



Public Hearing

CUP-23-22

North & Lindsey Street Student Housing

Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for a Conditional Use Permit to allow a purpose-built student housing development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J.Cleary)



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.”

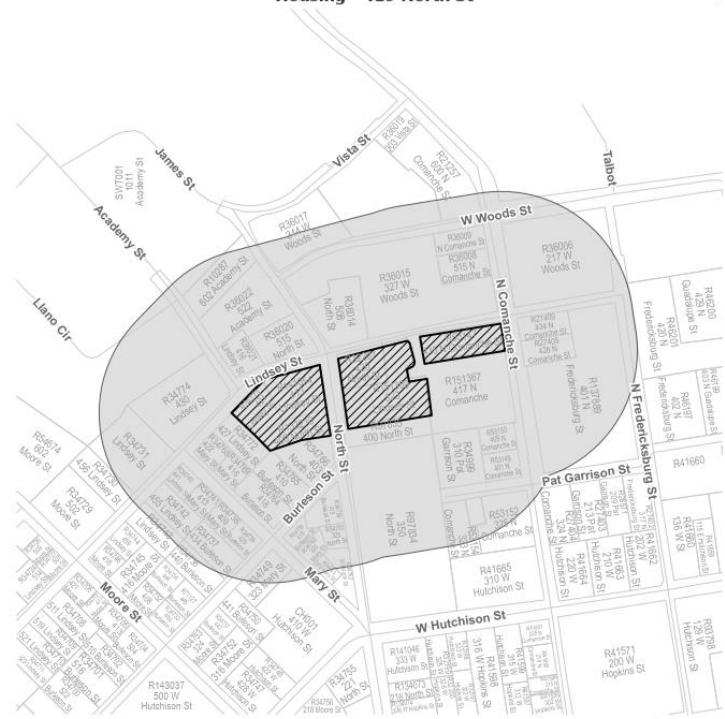
(Section 5.1.4.9 of the Land Development Code)

	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
Occupancy Restrictions	No	No
Parking Requirements	1.05 spaces per bedroom	1 space per unit (CD-5D), 1.05 per bedroom (Legacy MF Districts)
Use in CD-5D/ MF Zoning	Requires a CUP	Allowed by right



Property Information

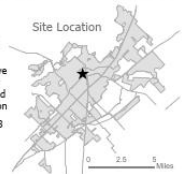
- Approximately 3 acres
- Located at the intersection of Lindsey and North St
- Concurrent applications for zoning change (ZC-23-19), Preferred Scenario Amendment (PSA-23-02) and Alternative Compliance for 7 story height (AC-23-09) also being considered



Subject Property
 400ft Buffer
 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: 10/3/2023



Context & History

- Currently residential/ multifamily. Historic structures on the site – 419 North St listed as “High Preservation Priority” in the MyHistoricSMTX Resources Survey.
- Surrounding Uses
 - Texas State University
 - Residential/ Multifamily
- SMART Code warrant for student housing approved in 2017.
- Conditional Use Permit for student housing denied by P&Z in 2021 (CUP-21-15).

CUP-23-22

North Lindsey St Purpose Built Student Housing
419 North St

Aerial

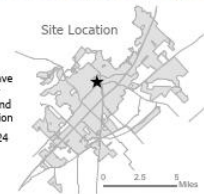


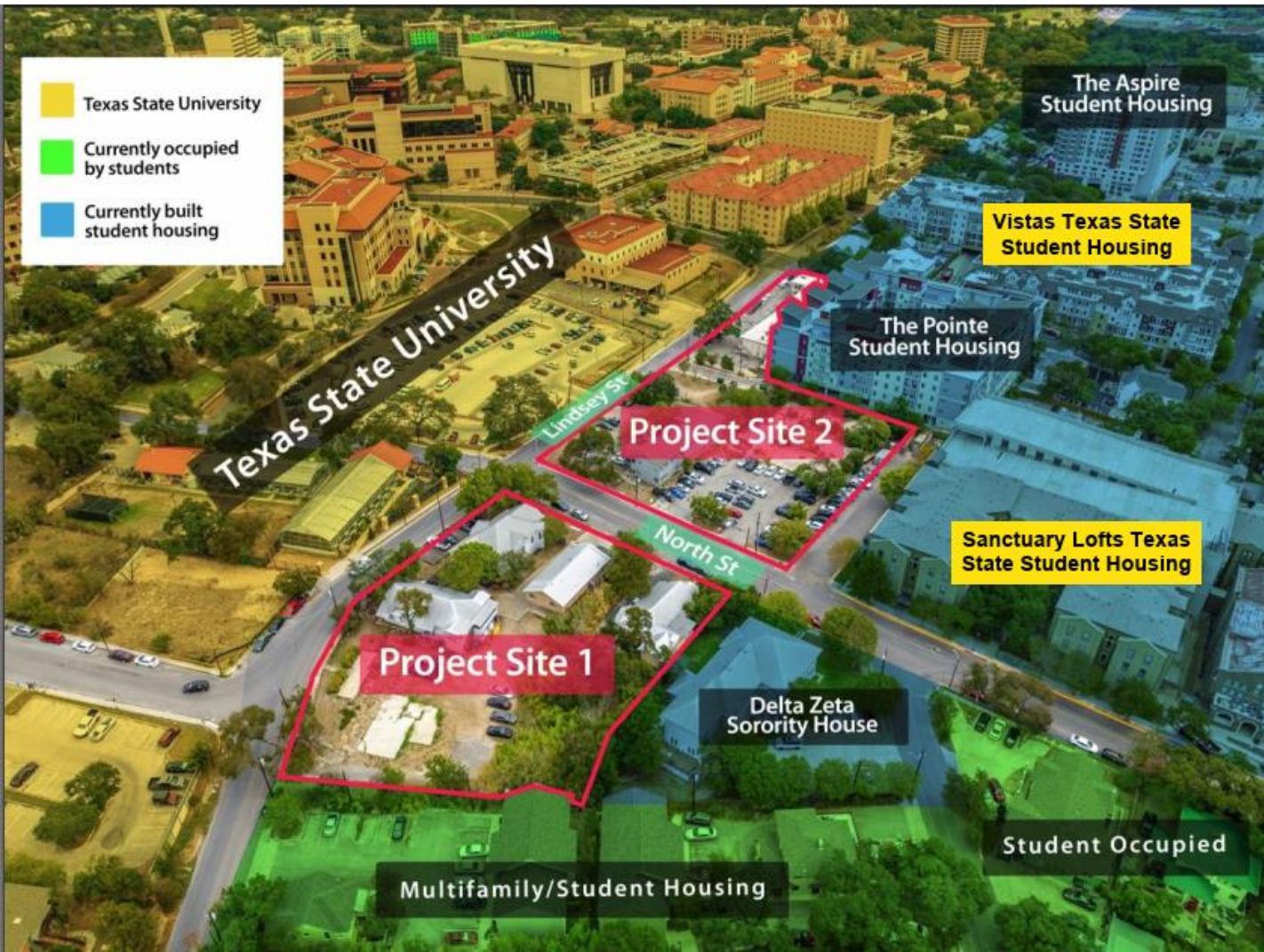
Subject Property
Texas State

0 40 80 160 240 320 400 Feet

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Date: 2/12/2024

SAN MARCOS Planning and Development Services

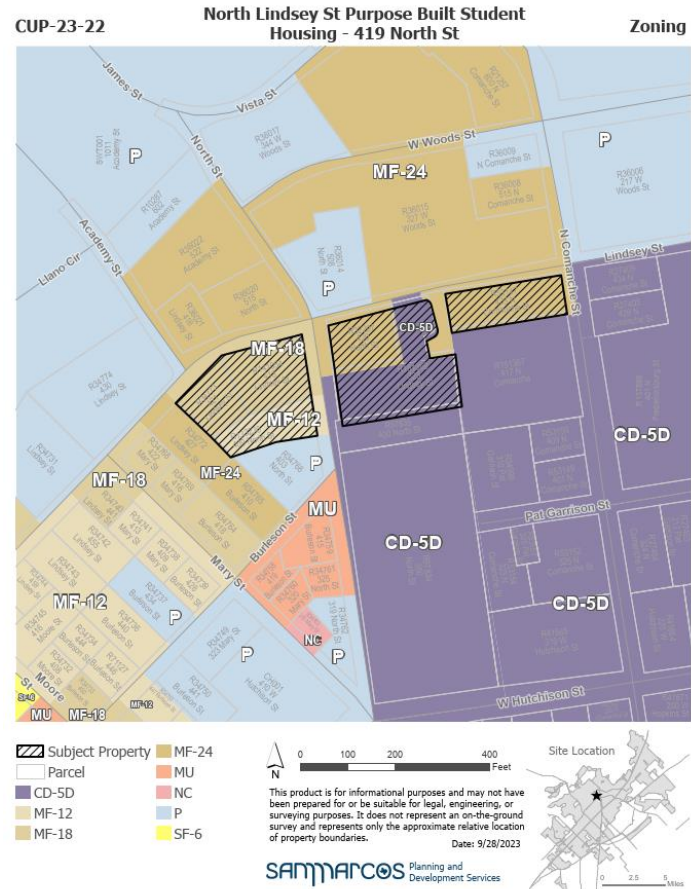






Context & History




- Existing Zoning: Character District 5 Downtown (ZC-23-19 currently under review)
- Multifamily 12, 18, & 24
- Proposed Use: Purpose Built Student Housing. 750 bedrooms with 300 units over 7 and 5 stories.



Concept Plan



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)

-  a. The ability for the development to transition in the future to accommodating a more diverse population;
-  b. The durability, energy efficiency, and longevity of the building;
-  c. The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks;
-  d. Mitigation of any adverse effects on adjacent property or neighborhoods;
-  e. 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.”(p56)*
- *“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)**.” (p58)*

Recommendation



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

Should the Commission choose to recommend approval of CUP-23-22, 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 existing High and Medium Priority structures identified in the Historic Research Survey shall not be demolished and shall be integrated into the development or relocated.



Recommendation

3. The Purpose-Built Student Housing shall comply with all other development code regulations. Back up materials are provided for informational purposes only.
4. The project shall not charge tenants a separate fee to utilize the parking garage.
5. 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.”

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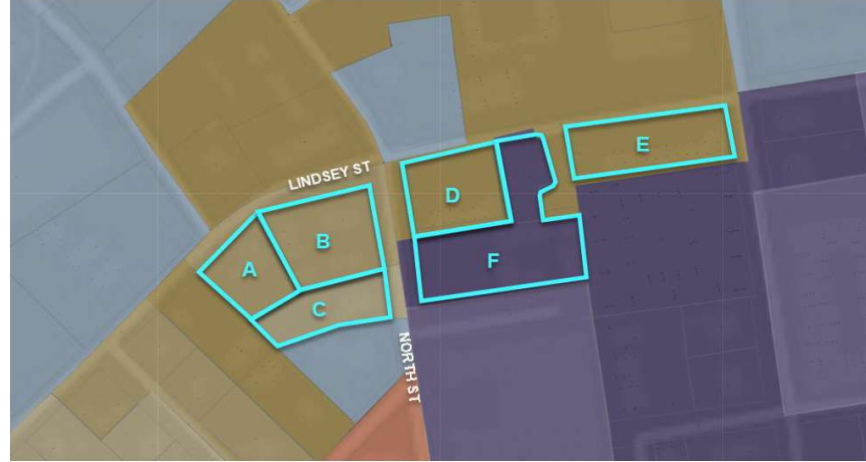
Recommendation

6. Where parking fee in lieu is allowed under Section 7.1.2.1E.2 of the Code, the parking ratio for the project shall be at least 0.85 spaces per bedroom, in addition to any public parking requirements proposed under AC-23-09 (if approved).
7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
8. The development shall offer both “rent by the bedroom” leases and conventional leases where the apartments may be rented in their entirety.
9. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.
10. Current tenants of the existing residential structures shall be given a minimum of six (6) months notice to find other accommodations.

Birds Eye View



Conditional Use Permit Exhibit and Parcel Information McLain Multifamily



TRACT	Parcel Number	Property Owner	Mailing Address	Property Address	Lot	Block	Subdivision	Acreeage	Preferred Scenario (Existing)	Existing Zoning	Proposed Zoning
A	R34773	Peggy and Brett Taylor	PO Box 40 Martindale, TX 78655-0040	421 Lindsey Street	Part of 10 & 11	14	Lindsey and Harvey Addition	0.301	Existing Neighborhood	MF-24	CD-5D
B	R141054	Peggy and Brett Taylor	PO Box 40 Martindale, TX 78655-0040	413 & 419 North Street	9-A	14	Lindsey and Harvey Addition	0.49	Existing Neighborhood	MF-18	CD-5D
C	R133230	Daryl Burttshell	2301 Willow Arbor San Marcos, TX 78666	499 North Street	4A	14	Lindsey and Harvey Addition	0.339	Existing Neighborhood	MF-12	CD-5D
D	R32207	Matt Kenyon	4284 E. Cesar Chavez St Austin, TX 78702	420 North Street	17A		DP Hopkins	0.3639	High Intensity	MF-24	CD-5D
E	R53147	Matt Kenyon	4284 E. Cesar Chavez St Austin, TX 78702	435 N. Comanche St	N 1/2 Lots 1-3	2	PC Woods Addition	0.473	High Intensity	MF-24	CD-5D
F	R155306	Matt Kenyon (410 North Street LLC)	6724 Perimeter Loop Road Suite 180 Dublin, OH 43017-3202	410 North Street	PT-1		Comanche II	0.626	High Intensity	CD-5D	CD-5D