



# Public Hearing

## CUP-25-02

### 210 W. Hutchison St.

Receive a staff presentation and hold a Public hearing to receive comments for or against Resolution 2025-XXR, approving a request for a Conditional Use Permit in Case No. CUP-25-02, to allow a purpose-built student housing development generally located between W. Hutchison St. and Pat Garrison St. and between N. Comanche St. and N. Fredericksburg St.; authorizing City staff to issue a Conditional Use Permit consistent with this resolution; and declaring an effective date; and consider approval of Resolution 2025-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)
<b>“Rent by the bed” leases</b>	Allowed	Allowed
<b>Max number of bedrooms per unit</b>	N/A	3
<b>Occupancy Restrictions</b>	No	No
<b>Parking Requirements</b>	1.05 spaces per bedroom	1 space per unit (CD-5D), 1.05 per bedroom (Legacy MF Districts)
<b>Use in CD-5D Zoning</b>	Requires a CUP	Allowed by right

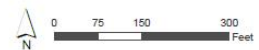
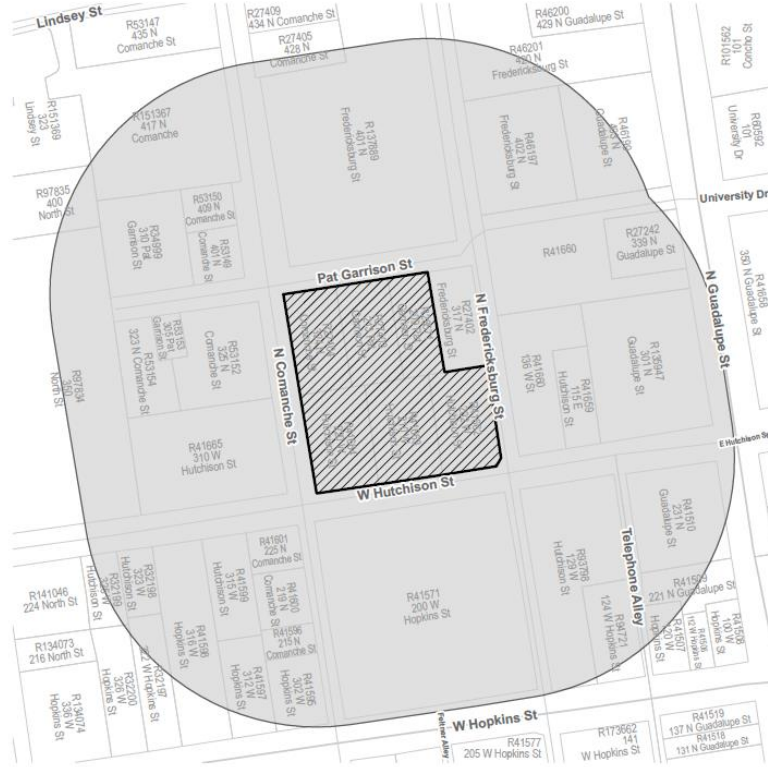
# Property Information

- Approximately 2.2 acres
- Located north of W. Hutchison St. and south of Pat Garrison St. between N. Comanche St. and N. Fredericksburg St.
- South of Texas State University campus
- Concurrent application for Alternative Compliance for 7 story height (AC-25-02)

CUP-25-02

Conditional Use Permit - 210 W Hutchison St

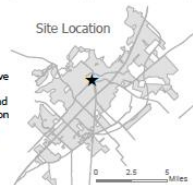
Notification



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: 2/3/2025

SAN MARCOS Planning and Development Services



[s.marcos.gov](https://www.sanmarcos.gov)

# Context & History

- Existing uses on the site: professional office, rental homes, vacant structures, parking lot
- Historic structures on the site listed as “Medium Preservation Priority” in the MyHistoricSMTX Resources Survey
  - 317 N. Fredericksburg St.
  - 209 Pat Garrison St.
  - 213 Pat Garrison St.
- Surrounding Uses: multifamily, funeral home, church, grocery, fraternity house, parking lot

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Purpose-Built Student Housing  
210 W. Hutchison St.

Aerial



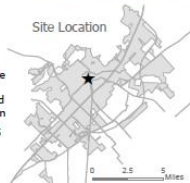
- Subject Property
- Texas State
- Parcel
- City Limit



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Date: 2/27/2025

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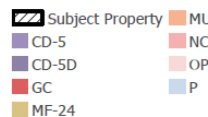
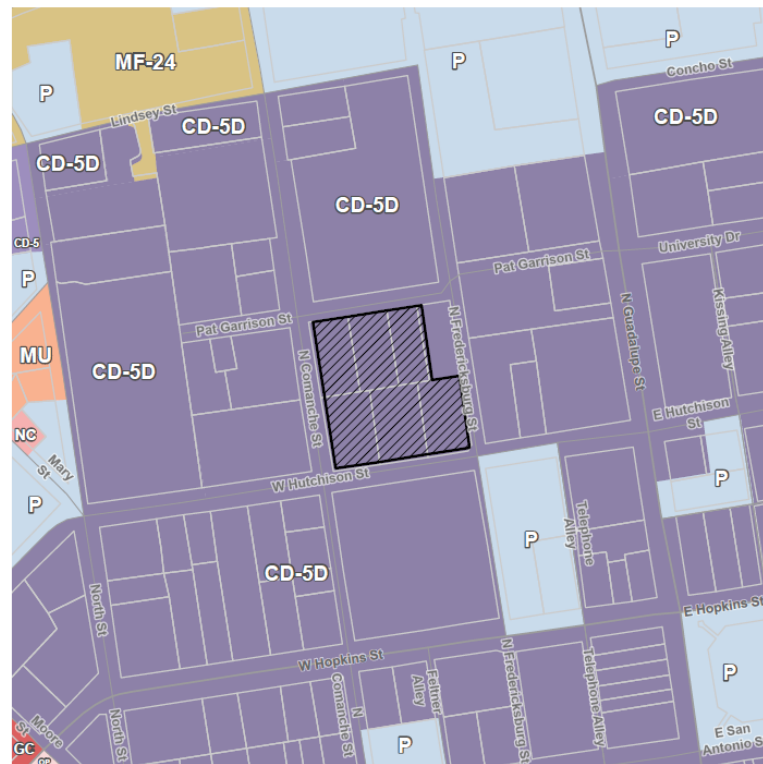
# Context & History

- Existing Zoning:  
Character District 5 Downtown
- Proposed Use:  
Purpose Built Student Housing

CUP-25-02

Purpose-Built Student Housing  
210 W. Hutchison St.

Zoning



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## 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 6<sup>th</sup>, 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 denial of CUP-25-02 with a 9-0 vote.

## Discussion Topics:

- Parking and traffic
- Number of bedrooms versus affordability
- Impact to neighborhood



# Alternate Recommendation

Should City Council choose to recommend approval, staff propose the following conditions:

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 and shall contain the following text:

*"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 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."*

*Continued on next slide*



# Alternate Recommendation

3. The development shall offer both individual leases and conventional leases where units may be rented in their entirety.
4. The development shall comply with a parking calculation of 0.70 spaces per bedroom.
5. The developer shall not sell the property to a non-taxpaying entity for 7 years from the effective date of the Conditional Use Permit. The condition prohibiting sale to a tax- exempt entity for seven years from the date of this approval 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*

# Alternate Recommendation



6. 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.
7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
8. The development shall comply with all other development code regulations. Packet materials are provided for informational purposes only.

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



# Conditional Use Permit Property Owner Exhibit and Parcel Information 210 W. Hutchison St. Student Housing



Tract #	HCAD ID Number	Parcel Address	Owner	Legal Description	Acreage (Provided by client)	Current Use
1	R28571	209 Pat Garrison St. San Marcos, Tx 78666	Donald W. Graham 901 Highland Terrace San Marcos, Tx 78666	Lot 1 Graham Sub.	0.33 Acres	Don Graham & Assoc Office
2	R27404	324 N. Comanche St. San Marcos, Texas 78666	TWWG, LLC 323 N. Comanche St San Marcos, Texas 78666	Farm Lot 6-52, PT of 21, OTSM	0.329 Acres	Funeral Home Parking Lot
3	R27403	213-215 Pat Garrison St. San Marcos, Tx 78666	Carl Simek 301 Main PLZ New Braunfels, Tx 78130	Farm Lot 6-53 Part of 21 OTSM	0.328 Acres	Two Rental Homes
4	R41662	202 W. Hutchison St. San Marcos, Texas 78666	First United Methodist Church 129 W Hutchison St., San Marcos, Texas 78666	OTSM, BLOCK 26, Lot 1 & PT OF 2	0.39 Acres	Parking Lot
5	R41663	210 W. Hutchison St. San Marcos, Tx 78666	NCSH SMTX LLC 2516 Waukegan Rd, Suite 343, Glenview, IL 60025	W. Pt of Lot 2 and E. Pt of Lot 3 Block 26, OTSM	0.40 Acres	Vacant Office Building
6	R41664	220 W. Hutchison St. San Marcos, Tx 78666	NCSH SMTX LLC 2516 Waukegan Rd, Suite 343, Glenview, IL 60025	Lot 4A Block 26, OTSM	0.42 Acres	Vacant Office Building