



Legislation Text

File #: Res. 2018-79R, **Version:** 1

AGENDA CAPTION:

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2018-79R, approving a variance from the cut and fill requirements under Section 5.1.1.2 of the Land Development Code to allow fill of up to ten feet within a portion of the site for a new San Marcos Consolidated Independent School District Elementary School at Esplanade Parkway and William Moon Way in the Trace Subdivision; and declaring an effective date; and consider approval of Resolution 2018-79R.

Meeting date: May 15, 2018

Department: CIP/Engineering

Amount & Source of Funding

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

Fiscal Note:

Prior Council Action: NA

City Council Strategic Initiative: [Please select from the dropdown menu below]

Community Partners

Goal #2 Beautify & Enhance the Quality of Place

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☒ Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests

☒ Parks, Public Spaces & Facilities - Well maintained public facilities that meet needs of our community

☐ Transportation - Choose an item.

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Vision San Marcos - A River Runs Through Us

Background Information:

The subject site consists of approximately 11.95 acres of land as part of the Trace Subdivision and is being developed as SMCISD Elementary School #7. This project is vested under the previous code and code references are reflective of that code.

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 fill up to 10 feet, and has submitted a variance petition in accordance with LDC Chapter 1, Article 10, Division 2. The variance request is based upon the site topography, which includes approximately 30-feet of fall across the tract, and the need to have an ADA accessible drive at the front of the school. The fill variance is limited to a portion of the driveway area.

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.

There would be no change to the findings if this project had come in under the current Code SMTX. However approval by the P&Z would be required prior to Council action.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

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

Recommendation:

Staff recommends approval of the variance request