



Public Hearing

CUP-25-71

325 N. Comanche St.

Receive a Staff presentation and hold a public hearing to receive comments for or against Resolution 2026-XXR, approving a request for a Conditional Use Permit in Case No. CUP-25-71, to allow a purpose-built student housing development for the property located at 325 N. Comanche Street; authorizing city staff to issue a conditional use permit consistent with this resolution; and declaring an effective date; and consider approval of Resolution 2026-XXR.



Definition of Purpose-Built Student Housing

“One or more buildings, each containing two or more living units, that are designed, marketed, or used for the primary purpose of housing college students.”

(Section 5.1.4.9 of the Land Development Code)

	Purpose Built Student Housing	Conventional Multifamily (CD-5D/Legacy MF Districts)
“Rent by the bed” leases	Allowed	Allowed
Max number of bedrooms per unit	N/A	3
Parking Requirements	1.05 spaces per bedroom	1 space per unit (CD-5D), 1.05 per bedroom (Legacy MF Districts)
Use in CD-5D Zoning	Requires a CUP	Allowed by right

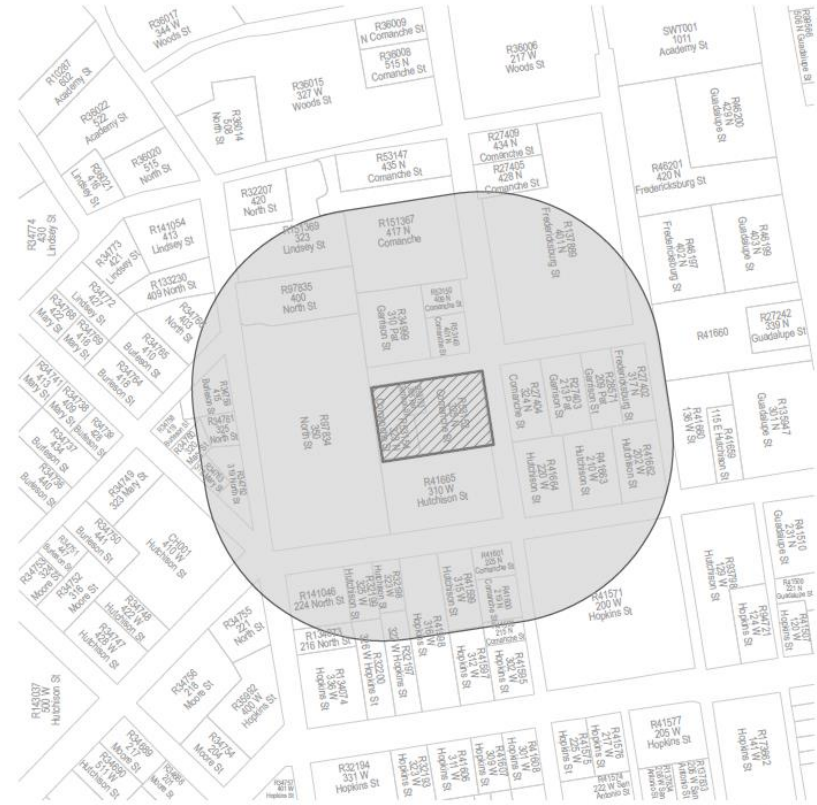
Property Information

- Approximately 0.96 acres
- Located at southwest corner of Pat Garrison St. and N. Comanche St.
- South of Texas State University campus
- Concurrent application for Alternative Compliance for 7 story height (AC-25-09)

CUP-25-71

325 N Comanche St - Conditional Use

Notification Map



- CUP_25_71_400FTBuffer
- ▨ Subject Property
- Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 1/8/2026

SAN MARCOS Planning and Development Services



JOV

Context & History

Existing uses on the site:

- Pennington’s Funeral Home and a Duplex (*Demolition permit issued*)
- Historic structures on the site listed as “Medium Preservation Priority” in the MyHistoricSMTX Resources Survey
 - 323 N. Comanche St.
 - 325 N. Comanche St.

Surrounding Uses: Balcones Hall, purpose-built student housing, grocery, church, multifamily, Texas State University

CUP-25-71

Purpose-Built Student Housing
325 N. Comanche St.

Aerial



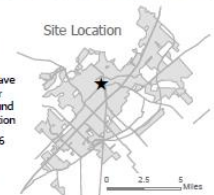
- Subject Property
- Texas State
- Parcel
- City Limit



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Date: 1/6/2026

SAN MARCOS Planning and Development Services



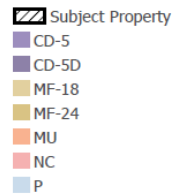
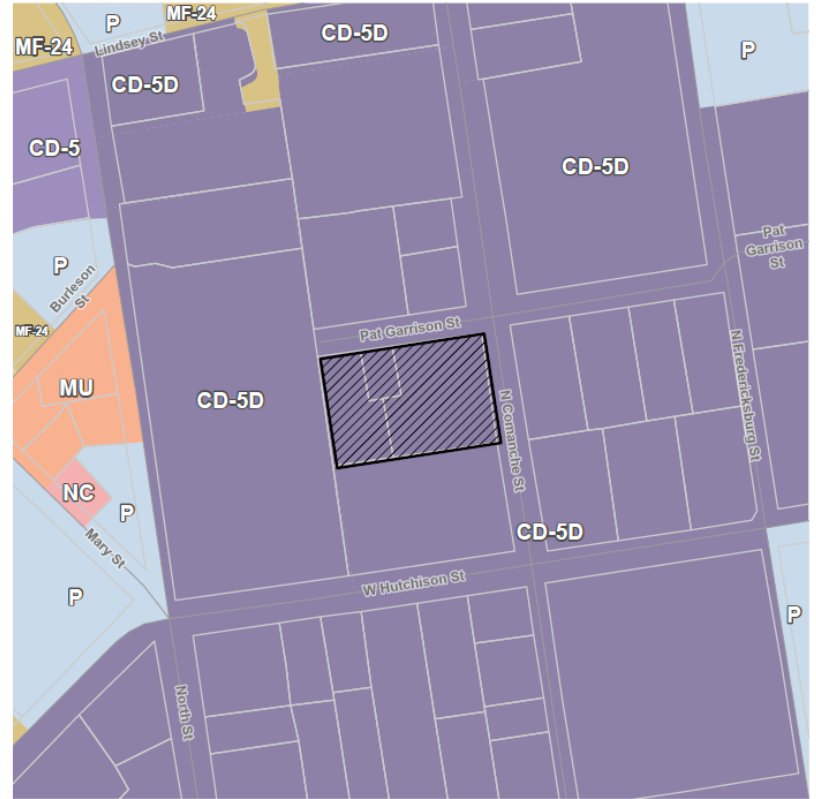
Context & History

- Existing Zoning:
Character District 5 Downtown
(CD-5D)
- Proposed Use:
Purpose Built Student Housing

CUP-25-71

Purpose-Built Student Housing
325 N. Comanche St.

Zoning



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Date: 1/6/2026

SAN MARCOS Planning and Development Services



Surrounding Recently Approved Requests

North & Lindsey St. (Approved 2024)

- CUP approved for the use of Purpose Built Student Housing (CUP-23-22)
- Alternative Compliance approved for 7-story building height on portion of site (AC-23-09)

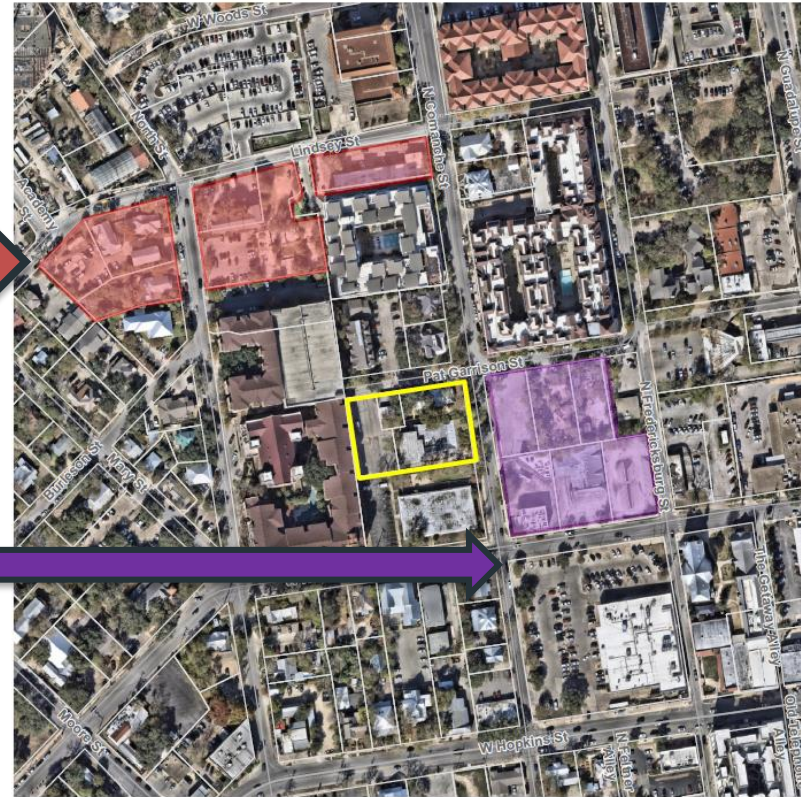
Comanche & Hutchison St. (Approved 2025)

- CUP approved for the use of Purpose Built Student Housing (CUP-25-02)
- Alternative Compliance approved for 7-story building height (75 feet) (AC-25-02)

CUP-25-71

Purpose-Built Student Housing
325 N. Comanche St.

Recently Approved
Within Past 2 Years



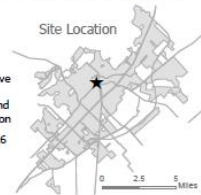
- Subject Property
- Comanche & Hutchison St.
- North & Lindsey St.
- Parcel



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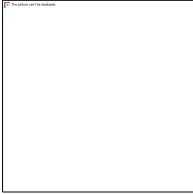


Date: 1/14/2026

SAMMARCO Planning and Development Services



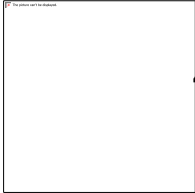

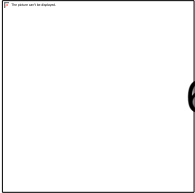



Criteria for Approval (Section 2.8.3.4)

-  1. The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
-  2. The proposed use is consistent with any adopted neighborhood character study for the area.
-  3. 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.

Criteria for Approval (Section 2.8.3.4)



-  4. 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.
-  5. 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.;
-  6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
-  7. 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.



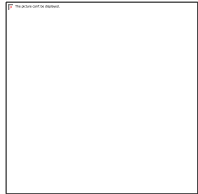
Criteria for Approval (Section 5.1.4.9)



1. The ability for the development to transition in the future to accommodating a more diverse population;



2. The durability, energy efficiency, and longevity of the building;



3. The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks;



4. Mitigation of any adverse effects on adjacent property or neighborhoods;



5. Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies.



Downtown Area Plan

(Adopted Nov 6th, 2023)

- *“Most of the rental housing options in downtown are student oriented. Additional non-student oriented rental housing options are needed.”(p. 56)*
- *“In order to keep up with population growth, Downtown should be one of the most dense residential areas of San Marcos. Multi-family and mixed-use housing types are the primary products recommended in and near Downtown, and should be marketed to all demographics (not just or primarily to students).” (p. 58)*

Recommendation



Due to varying factors including the conflict with the adopted Downtown Area Plan, staff is providing a **neutral** recommendation and leaves a decision of approval, denial, or approval with conditions up to City Council.

Planning and Zoning Commission recommended **approval with staff conditions** (outlined on the following slides) of CUP-25-71 with a 5-4 vote.

Discussion Topics:

- Parking and traffic
- Purpose-built student housing compared to conventional multifamily
- Leases available to families
- Compatibility with Downtown Area Plan



P&Z Approved Conditions

Should City Council choose to recommend approval, staff proposes the following conditions. These conditions were also approved by the Planning and Zoning Commission.

1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City's Code.
2. The lease shall be made publicly available on the property's website.

(Continued on next slide)

Potential Conditions (continued)



3. The lease shall contain the following text:

In accordance with Development Code Section 5.1.4.9 Purpose-Built Student Housing, B Use Standards, 1 Student Leases, any residential dwelling lease that is executed and effective before the issuance of a certificate of occupancy by the City enabling the tenant to occupy the premises shall include a late delivery provision providing as follows:

(Continued on next slide)



Potential Conditions (continued)

“In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by the Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days”

This condition will no longer apply to any lease for a unit with a move in date that is on or after the date the City has issued a certificate of occupancy enabling the tenant to occupy the unit.

(Continued on next slide)



Potential Conditions (continued)

4. The development shall offer both individual leases and conventional leases where units may be rented in their entirety.
5. The development shall comply with a parking calculation of 0.60 spaces per bedroom.
6. The developer shall not sell the property to a non-taxpaying entity for 12 years from the effective date of the Conditional Use Permit. The condition prohibiting sale to a tax-exempt entity for 12 years from the date of this approval shall be memorialized in a restrictive covenant approved by the city attorney that is recorded in the Official Public Records of Hays County.

(Continued on next slide)



Potential Conditions (continued)

7. Right-of-way shall be dedicated to the extent that the standards of the San Marcos Design Manual Section B.4.1.4, Downtown Cross Sections, and the Development Code are met.
8. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
9. The development shall comply with all other development code regulations. Packet materials are provided for informational purposes only.
10. The number of bedrooms shall be limited to 5 per unit.



Birds Eye View – W. Hutchison St. / N. Comanche St. (original rendering submitted by applicant)

