

Preferred Scenario Map Amendment Request PSA-23-02

Southwest of the Intersection
between North St and Lindsey St



Summary

Request:	Change from Existing Neighborhood to Growth Area-High Intensity (Downtown) on the Preferred Scenario Map.		
Applicant:	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd, Ste 100 Austin, TX 78746	Property Owner:	Daryl Burtshell, 409 North St, San Marcos, 78666 Peggy Taylor, 415 North St, San Marcos TX 78666

Notification

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

Property Description

Legal Description:	1.139 acres, more or less, out of the J.M Veramendi Survey, Abstract 17		
Location:	Southwest of the intersection between Lindsey St and North St.		
Acreage:	1.139	PDD/DA/Other:	N/A
Existing Zoning:	MF-12/ MF-18	Proposed Zoning:	CD-5D
Existing Use:	Residential	Proposed Use:	Purpose Built Student Housing
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Not Apply
Preferred Scenario:	Area of Stability-Existing Neighborhood	Proposed Designation:	Growth Area-High Intensity Zone (Downtown)
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	Yes – High/ Medium

Preferred Scenario Map Amendment Request

PSA-23-02

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Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	MF-24/ P	Texas State Campus	Low Intensity
South of Property:	P	Sorority House	Existing Neighborhood
East of Property:	MF-24/ CD-5D	Multifamily	High Intensity-Downtown
West of Property:	MF-24	Multifamily	Existing Neighborhood

Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
Staff: Julia Cleary, AICP Title: Senior Planner Date: March 22, 2024					

Commission Recommendation

<input type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input checked="" type="checkbox"/>	Denial
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Speakers in favor or opposed

Martha Magnum (in favor)
 Dave Anderson (in favor)
 Ed Theriot (in favor)
 Darla Munoz (opposed)
 Adam Arndt (opposed)
 Tyler Opiela (opposed)
 Clay Smith (opposed)
 Bill Miller (opposed)
 Edward Johnson (in favor)
 Lisa Marie Coppoletta (opposed)
 Isla Ruiz (opposed)
 Mikayla Rodi (opposed)

Recommendation from the Planning and Zoning Commission Meeting held February 27, 2024

A motion was made by Commissioner Kelsey, second by Commissioner Spell to recommend denial of the request.

The vote passed with a 9-0 vote

For: Agnew, Burleson, Case, Costilla, Dunn, Garber, Kelsey, Meeks, Spell

Against: 0

Absent: 0

Discussion Topics:

Existing affordable housing and impact on existing neighborhood - Commissioner Agnew noted that the current neighborhood was one of the few affordable areas next to the campus, and that the new units would likely be higher end/ more expensive leading to a loss of affordable housing. Commissioner Meeks mentioned that she did not want to interfere with the existing neighborhood and that the Commission had

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PSA-23-02

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received sufficient resident input stating that they did not want the neighborhood to change. Commissioners Dunn and Burleson both stated that they were not in support of extending the downtown boundary.

MyHistoricSMTX – Commissioner Spell noted that the expansion of the Lindsey Rogers Historic District to include 413 and 421 Lindsey St was one of the recommendations of the Historic Resources Survey in 2019. Commissioner Burleson said that she was reluctant to approve changes in areas of historical significance and moving the structures would cause them to lose some of their significance.

Current VisionSMTX update – Several Commissioners commented on the fact that the City had recently completed extensive public outreach as part of the new Comprehensive Plan update. Commissioner Agnew noted that if the residents of San Marcos had wanted that area to become more intense then they had the opportunity to propose that as part of the Comprehensive Plan update.

Ability to develop under existing zoning – Commissioner Kelsey noted that the applicant could already develop under the existing multifamily zoning.

Lack of Neighborhood Character Studies – Commissioner Meeks expressed concerns that there were no Neighborhood Character studies in this area which would have given the Commission more guidance.

March 19, 2024 Public Hearing (no action) at City Council

Speakers in favor or opposed

Ed Theriot (in favor)
Linda Coker (in favor)
Jared Chumsae (in opposition)
Shannon Mattingly (in favor)
Matthew Kenyon (in favor)
Andrew Salem (in favor)
Brian Olsen (in favor)
Austin Groeschi (in favor)
Darla Munoz (in opposition)
Lucas Bayer (in favor)
Ryan Patrick Perkins (in opposition)
Cory Taylor (in favor)
LMC (in opposition)

The developer provided a list of terms they would be willing to agree to on this portion of the project which include: limiting the building height to 4 stories, limiting the number of bedrooms to 3 per unit, offering only traditional leases (no rent by the bedroom), 80% maximum impervious cover, and the ability for all tenants to use the amenities which will be provided in other buildings.

Discussion Topics:

Flooding of adjacent apartment complex – Staff confirmed the adjacent apartment complex parking garage flooded because of an issue with the pumps.

Parking at other complexes – an attachment has been provided in the packet materials for the Student Housing Conditional Use Permit where this topic will be discussed.

Comparison of other zoning districts – an attachment has been provided in the packet materials for the Zoning Change request

Preferred Scenario Map Amendment Request

PSA-23-02

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History

This property is currently “Existing Neighborhood” on the Preferred Scenario map. Per the current Comprehensive Plan, Existing Neighborhoods are “*Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.*” The applicant is requesting a change to “High Intensity – Downtown” in order to request Character District 5 Downtown (CD-5D) Zoning for a larger student housing development.

Currently, the property is zoned Multifamily-12 and Multifamily-18 which allow 12 and 18 multifamily units per acre respectively. Student Housing is a “Conditional” Use under these zoning districts.

Additional Analysis

The Comprehensive Plan includes a tool called the Land Use Suitability Map. Staff noted that in general, the majority of the property is located on land considered to be minimally constrained. There is no floodplain or floodway on the property, and the property is not located within the Edwards Aquifer Recharge Zone.

The property contains several existing residential structures identified on the Historic Resources Survey; 419 North St is identified as “High Priority”, and 409 North St and 413 Lindsey St are classified as “Medium Priority.” These structures would be subject to the City’s Demolition Delay Ordinance.

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 Preferred Scenario Amendment request is for a portion of a larger project, and the following applications have been submitted:

- Zoning Change from MF-12/MF-18 and MF-24 to CD-5D (ZC-23-19)
 - This is the next item on the agenda. Staff is recommending approval.
- Conditional Use Permit for Student Housing (CUP-23-22)
 - This item will be considered after the zoning change request. Staff is providing a neutral recommendation, with several, optional, conditions should the Commission choose to recommend approval.
- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)
 - This item will be considered last. Staff is recommending partial approval with conditions for the part of the site east of North St (i.e. *not* the land which is subject to this PSA request).

The City is currently in the process of re-writing the Comprehensive Plan. If this Preferred Scenario Amendment is approved the property would be given a “Mixed Use Medium” designation on the new map.

Preferred Scenario Map Amendment Request

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Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>Whether the proposed amendment is consistent with other policies of the Comprehensive Plan</p> <p><i>The request is consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) as it is adjacent to existing CD-5D and multifamily zoning in the Downtown High Intensity Zone and is over 600ft from any Single-Family zoning districts.</i></p> <p><i>It is also considered consistent with 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></p> <p><i>Many other policies exist in the Comprehensive Plan which do not address or consider the expansion of the Downtown High Intensity Zone.</i></p>
		<u>N/A</u>	<p>Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area.</p> <p><i>Studies were not complete at the time of this request (this site is not located within the boundaries of the 2008 or 2023 Downtown Plans).</i></p>
<u>X</u>			<p>Whether the proposed amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety, and general welfare of the City</p> <p><i>The proposed amendment intensifies the land use classification in an area where there is already existing multifamily development. Infrastructure currently exists in the area and the proposed redevelopment will improve some public infrastructure.</i></p>
		<u>N/A</u>	<p>The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact</p>

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Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed amendment constitutes a substantial benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time</p> <p><i>The amendment will allow additional housing and potential commercial opportunities adjacent to the City core and Texas State University. Providing additional housing adjacent to the university will allow more students, or faculty/staff if traditional multifamily is constructed, to live within walking distance of campus, potentially reducing the need for car ownership. A student housing development at this location may decrease the demand for student housing within established single-family neighborhoods.</i></p>
<u>X</u>			<p>Whether the proposed amendment will impact:</p> <ul style="list-style-type: none"> • Adjacent properties. <i>All abutting properties to the East, South, and West are existing multifamily uses which is consistent with the proposed end-use of the subject property. The property to the north is Texas State University.</i> • Existing or future land use patterns <i>See above response.</i> • Existing or planned public services and facilities <i>The proposed redevelopment of the property will improve some public infrastructure.</i> • Existing or planned transportation networks or greenways <i>The redevelopment of the property will be required to install sidewalks and streetscape improvements in accordance with the Development Code.</i> • The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <i>The subject property is currently developed and includes existing impervious cover. The redevelopment of the site may impact existing natural resources on the site in addition to providing new natural resources such as street trees. 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>