



Legislation Details (With Text)

**File #:** ID#15-422      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Individual Consideration

**File created:** 7/10/2015      **In control:** City Council

**On agenda:** 7/21/2015      **Final action:**

**Title:** 7:00PM Receive a staff presentation and hold a public hearing to receive comments for or against a request by Jones & Carter, Inc., on behalf of WUSD Properties, for a variance from the cut and fill requirements of Section 5.1.1.2 of the Land Development Code (LDC), for 101.199 acres, more or less, of land in the 1300 block of E. McCarty Lane; and consider approval, by motion, of the variance request.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location map, 2. Fill Areas Greater than 8', 3. Overall Grading Plan

Date	Ver.	Action By	Action	Result
7/21/2015	1	City Council	approved	Pass

**AGENDA CAPTION:**

**7:00PM** Receive a staff presentation and hold a public hearing to receive comments for or against a request by Jones & Carter, Inc., on behalf of WUSD Properties, for a variance from the cut and fill requirements of Section 5.1.1.2 of the Land Development Code (LDC), for 101.199 acres, more or less, of land in the 1300 block of E. McCarty Lane; **and consider approval, by motion, of the variance request.**

**Meeting date:** July 21, 2015

**Department:** Engineering & Capital Improvements

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** Beautify and Enhance the Quality of Life of San Marcos

**COMPREHENSIVE PLAN ELEMENT(s):** *Economic Development: Goal 4*

**BACKGROUND:** The subject site consists of approximately 101.199 acres of vacant, unplatted land out of the Juan M Veramendi Survey. The subject property fronts onto McCarty Lane and is currently the termination point of Leah Ave. With the exception of the PODS storage facility to the north, the property is abutted by vacant land.

The applicant is requesting a variance from cut and fill requirements under Sections 5.1.1.2(e) and 5.1.1.2(g),

respectively. Per the LDC, “Cuts on a tract of land may not exceed four feet of depth...” Similarly, “Fill on a tract of land may not exceed four feet in depth...”

Under Section 5.1.1.2(i), the Engineering Director may approve a variance from cut and fill requirements of not more than eight feet, and the City Council may approve a variance for a cut or fill greater than eight feet.

The applicant is requesting a variance to allow cuts and fill up to 16 feet, and has submitted a variance petition in accordance with LDC Chapter 1, Article 10, Division 2.

Staff has reviewed the petition and found the following:

- Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
- The degree of variance requested is the minimum amount necessary to meet the needs of the petitioner and to satisfy the standards in this Section.

Staff recommends **approval** of the variance request.

The City Council may grant, grant with conditions, or deny the request.