

<b>Zoning Request</b> <b>ZC-23-19</b>	<b>419 North St</b> <b>North Lindsey CD-5D</b>
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**Summary**

<b>Request:</b>	Zoning change from MF-12, MF-18 and MF-24 to CD-5D		
<b>Applicant:</b>	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd, Ste 100 Austin, TX 78746	<b>Property Owner:</b>	Daryl Burtshell, 409 North St, San Marcos, 78666 Peggy Taylor, 415 North St, San Marcos TX 78666 Matthew Kenyon, 420 North St LLC, 420 North St, San Marcos, TX, 78666

**Notification**

<b>Application:</b>	August 16, 2023	<b>Neighborhood Meeting:</b>	September 28, 2023 / Jan 31 2024
<b>Published:</b>	February 11, 2024	<b># of Participants</b>	11 (1 <sup>st</sup> Meeting) & 46 (2 <sup>nd</sup> meeting, including 8 participants on Zoom)
<b>Posted:</b>	February 7, 2024	<b>Personal:</b>	February 7, 2024
<b>Response:</b>	See attached comments		

**Property Description**

<b>Legal Description:</b>	Approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17		
<b>Location:</b>	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.		
<b>Acreage:</b>	1.931 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	MF-12/MF-18/MF-24	<b>Proposed Zoning:</b>	Character District 5-D
<b>Existing Use:</b>	Residential/ Multifamily	<b>Proposed Use:</b>	Purpose Built Student Housing
<b>Existing Occupancy:</b>	Restrictions Do Not Apply	<b>Occupancy:</b>	Restrictions Do Not Apply
<b>Preferred Scenario:</b>	Existing Neighborhood and High Intensity Zone	<b>Proposed Designation:</b>	High Intensity Zone
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Available	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	Yes – High/ Medium

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	MF-24/ Public	Texas State University	Low Intensity
<b>South of Property:</b>	P (Public) and CD-5D	Multifamily/ Sorority House	High Intensity-Downtown/ Existing Neighborhood
<b>East of Property:</b>	CD-5D	Multifamily	High Intensity-Downtown
<b>West of Property:</b>	MF-24	Multifamily/ Residential	Existing Neighborhood

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**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> <b>Denial</b>
Staff recommends <b>approval</b> of ZC-23-19.		
If the Commission chooses not to recommend approval of the Preferred Scenario Amendment (PSA-23-02), they may elect to approve the zoning change for the part of the request which is <u>east</u> of North Street which is located in the existing Downtown High Intensity Zone Boundary.		
<b>Staff:</b> Julia Cleary, AICP	<b>Title :</b> Senior Planner	<b>Date:</b> February 21, 2024

**History**

A previous zoning change and student housing conditional use permit for part of the site (located east of North St) was denied by the Planning and Zoning Commission and City Council in 2021 (ZC-21-09/ CUP-21-15).

The application is part of an approximately 3 acre site proposed for student housing which has 4 different zoning districts. Approximately half an acre is zoned CD-5D while the remainder is zoned “Multifamily-12”, “Multifamily-18” and “Multifamily-24” which allow 12, 18 and 24 units per acre respectively. Student Housing is a “Conditional” Use under these zoning districts.

The nearest lots which are zoned Single Family (SF-6) are west of Moore Street, over 600 feet from the subject property. Nearby zoning consists of Character District 5 Downtown, Multifamily 24, 18, and 12, Mixed Use, and Public. To the south, the property zoned Public is used as a sorority house and to the north is Texas State University. The remainder of properties in the vicinity are multifamily and student housing.

This zoning change request is one of four applications submitted by the applicant for this site:

- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) – PSA-23-02
- Conditional Use Permit for Student Housing (CUP-23-22)
- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)

**Additional Analysis**

See additional analysis below.

**Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	There is an existing drainage structure within the property at the entrance on Lindsey St which should be retained during the redevelopment of the site.

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><i>There is currently a pending Preferred Scenario Amendment for the portion of the subject property west of North St (PSA-23-02). The portion of the subject property east of North Street is located within a High Intensity Designation on the Comprehensive Plan.</i></b></p> <p><b><i>The request is consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) as it is adjacent existing CD-5D and multifamily zoning and is over 600ft from any Single-Family zoning districts.</i></b></p> <p><b><i>It is also considered to meet part of Housing Goal 2 (Housing Opportunities for Texas State University in Appropriate Areas) given the site’s location immediately adjacent to the University Campus.</i></b></p> <p><b><i>Many other policies exist in the Comprehensive Plan which do not address or consider the expansion of the Character District 5D Zoning.</i></b></p>
		<u>X</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b><i>For the portion of the property west of North Street: Studies were not complete at the time of the request.</i></b></p> <p><b><i>For the portion of the property east of North Street: The site is located within the “Greater Downtown Area” in the adopted Downtown Area Plan. No specific plans for this site are currently identified in the Plan. The Downtown Area Plan discusses housing as part of a wider package of recommendations “contributing to an environment where all community members are welcome to gather, live, work and enjoy the charm, walkability, and vibrancy of downtown” stating that “Downtown should be one of the most dense residential areas in San Marcos”(p58) It should be noted that the Area Plan specifically calls for “non-student oriented rental housing”(p56) and housing types which are “marketed to all demographics (not just or primarily to students)(p58).” The specific request for student housing will be subject to a separate CUP request (CUP-23-22)</i></b></p>
		<u>X</u>	<p>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>See above.</i></b></p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There are no development agreements in effect for this site.</i></b></p>
<u>X</u>			<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <b><i>Yes – CD-5D allows a mixture of residential, commercial and civic uses including retail, offices and multifamily.</i></b></p>

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Evaluation		Criteria for Approval (Sec.2.5.1.4)	
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p> <p><b><i>The parcels to the east of North St are immediately adjacent to existing higher density multifamily and are currently located within a High Intensity designation in the Comprehensive Plan. The surrounding land is predominantly comprised of multifamily and university buildings. The western part of the site, while less intense in nature and closer to several single-story residential structures, is immediately bounded by a multifamily lot zoned for MF-24 which allows multifamily development up to 4 stories high.</i></b></p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district</p> <p><b><i>The site contains a mixture of existing multifamily and smaller, historical residential structures, one of which is classified as “High Preservation Priority” on the MyHistoricSMTX Historic Resources Survey. Staff has proposed a condition as part of the associated student housing CUP (CUP-23-22) that the High and Medium Priority structures be relocated or integrated into the development should the CUP be approved.</i></b></p>
	<u>X</u>		<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning</p> <p><b><i>The site could currently be used/redeveloped for multifamily uses under its existing MF-12/ MF-18 and MF-24 zoning. A student housing CUP could be requested in these zoning districts.</i></b></p>
		<u>X</u>	<p>Whether there is a need for the proposed use at the proposed location</p> <p><b><i>CD-5D allows a number of uses by right including retail, restaurants and multifamily residential. Regarding the specific student housing use requested by the applicant (which will be considered under a separate CUP), the City does not have an analysis of the demand for Student Housing within the City limits, Pages 56 and 58 of the recently adopted Downtown Area Plan (which covers the part of the site to the east of North Street only) specifically call out the need for <u>non</u>-student oriented multifamily development within the Downtown Area, which is allowed by right in this district.</i></b></p>
<u>X</u>			<p>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</p> <p><b><i>The development would constitute a repurposing of an existing residential/multifamily site which is already served by City utilities, services, and infrastructure.</i></b></p>

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Evaluation		Criteria for Approval (Sec.2.5.1.4)	
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property  <b><i>There are no "bad neighbor" uses allowed by right in this district which would be harmful to the public health of adjacent residences/properties.</i></b></p>
		<u>N/A</u>	<p>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5  <b><i>This is not a request for a Neighborhood Density District.</i></b></p>
<u>X</u>			<p>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management  <b><i>The subject property is currently developed and includes existing impervious cover. The subject property is not located within the Floodplain and is located within a 3 (moderately constrained) designation on the Land Use Suitability Map.</i></b></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare  <b><i>Staff is not aware of any other factors which would substantially affect the public health, safety, morals, or general welfare.</i></b></p>