doors are not required to be setback from the front wall plane, staff recommends that the majority of the doors be flush with the wall plane with added conditions (see above).</i>

Alternative Compliance (Appeal)

AC-19-03

2357 Redwood Road

Residential Garage Requirements



		<p>4. Private Residential Parking requirements enhance pedestrian circulation and safety in higher density developments or along high traffic streets.</p> <p><i>Staff recommends that a pedestrian pathway be provided connecting the front door to the public sidewalk to allow for easier visibility and access to the front door. (See Fire Department comment).</i></p>
<u>X</u>		<p>The approved alternate conforms with the Comprehensive Plan and adopted City plans;</p> <p><i>Vision San Marcos states that the Medical District Medium Intensity Zone should include a mix of uses to allow residents to live, work, and do many day-to-day tasks within the district. The district should be connected by sidewalks and bike paths to promote pedestrian activity. The added conditions to the request create direct pedestrian connection to the homes and provide for additional requirements for front porches and garage articulation.</i></p>
<u>X</u>		<p>The approved alternate does not negatively impact pedestrian circulation and safety based on the density and adjacent street type;</p> <p><i>With the added conditions recommended by staff, safety and pedestrian circulation will be enhanced on the properties in question.</i></p>
<u>X</u>		<p>Measures are taken to mitigate the visual impact of the garage design;</p> <p><i>Staff recommends that conditions be added to reduce the visual impact of the door including, requiring a front porch to extend out beyond the garage doors on a percentage of the homes, reducing the total width of the garage door in relation to the house, reducing the size of the garage doors, requiring light fixtures on other side of the doors, and adding articulation to the doors such as windows and overhangs.</i></p>
<u>X</u>		<p>The required garage setbacks are met.</p> <p><i>The applicant is requesting to deviate from the required garage setbacks for a "Semi-Flush" condition which requires that garage doors must be positioned between 5 and 20 feet behind the front wall plane of the house. The applicant is requesting that the garage doors be a maximum of 6 feet in front of the front wall plane of the house. Alternatively, staff is recommending that the garage not be located in front of the house for 50% of the homes and requiring that a front porch extend outwards a minimum of 6 feet beyond the front wall plane of the house for 25% of the homes in the subdivision.</i></p>