

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: March, 2023

CONTACT INFORMATION

Applicant's Name	Shannon Mattingly	Property Owner	See attached owners list.
Company	Drenner Group	Company	
Applicant's Mailing Address	2705 Bee Caves Road, Ste. 100 Austin, TX 78746	Owner's Mailing Address	
Applicant's Phone #	830-643-9453	Owner's Phone #	
Applicant's Email	smattingly@drennergroupp.com	Owner's Email	

PROPERTY INFORMATION

Subject Property Address: 409 North Street, 413 & 419 North Street, 421 Lindsey Street

Zoning District: MF-24, MF-18, MF-12, CD-5

Tax ID #: R R34773, R141054, R133230, R32207, R155306, R53147

Legal Description: Lot See attached. Block _____ Subdivision _____

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

The applicant is requesting an alternative compliance to increase the height of their project from 5 to 7 stories for student housing and is proposing a multifamily student housing project that would be adjacent to the University. Would be accessible to campus without increasing traffic and creating sprawl in to the adjacent neighborhoods. The project is already zoned for multi-family and a portion of the property is already zoned CD-5. The project would provide a benefit to the University by providing much needed housing for students and would blend seamlessly into the University campus.

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$1,000*

Technology Fee \$15

TOTAL COST \$1,015

Renewal/Amendment Filing Fee \$750*

Technology Fee \$15

TOTAL COST \$765

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____



Date: 08/04/2023

Print Name: Shannon Mattingly

DRENNER GROUP

Shannon Mattingly
direct dial: (512) 807-2904
smattingly@drennergroupp.com

October 13, 2023

Amanda Hernandez
Planning Director, City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Via Electronic Delivery

Re: PSA 23-02, ZC 23-19, CUP 23-22, AC 23-09– Preferred Scenario Map Amendment, Rezoning, Conditional Use Permit and Alternative Compliance request applications for the approximately 2.557 acre property located at southeast corner of North and Lindsey Street in the City of San Marcos, Hays County, Texas (the “Property”)

Dear Ms. Hernandez:

As representatives of the owner of the Property, we respectfully submit the enclosed package that includes a Preferred Scenario Map Amendment Application, a Rezoning Application, a Conditional Use Permit Application for purpose-built student housing with a reduction in parking to 0.75 and an Alternative Compliance request to allow up to 7 stories. The Property consists of 2.557 acres and is located adjacent to Texas State University (the “University”) at the southeast corner of North Street and Lindsey Street in the City of San Marcos, Texas.

The purpose of these applications is to change the Preferred Scenario map for the Property from Existing Neighborhood to High Intensity per the currently adopted comprehensive plan or Neighborhood High per the proposed unadopted comprehensive plan. The Property is intended to be redeveloped with a student housing project. The Property is currently zoned multi-family and is surrounded by the University, other multi-family and sorority houses. The Property not adjacent to residential. Currently, 0.626 acres of the Property is zoned CD-5D. We are requesting that the remaining 1.931 acres of property be rezoned to CD-5D to have consistent zoning on all lots to accommodate a student housing project.

We believe that this location is ideal to accommodate the increased student population, and the need for student housing adjacent to the University. Therefore, we are requesting a CUP for purpose-built student housing and a reduction in parking spaces as part of the CUP. We recognize that most students will bring a car to campus, therefore we are proposing a parking

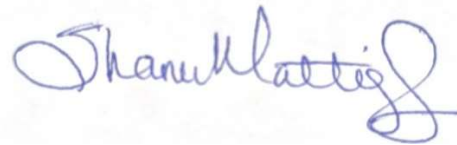
structure to accommodate the vehicles of the students. We commissioned a student housing evaluation to determine the parking utilization rates at comparable student housing properties located within one mile of the site. Our survey covered 10 properties that contained a total of 4,302 beds in 1,730 units. At these 10 properties, there are 3,230 parking spaces available to students. The average number of spaces per bed is 0.75 and the average vacancy rate is 10%, however, the majority of the vacant spaces are at the two most “overparked” projects, Sanctuary Lofts and Vie Lofts. Based on the current occupancy rates, the current ratio of spaces leased per leased bed is 0.69. Our project is proposing a parking ratio of 0.75, which has been determined to be more than we need to accommodate the project as a whole. The City’s recently adopted city-wide booting ordinance will also help to discourage students to park within the neighborhoods and the new proposed transit routes should also help to decrease traffic by allowing students an alternative to driving to get to areas outside of downtown. The adjacency to the University is an ideal location for this product type allowing students to walk across the street and be on campus.

We are also requesting an alternative compliance to increase the height of the project from 5 to 7 stories. This project is outside of the downtown area immediately adjacent to the University. We have provided a 3D rendering to show the height of the building as it related to surrounding properties. In order to serve the needs of the University student population given the limited number of sites that exist that are across from the University and not adjacent to single family, an increase in height is necessary to get the density to make the project beneficial for all.

This project is ideal, due to its location adjacent to campus, its proximity to services within the downtown area that are walkable. It will include an improved pedestrian experience with a well-connected network of streets to accommodate the increased walkability of students without the need to drive to class or to access their cars for work or to shop or access other services.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

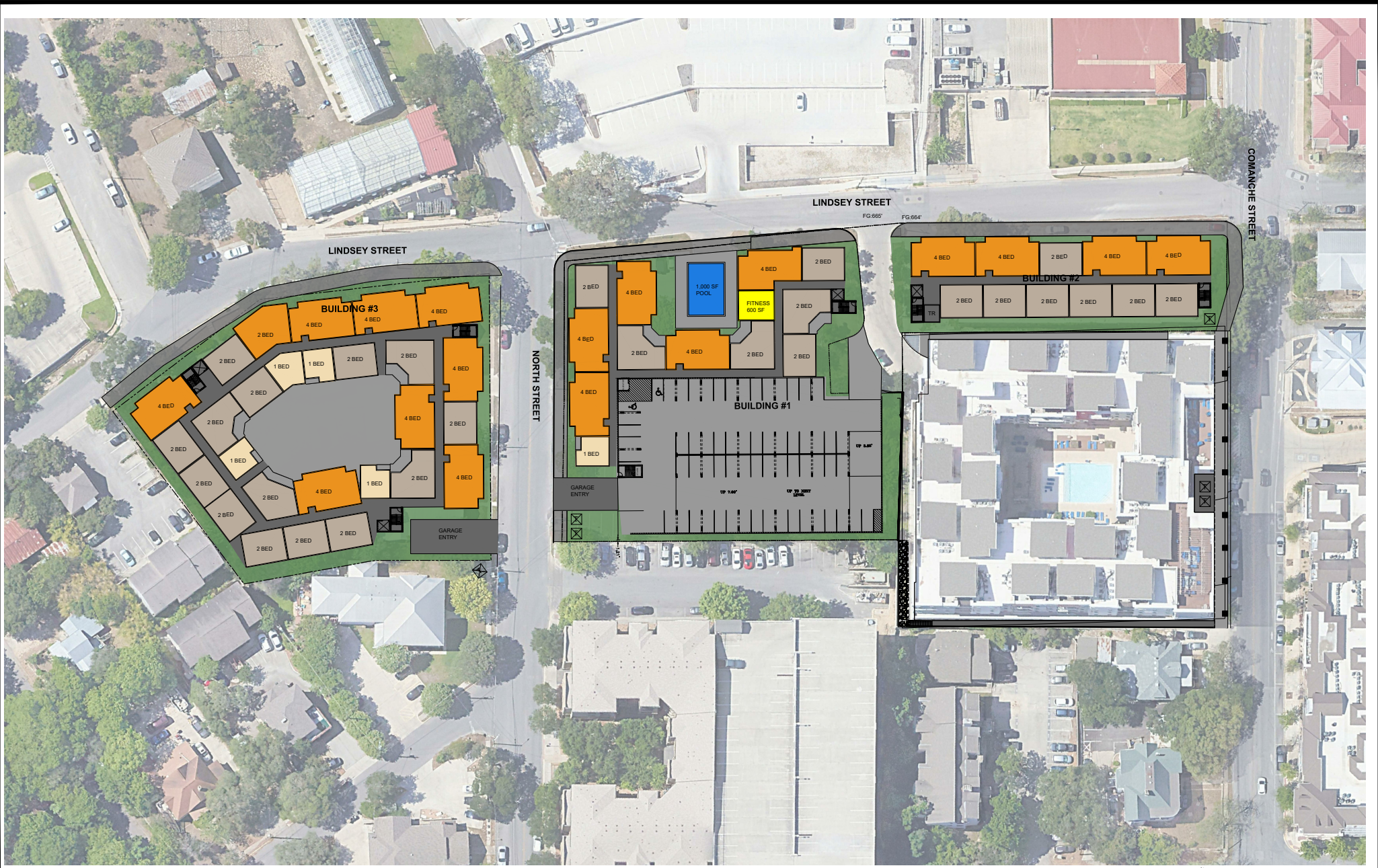
Very truly yours,



Shannon Mattingly

The McLain Student Housing Project Preferred Scenario Amendment

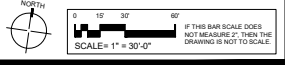




MCLAIN TRACT
SAN MARCOS, TX

KELLY GROSSMAN
ARCHITECTS, L.L.C.
300 ADDIE ROAD, SUITE 210, AUSTIN, TEXAS 78746, PH: +1 512 557 2300

SITE PLAN- FLOOR 1



7 STORY								
BLDG #	FLOOR	TYPE	A1	B1	B2	D1	TOTAL	# of BEDS
1	LL1	IA	0	1	1	1	3	8
1	1	IA	1	3	3	5	12	33
1	2	IA	2	3	3	5	13	34
1	3	IIIA	2	4	3	5	14	36
1	4	IIIA	2	4	3	5	14	36
1	5	IIIA	2	4	3	5	14	36
1	6	IIIA	2	4	3	5	14	36
1	7	IIIA	2	4	3	5	14	36
2	LL1	IA	0	1	0	2	3	10
2	1	IA	0	7	0	4	11	30
2	2	IA	0	7	0	4	11	30
2	3	IIIA	0	7	0	4	11	30
2	4	IIIA	0	7	0	4	11	30
2	5	IIIA	0	7	0	4	11	30
2	6	IIIA	0	7	0	4	11	30
2	7	IIIA	0	7	0	4	11	30
3	LL1	IA	0	0	0	0	0	0
3	1	IA	4	9	3	6	22	52
3	2	IA	4	9	3	8	24	60
3	3	IIIA	4	10	5	8	27	66
3	5	IIIA	4	10	5	8	27	66
3	5	IIIA	4	10	5	8	27	66
3	6	IIIA	4	10	5	8	27	66
3	7	IIIA	4	10	5	8	27	66
TOTAL		0	41	145	53	120	359	917
			11.4%	40.4%	14.8%	33.4%	100.0%	

UNIT	TYPE	QTY	SF/UNIT	TOTAL SF
A1	1br	41	600	24,600
B1	2br	145	900	130,500
B2	2br	53	1,000	53,000
D1	4br	120	1,400	168,000
TOTAL		359		376,100
AVERAGE UNIT SF				1048

PARKING Target (.75 per Bed)

UNIT	QTY	RATIO	SPACES
A1	41	0.75	30.75
B1	290	0.75	217.5
B2	106	0.75	79.5
D1	480	0.75	360
TOTAL	917		688

Open Air Garage #1	620
Podium Garage #3	70
TANDEM IN FRONT OF GARAGE	0
PARKING PROVIDED	690

PARKING PER BED: 0.75

PROPERTY OWNER AUTHORIZATION

I, Peggy Taylor (owner name) on behalf of

_____ (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

421/419 North St, San Marcos TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of

Drenner Group (agent company) to file this application for

zoning, CUP, PSA and alternative compliance (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: P Taylor Date: 7-17-23

Printed Name, Title: Peggy Taylor

Signature of Agent: [Signature] Date: 7-17-23

Printed Name, Title: Shannon Mattingly, Director

PROPERTY OWNER AUTHORIZATION

I, Peggy Taylor (owner name) on behalf of _____ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 413 Lindsay st, San Marcos TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of Drenner Group (agent company) to file this application for Zoning, CUP, PSA and alternative compliance (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 7-17-23

Printed Name, Title: Peggy Taylor

Signature of Agent: [Signature] Date: 7-17-23

Printed Name, Title: Shannon Mattingly, Director

Form Updated October, 2019

I, Daryl Burttschell (owner name) on behalf of _____ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 409 North Street, San Marcos, TX 78666 (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of Drenner Group (agent company) to file this application for Zoning, CUP, PSA, and Alternative Compliance (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 7/17/23

Printed Name, Title: Daryl Burttschell

Signature of Agent:  Date: 7/17/23

Printed Name, Title: Shannon Mattingly

PROPERTY OWNER AUTHORIZATION

I, Peggy Taylor (owner name) on behalf of _____ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 415 North st, San Marcos TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of Dreuner Group (agent company) to file this application for Zoning, CUP, PSD and alternative compliance (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Peggy Taylor Date: 7.17.23
Printed Name, Title: Peggy Taylor

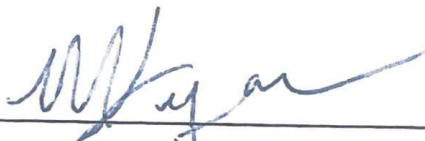
Signature of Agent: Shannon Mattingly Date: 7.17.23
Printed Name, Title: Shannon Mattingly


Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, MATTHEW KENYON (owner name) on behalf of
420 NORTH STREET, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
420 NORTH STREET, SAN MARCOS, TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
Drenner Group (agent company) to file this application for
Zoning, CUP, PSD and alternative compliance (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 7/17/23
Printed Name, Title: MATTHEW KENYON, Managing Partner.

Signature of Agent:  Date: 7/17/23
Printed Name, Title: Shannon Mattingly, Director

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Matthew Kenyon (owner name) on behalf of
435 N Comanche Street, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
435 N Comanche Street, San Marcos, TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
Drenner Group (agent company) to file this application for
Zoning, COP, PSA, and alternative compliance (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

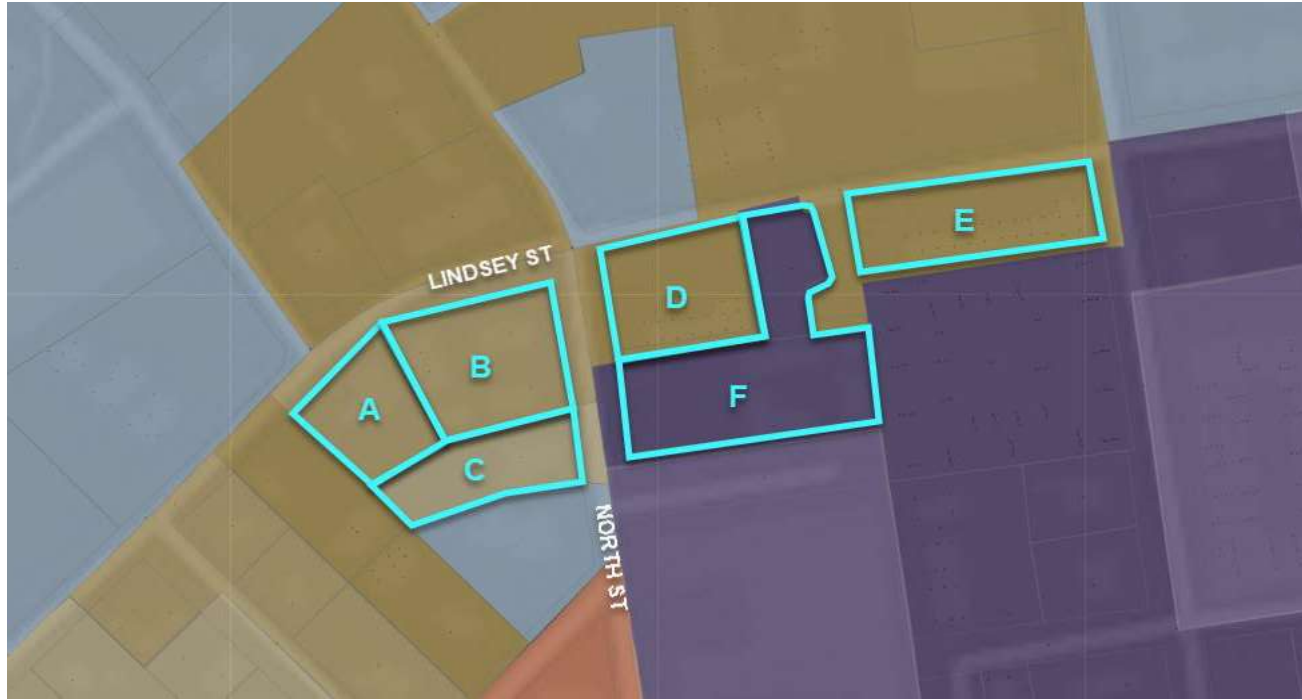
Signature of Owner: [Signature] Date: 7/17/23

Printed Name, Title: MATTHEW KENYON, Managing Partner

Signature of Agent: [Signature] Date: 7/17/23

Printed Name, Title: Shannon Mattingly, Director

**Alternative Compliance Exhibit and Parcel Information
McLain Multifamily**



TRACT	Parcel Number	Property Owner	Mailing Address	Property Address	Lot	Block	Subdivision	Acreage	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 Burttschell	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

Tracts A-C

DESCRIPTION

DESCRIPTION OF A 1.139 ACRE TRACT OF LAND BEING ALL OF LOT 9-A BLOCK 14 OF THE LINDSEY AND HARVEY ADDITION AS RECORDED IN BOOK 17 PAGE 221 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND BEING FURTHER DESCRIBED IN A GENERAL WARRANTY DEED WITH A VENDOR'S LIEN TO BRETT S. TAYLOR AND WIFE PEGGY J. TAYLOR AS RECORDED IN VOLUME 2180 PAGE 708 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING ALL OF LOT 4A BLOCK 14 AS SHOWN ON THE AMENDED PLAT OF LOTS 3,4,5,10, & 11 BLOCK 14 OF THE LINDSEY AND HARVEY ADDITION AS RECORDED IN VOLUME 15 PAGE 308 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN A WARRANTY DEED WITH A VENDOR'S LIEN TO DARYL BURTTSCHELL AND WIFE HEATHER BURTTSCHELL AS RECORDED IN VOLUME 3550 PAGE 883 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING ALL OF A CALL 0.3141 ACRE TRACT AS DESCRIBED IN A WARRANTY DEED WITH A VENDOR'S LIEN TO BRETT S. TAYLOR AND WIFE PEGGY J. TAYLOR AS RECORDED IN VOLUME 1891 AND 294 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.139 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS AND DISTANCES BEING GRID BASED ON NAD83/2018 ADJUSTMENT TEXAS SOUTH CENTRAL ZONE 4204:

BEGINNING at a 1" iron pipe found at the southwest corner of the intersection of North Street (variable width right of way) with Lindsey Street (variable width right of way) and being the northeast corner of said Lot 9-A Lindsey and Harvey Addition;

THENCE departing the south right of way line of Lindsey Street and with the west right of way line of North Street being common with the east line of said Lot 9-A **S 08°43'23" E** for a distance of **136.02** feet to a ½" iron rod with cap stamped "Cardinal Surveying" set monumenting the southeast of said Lot 9-A and the northeast corner of Lot 4A Block 14

THENCE continuing with the said west right of way of North Street being common with the east line of said Lot 4A Block 14 **S 08°42'08" E** for a distance of **80.73** feet to a ½" iron rod with cap stamped "Cardinal Surveying" set monumenting the southeast corner of said Lot 4A Block 14 and the northeast corner of Lot 3A Block 14 as described in a Warranty Deed to the Delta Zeta Housing Corporation as recorded in Volume 1321 Page 56 of the Official Public Records of Hays County, Texas;

THENCE departing the said west right of way line of North Street with the south lines of Lot 4A Block 14 being common with the north lines of said Lot 3A Block 14 the following two (2) courses and distances;

1. **S 81°19'27" W** for a distance of **88.34** feet to an iron rod with cap found at the base of a stone wall,

2. **S 71°21'03" W** for a distance of **101.00** feet to an iron rod with cap found at the base of a stone wall, monumenting the northwest corner of Lot 3A and the southwest corner of Lot 4A, said iron rod with cap being in the east line of Lot 8 Block 14 as described in a General

Warranty Deed to 427 Lindsey Street Partnership LTD as recorded in Volume 1724 Page 523 of the Official Public Records of Hays county, Texas,

THENCE departing the said north line of Lot 3A with a line common to the east line of Lot 8 Block 14 **N 44°08'09" W** for a distance of **58.38** feet a ½" iron rod found monumenting the southwest corner of the said 0.3141 acre tract being part of Lots 10 and 11 Block 14 of the Lindsey and Harvey Addition as recorded in Book E Page 416 of the Deed Records of Hays County, Texas, and being the northwest corner of Lot 4A Block 14;

THENCE continuing with the said east line of Lot 8 Block 14 being common with the west line of the said 0.3141 acre tract **N 46°26'03" W** for a distance of **105.12** feet to a ½" inch iron rod found in the south right of way line of Lindsey Street monumenting the northeast corner of Lot 8 Block 14 and the northwest corner of the said 0.3141 acre tract

THENCE with the south right of way line of Lindsey Street being common with the north line of the 0.3141 acre tract **N 44°03'29" E** for a distance of **140.56** feet to a ½" iron rod with cap stamped "Cardinal Surveying" set monumenting the northeast corner of the 0.3141 acre tract and the northwest corner of said Lot 9-A;

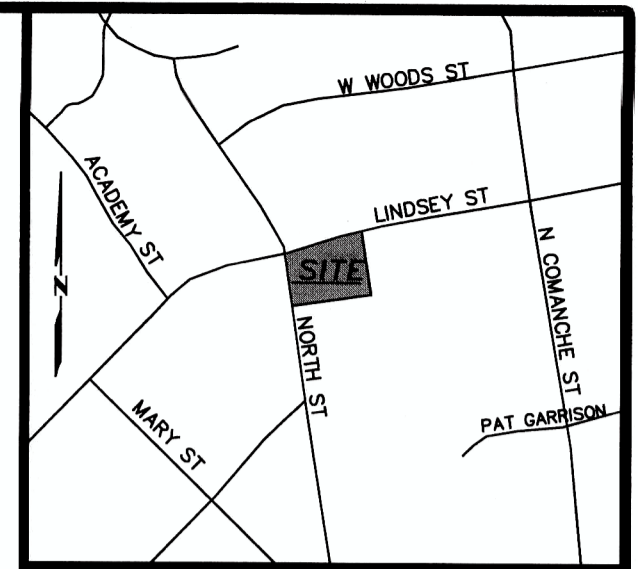
THENCE continuing with the said south right of way line of Lindsey Street being common with the north line of Lot 9-A **N 75°15'52" E** for a distance of **175.02** feet to the **POINT OF BEGINNING** of the herein described tract and containing 1.139 acres of land more or less.



David Paul Carr
August 13, 2023

Tract D

PROPERTY ADDRESS:
420 NORTH STREET
SAN MARCOS, TEXAS 78666



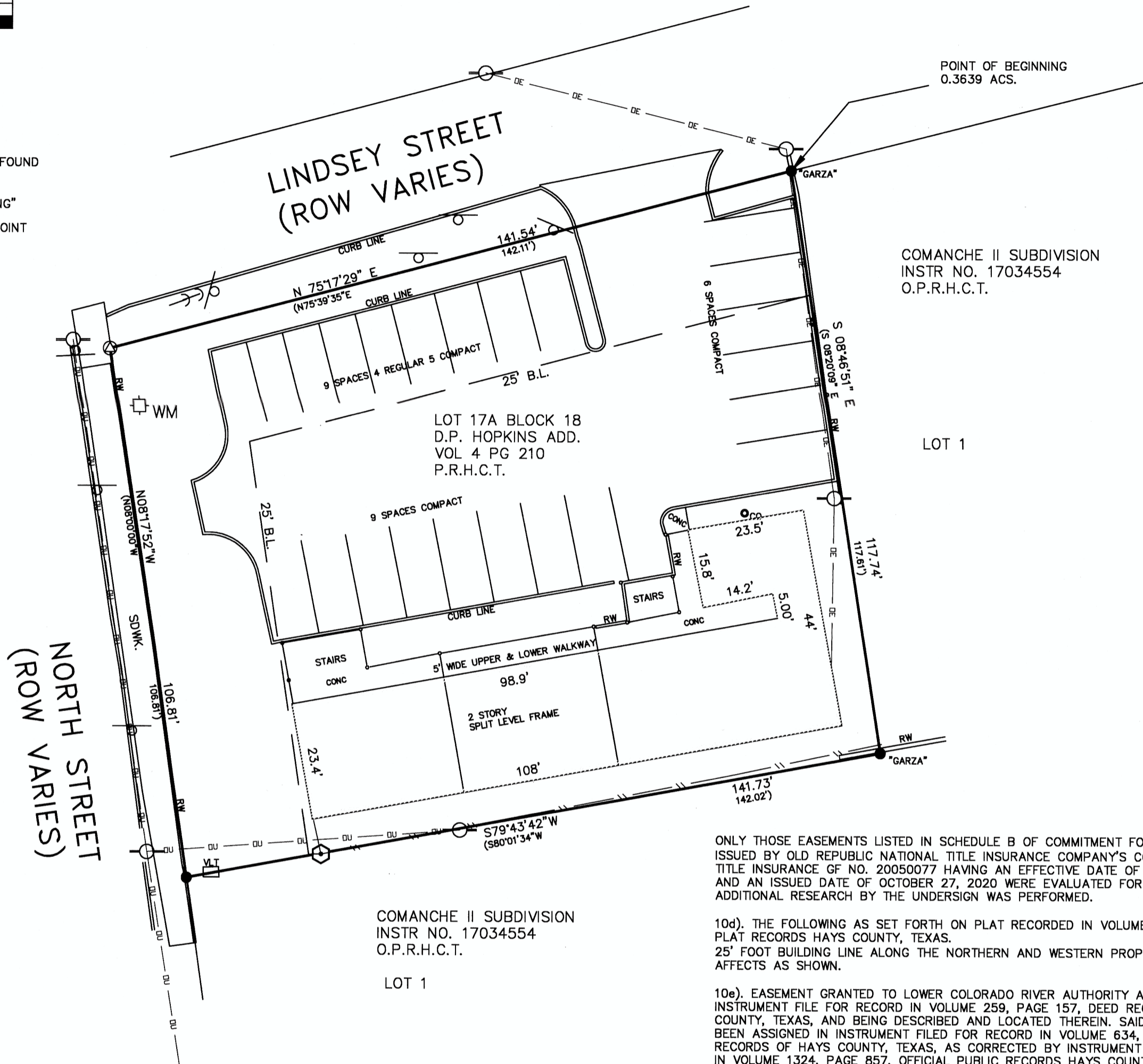
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND

- IRON ROD FOUND
- IRON ROD W/ CAP "GARZA" FOUND
- ⊙ P.K. NAIL SET WITH SHINER MARKED "CARDINAL SURVEYING"
- △ PRIMARY SURVEY CONTROL POINT
- CLEAN OUT
- ⊕ WM WATER METER
- TELEPHONE MARKER
- PP POWER POLE
- DOWN GUY
- WOOD PICKET FENCE
- SIGN
- CONC. CONCRETE
- SDWK. SIDEWALK
- RW RETAINING WALL
- VLT TELEPHONE VAULT
- POST
- () PLAT CALLS
- B.L. 25' BUILDING LINE
- P.R.H.C.T. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS



COMANCHE II SUBDIVISION
INSTR. NO. 17034554
O.P.R.H.C.T.
LOT 1

ONLY THOSE EASEMENTS LISTED IN SCHEDULE B OF COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE GF NO. 20050077 HAVING AN EFFECTIVE DATE OF OCTOBER 19, 2020, AND AN ISSUED DATE OF OCTOBER 27, 2020 WERE EVALUATED FOR THIS SURVEY NO ADDITIONAL RESEARCH BY THE UNDERSIGN WAS PERFORMED.

10d). THE FOLLOWING AS SET FORTH ON PLAT RECORDED IN VOLUME 4, PAGE 210, PLAT RECORDS HAYS COUNTY, TEXAS.
25' FOOT BUILDING LINE ALONG THE NORTHERN AND WESTERN PROPERTY LINE(S). AFFECTS AS SHOWN.

10e). EASEMENT GRANTED TO LOWER COLORADO RIVER AUTHORITY AS SET FORTH IN INSTRUMENT FILE FOR RECORD IN VOLUME 259, PAGE 157, DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING DESCRIBED AND LOCATED THEREIN. SAID EASEMENT HAVING BEEN ASSIGNED IN INSTRUMENT FILED FOR RECORD IN VOLUME 634, PAGE 818, DEED RECORDS OF HAYS COUNTY, TEXAS, AS CORRECTED BY INSTRUMENT FILED FOR RECORD IN VOLUME 1324, PAGE 857, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; AND ADDITIONALLY AFFECTED BY RELEASE OF EASEMENT FILED FOR RECORD UNDER HAYS COUNTY CLERK'S FILE NO. 13025691.
DOESN'T AFFECT.

10f). EASEMENT GRANTED TO LOWER COLORADO RIVER AUTHORITY AS SET FORTH IN INSTRUMENT FILE FOR RECORD IN VOLUME 278, PAGE 789, DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING DESCRIBED AND LOCATED THEREIN. SAID EASEMENT HAVING BEEN ASSIGNED IN INSTRUMENT FILED FOR RECORD IN VOLUME 634, PAGE 818, DEED RECORDS OF HAYS COUNTY, TEXAS, AS CORRECTED BY INSTRUMENT FILED FOR RECORD IN VOLUME 1324, PAGE 857, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS; AND ADDITIONALLY AFFECTED BY RELEASE OF EASEMENT FILED FOR RECORD UNDER HAYS COUNTY CLERK'S FILE NO. 13025690.
DOESN'T AFFECT.

10g). TERMS, CONDITIONS, STIPULATIONS, AND PROVISIONS CONTAINED IN LEASE AGREEMENT AS EVIDENCED BY MEMORANDUM FILED FOR RECORD IN VOLUME 286, PAGE 261, DEED RECORDS OF HAYS COUNTY, TEXAS.
DOESN'T AFFECT.

BASIS OF BEARINGS IS GRID BASED ON GPS OBSERVATIONS FROM THE LEICA SMARTNET NAD 83/2011 ADJUSTMENT TEXAS PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE 4204.
DISTANCES SHOWN HEREON ARE SURFACE.

ACCORDING TO THE FEMA FLOOD MAP 48209C0389F DATED SEPTEMBER 2, 2005 THE SUBJECT TRACT LIES IN ZONE " X " UNSHADED AREA OF MINIMAL FLOOD HAZARD.

TO: 420 NORTH STREET LLC, RALPH C. HUTCHISON AND CAROL HUTCHISON (TRUSTEES OF THE HUTCHISON FAMILY TRUST), AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

I DAVID PAUL CARR DO HEREBY CERTIFY THAT THE FOREGOING MAP IS OF A SURVEY PERFORMED BY ME PERSONALLY IN NOVEMBER 2020, AND IT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF A CATEGORY 1A CONDITION II LAND TITLE SURVEY AS OUTLINED IN THE MANUAL OF PRACTICE FOR LAND SURVEYING PUBLISHED BY THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS AND THAT THERE ARE NO PROTRUSION INTO OR OUT OF THE SUBJECT TRACT UNLESS SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENT INTO OR OUT OF DEDICATED EASEMENTS UNLESS SHOWN HEREON.



DAVID PAUL CARR R.P.L.S. DATE 11-03-20
TEXAS REGISTRATION NO. 3997

DESCRIPTION

DESCRIPTION OF A 0.3639 (15,852 SQUARE FEET) TRACT OF LAND IN THE J.M. VERAMENDI SURVEY ABSTRACT 17 HAYS COUNTY, TEXAS, BEING LOT 17A BLOCK 18 OF THE D.P. HOPKINS ADDITION A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 210, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME TRACT AS DESCRIBED IN A DEED FROM FRANCIS AND LINDA HORNE TO COMANCHE STREET PARTNERS AS RECORDED IN VOLUME 408, PAGE 231, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 0.3639 (15,852 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BEING GRID BASED ON THE TEXAS PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE 4204:

BEGINNING at an iron rod with aluminum cap stamped "GARZA" found in the top of a concrete retaining wall in the south margin of Lindsey Street having a variable width right of way, also being in a west line of Lot 1 of the COMANCHE II subdivision as recorded under Instrument Number 17034554 of the Official Public Records of Hays County, Texas, and monumenting the call northeast corner of Lot 17A Block 18 and of the herein described tract;


THENCE departing the said south margin of Lindsey Street with the said west line of Lot 1 being common with the east line of Lot 17A Block 18 and of the herein described tract S 08°46'51" E for a distance of 117.74 feet to an iron rod with aluminum cap stamped "GARZA" found in a concrete lined drainage ditch and being an "all" corner of Lot 1 of the said COMANCHE II subdivision, said iron rod with aluminum cap monumenting the southeast corner of Lot 17A Block 18 and of the herein described tract;

THENCE with a north line of said Lot 1 being common with the south line of Lot 17A Block 18 and of the herein described tract S 79°43'42" W for a distance of 141.73 feet to a 5/8" inch iron rod found in the top of a concrete retaining wall in the east margin of North Street having a variable width right of way, said 5/8" inch iron rod monumenting the northwest corner of Lot 1 and the southwest corner of Lot 17A Block 18 and of the herein described tract;

THENCE departing the said north line of Lot 1 and with the east margin of North Street being common with the west line of Lot 17A Block 18 and of the herein described tract N 08°17'52" W for a distance of 106.81 feet to a P.K. Nail with shiner stamped "CARDINAL SURVEYING" set in a concrete sidewalk, being in the south margin of Lindsey Street and monumenting the northwest corner of Lot 17A Block 18 and of the herein described tract;

THENCE with the said south margin of Lindsey Street being common with the north line of Lot 17A Block 18 and of the herein described tract N 75° 17' 29" E for a distance of 141.54 feet to the POINT OF BEGINNING of the herein described tract and containing 0.3639 (15,852 square feet) of land more or less.

DATE	BY	REVISIONS

Cardinal
Surveying  Mapping
David P. Carr, RPLS
TBPLS FIRM NO. 10194078

CATEGORY 1A CONDITION II LAND TITLE SURVEY
LOT 17A BLOCK 18 D.P. HOPKINS ADDITION
VOLUME 4 PAGE 210
PLAT RECORDS HAYS COUNTY, TEXAS

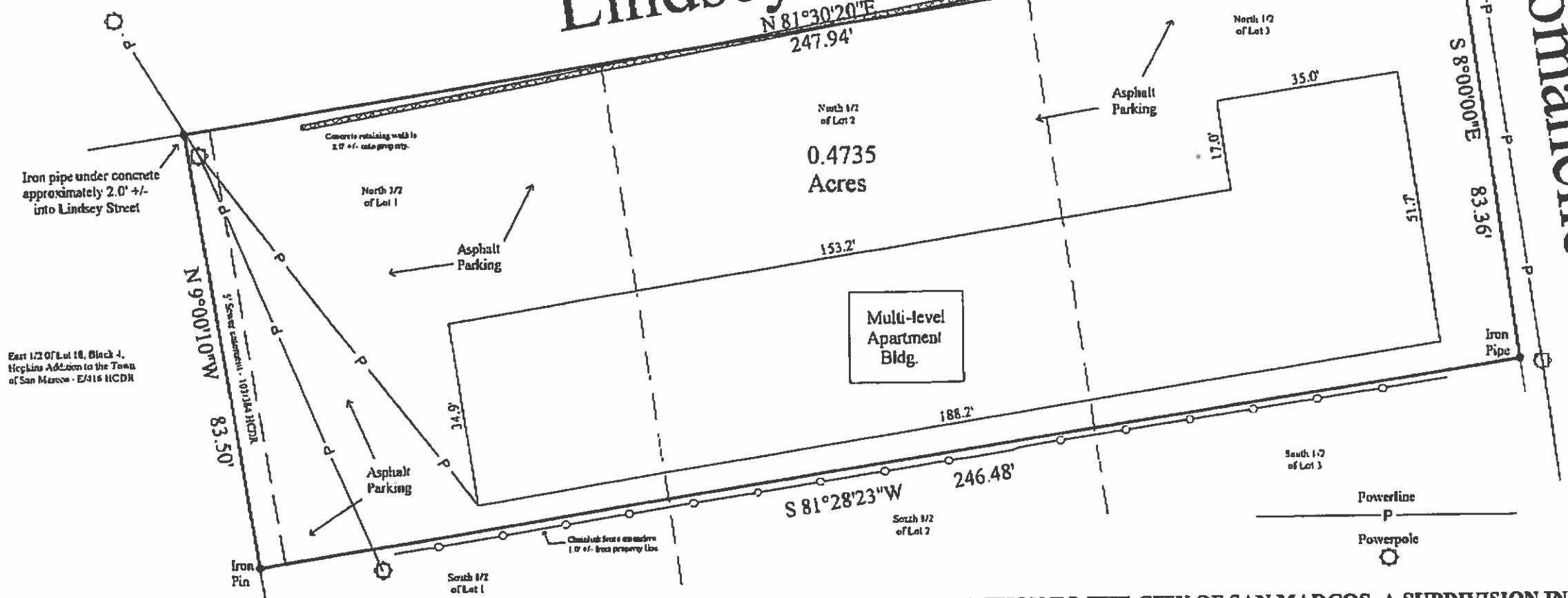
P. 02
TEL: 512 392 1671
HAYS CO. ABSTRACT
MAR. - 27:00 (MON) 14:20

Tract E

Lindsey Street

Comanche Street

1" = 25'



PLAT SHOWING SURVEY OF A 0.4735 ACRE TRACT OUT OF BLOCK 2 OF THE P. C. WOODS ADDITION TO THE CITY OF SAN MARCOS, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME T, PAGE 80, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

FOR: Marjan Management LLC and The Hays County Abstract Company

GF: 20002132

DATE: March 8, 2000

ADDRESS: 436 North Comanche Street, San Marcos, Texas.

The undersigned does hereby certify that this is a Category 1A, Condition 2 survey and was made on the ground under my supervision of the property legally described hereon and is essentially correct and there are no visible discrepancies, shortages of area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown.

Ronald N. Hayes
Ronald N. Hayes, Registered Professional Land Surveyor, No. 2596

According to Map Panel 0193 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area.

RONALD N. HAYES
900 CASCADES TRAIL
SAN MARCOS, TEXAS 78666
512-396-1478

HAYES ENGINEERING**Tract E**202 SUNFLOWER DRIVE
KYLE, TEXAS 78640Phone 512/396-1478
Fax 512/396-1196

March 14, 2000

**FIELD NOTES FOR
0.4735 ACRES OF LAND**

A tract of land containing 0.4735 acres out of Lots 1, 2 & 3, Block 2 of the P. C. Woods Addition to the City of San Marcos, a subdivision in Hays County, Texas as described in Volume T, Page 80, Hays County Deed Records, and being the same tract conveyed to W. C. Carson by Sunset Limited as recorded in Volume 252, Page 473, Hays County Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin with a Pro-Tech cap found for the northeast corner of the herein described tract, and also being the northeast corner of Lot 1, Block 2, of the P. C. Woods Addition, and located at the intersection of the southeast ROW of Lindsey Street and the southwest ROW of Comanche Street;

THENCE S 08° 00' 00" E, following the Comanche ROW, a distance of 83.36 feet to an iron pipe found for the southeast corner of this tract;

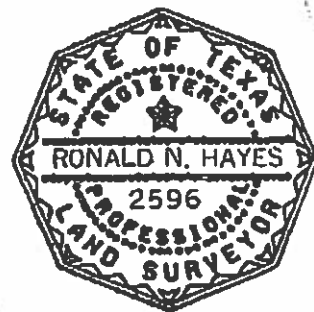
THENCE S 81° 28' 23" W, leaving the Comanche ROW, a distance of 246.48 feet to an iron pin found at the base of a concrete retaining wall for the southwest corner of this tract, and at 241.48 feet passing the east line of a 5' sewer easement of record in Volume 103, Page 384, Hays County Deed Records;

THENCE N 09° 00' 10" W, following the west line of the 5' sewer easement, a distance of 83.50 feet to an iron pipe found in concrete, located in the southeast ROW of Lindsey Street for the northwest corner of this tract and the northwest corner of Lot 3, Block 2, of the P. C. Woods Addition;

THENCE N 81° 30' 20" E, a distance of 247.94 feet to the **POINT OF BEGINNING**, containing 0.4735 acres.

This is to certify that this description of land represents an actual survey made by me on the ground under my supervision as shown on the accompanying plat and qualifies as a Category 1A, Condition 2 survey of the latest standards and specifications of the Texas Surveyors Association.

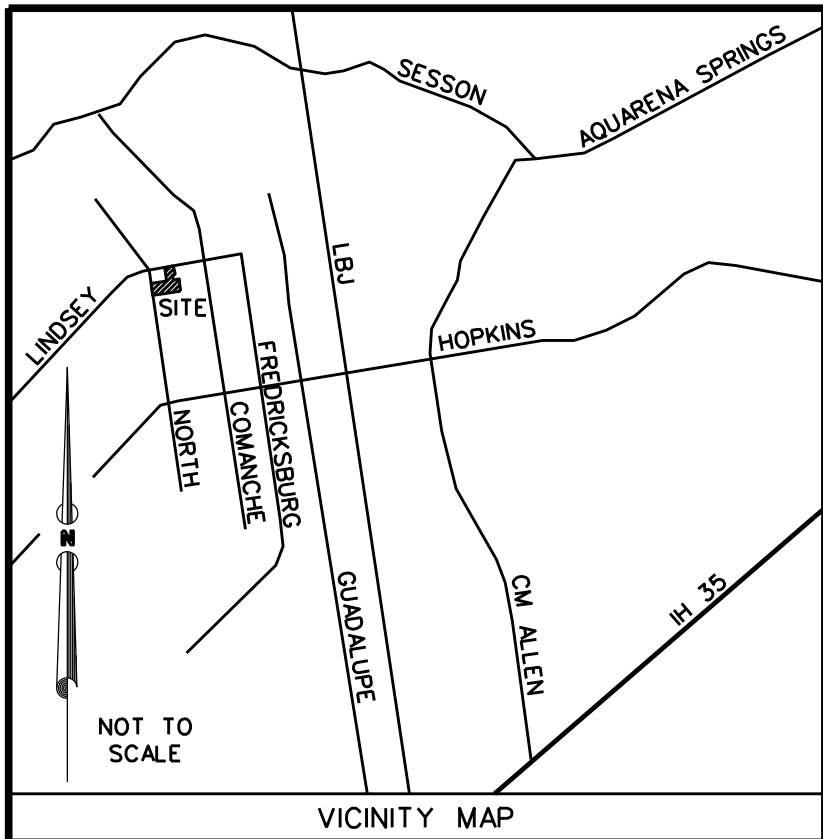

Ronald N. Hayes, Registered Professional Land Surveyor, No. 2596



COMANCHE II SUBDIVISION
CITY OF SAN MARCOS, TEXAS

Tract F

COMANCHE II SUBDIVISION
CITY OF SAN MARCOS, TEXAS



LEGEND

- 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
- 3/4" IRON PIPE FOUND UNLESS NOTED OTHERWISE
- 1/2" IRON ROD WITH PLASTIC CAP MARKED "BYRN SURVEY" FOUND UNLESS NOTED OTHERWISE
- ▲ MAG NAIL FOUND
- * X CUT IN CONCRETE FOUND
- 5/8" IRON ROD WITH PLASTIC CAP MARKED "RL SURVEYING" SET
- ▲ MAG NAIL SET
- PRHCT - PLAT RECORDS HAYS COUNTY, TEXAS
- DRHCT - DEED RECORDS HAYS COUNTY, TEXAS
- OPRHCT - OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS

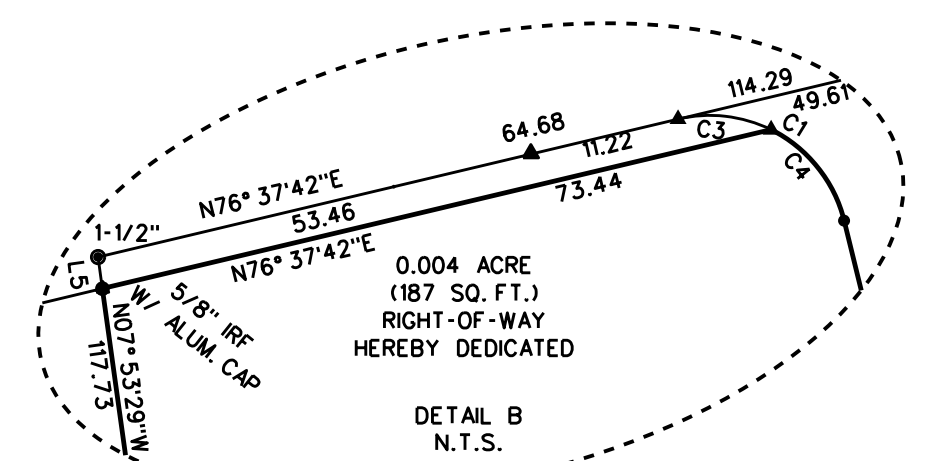
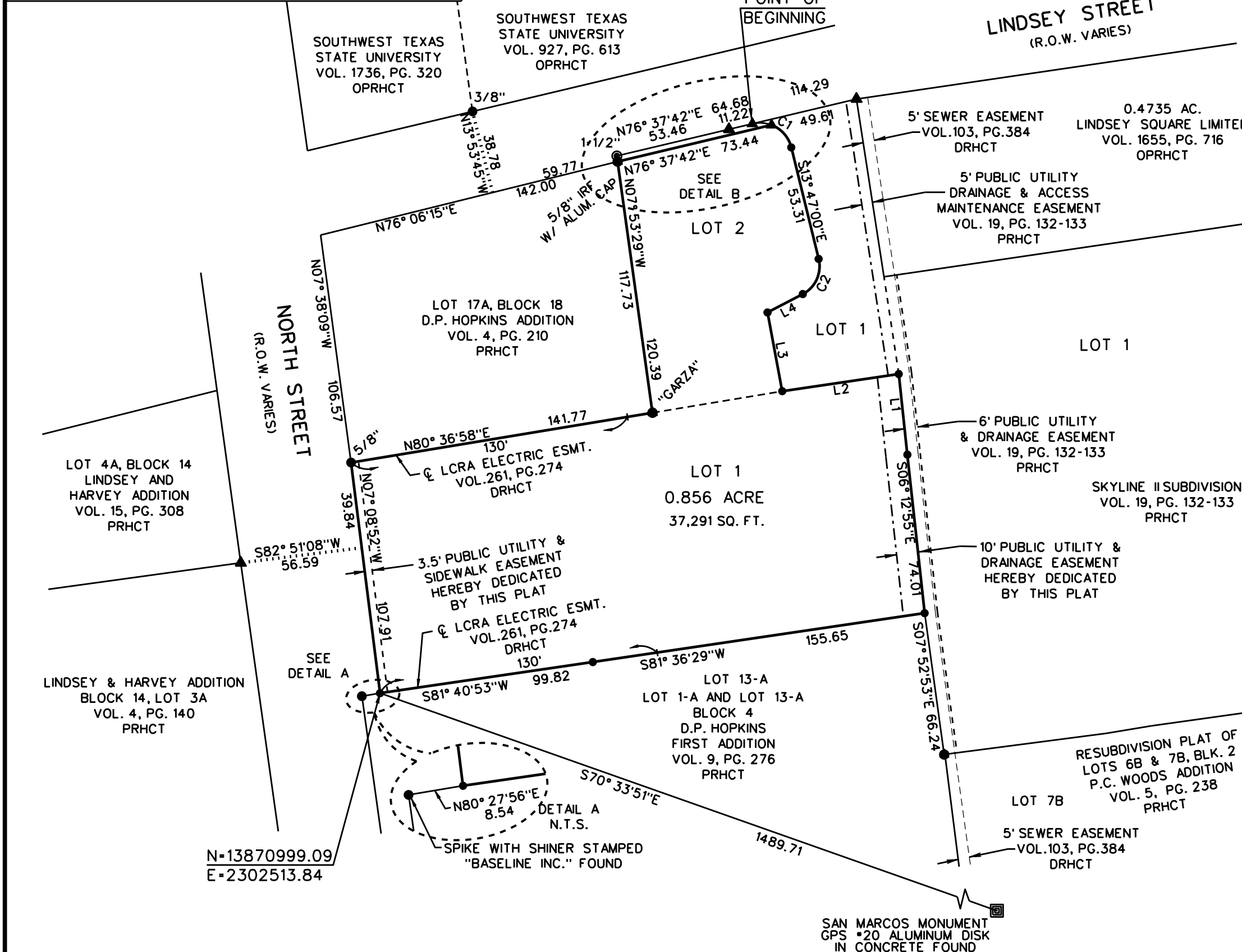
STEPHEN HAUG, MANAGER
417 N. COMANCHE PARTNERS, LLC
4801 SPICEWOOD SPRINGS, STE. 100
AUSTIN, TEXAS 78759

CLIFTON SEWARD, RPLS NO. 4337
STATE OF TEXAS
RAMSEY LAND SURVEYING
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
(512) 301-9398

JENNIFER M. GARCIA, P.E. NO. 106000
STATE OF TEXAS
KBGE ENGINEERING
105 W. RIVERSIDE DRIVE, SUITE 100
AUSTIN, TEXAS 78704
(512) 439-0400

PREPARED ON MARCH 07, 2017

J.M. VERAMENDI SURVEY ABSTRACT NO. 17
HAYS COUNTY, TEXAS



CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	23.45	89° 35' 19"	15.00	S58° 34' 39" E	21.14
C2	19.30	76° 16' 14"	14.50	S24° 21' 07" W	17.91
C3	9.05	34° 34' 03"	15.00	S86° 05' 17" E	8.91
C4	14.40	55° 01' 16"	15.00	S41° 17' 38" E	13.86

LINE	DIRECTION	DISTANCE
L1	S06° 05' 47" E	37.66
L2	N81° 36' 28" E	54.66
L3	S10° 34' 01" E	37.20
L4	S62° 29' 14" W	18.44
L5	N07° 53' 29" W	2.66

AREA TABULATION	
LOT 1 - 0.856 ACRE	37,291 SQ. FT.
RIGHT-OF-WAY DEDICATION - 0.004 ACRE	187 SQ. FT.
TOTAL AREA - 0.860 ACRE	37,478 SQ. FT.

SURVEYOR'S CERTIFICATE:

THAT I, CLIFTON SEWARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

BEARING BASIS IS THE RESUBDIVISION PLAT OF LOTS 6B & 7B, BLK. 2, P.C. WOODS ADDITION RECORDED IN VOLUME 5, PAGE 238, PLAT RECORDS OF HAYS COUNTY, TEXAS, AS SHOWN ON SKYLINE II SUBDIVISION, RECORDED IN VOLUME 19, PAGES 132 AND 133, PLAT RECORDS OF HAYS COUNTY, TEXAS.

CLIFTON SEWARD
REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS NO. 4337
RAMSEY LAND SURVEYING
TBPLS FIRM • 10033200
P.O. BOX 92768
AUSTIN, TX 78709
512-301-9398

ENGINEER'S CERTIFICATION:

I, JENNIFER M. GARCIA, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0389F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY TEXAS AND INCORPORATED AREAS.

JENNIFER M. GARCIA, P.E.
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS NO. 106000
KBGE ENGINEERING
TBPE FIRM • 12802
105 W RIVERSIDE DRIVE, SUITE. 100
AUSTIN, TX 78704
512-439-0400

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____ BY THE DIRECTOR OF DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN MARCOS.

ENGINEERING AND CAPITAL IMPROVEMENTS _____ DATE _____

SHANNON MATTINGLY _____ DATE _____
DIRECTOR DEVELOPMENT SERVICES

RECORDING SECRETARY _____ DATE _____

THE STATE OF TEXAS
COUNTY OF HAYS

I, LIZ O. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE _____ DAY OF _____, A.D. 20____ AT _____ O'CLOCK _____ M, IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S) _____, WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____ A.D.

BY
LIZ O. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

DRAWN BY	CAR
CHECKED	CS/JACO
DATE	03-07-17
PROJECT NO	1813-04
DRAWING NO	1813.1
SHEET NO.	1 OF 2
FILENAME	18131FP.SLWESTFP.DGN

RAMSEY LAND SURVEYING
TBPLS FIRM LICENSE NO. 10033200
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
cseward@rlsurveying.com

NO	REVISIONS	DRN	CHK	DATE
3	REVISED PER COMMENTS.	MCO	CS	08/04/17
2	REVISED PER COMMENTS.	MCO	CS	06/05/17
1	REVISED PER COMMENTS.	MCO	CS	05/02/17

COMANCHE II SUBDIVISION

DRENNER GROUP

Shannon Mattingly
direct dial: (512) 807-2904
smattingly@drennergroupp.com

January 12, 2024

Amanda Hernandez
Planning Director, City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Via Electronic Delivery

Re: Updated PSA 23-02, ZC 23-19, CUP 23-22, AC 23-09– Preferred Scenario Map Amendment, Rezoning, Conditional Use Permit and Alternative Compliance request applications for the approximately 2.823-acre property located at the southeast corner of North and Lindsey Streets in the City of San Marcos, Hays County, Texas (the “Property”)

Dear Ms. Hernandez:

As representatives of the owner of the Property, we respectfully submit the enclosed package that includes no updates to the Preferred Scenario Map Amendment Application or the Rezoning Application. There are, however, amendments to the Conditional Use Permit Application for purpose-built student housing with a reduction in parking to 0.75. The developer will also provide 20 additional covered garage public parking spaces at the developer’s expense, (\$25K/space * 20 spaces = \$500,000) and will comply with the parking reduction fee identified in Division 2, Section 7.1.2.1,E,2 of the Land Development Code. The Alternative Compliance request has been amended to allow for up to 7 stories on the east side of North Street, however based on concerns from the neighbors, Planning Commission and City Council we have taken their suggestion and reduced the height on the west side to 5 stories, which will match what is allowed in CD-5D and is only 10-12 feet higher than what is currently allowed by right.

The purpose of these applications is to change the Preferred Scenario map for the Property from Existing Neighborhood to High Intensity per the currently adopted comprehensive plan or Neighborhood High per the proposed unadopted comprehensive plan. It is important to note that the proposed plan shows Neighborhood High on either side of our property and we would propose changing our property to be consistent with the surrounding properties in the new plan. The Property is intended to be redeveloped as a student housing project. The Property is currently zoned multi-family and is surrounded by the University, other multi-family and sorority houses. The Sanctuary Lofts and Vistas of San Marcos properties have been recently bought by Texas State University and will remove 1081 beds from non-University Housing availability. The Property is not adjacent to residential. Currently, a portion of the Property is

zoned CD-5D. We are requesting that the remaining parcels identified be rezoned to CD-5D to have consistent zoning on all lots to accommodate a student housing project. It is important to note these properties are already entitled and can develop as multi-family projects by right.

We believe that this location is ideal to accommodate the increased student population, and the need for student housing adjacent to the University. By allowing more dense student housing at key locations, such as this, the city is helping solve many of the most commonly heard issues in the community such as: Avoiding “student sprawl” throughout the city and removing many cars and busses required for the daily commute to the University, therefore reducing traffic congestion and pollution. We are requesting a CUP for purpose-built student housing and a reduction in parking spaces as part of the CUP. We recognize that many students will bring a car to campus, therefore we are proposing a parking structure to accommodate the vehicles of the students. We commissioned an independent third-party parking study to determine the parking utilization rates at comparable student housing properties located within one mile of the site, and within walking distance to the University. Our survey covered 10 properties that contained a total of 4,302 beds in 1,730 units. At these 10 properties, there are 3,230 parking spaces available to students. The average number of spaces per bed is 0.70 and the average vacancy rate is 10%, however, the majority of the vacant spaces are at the two most “overparked” projects, Sanctuary Lofts and Vie Lofts. Based on the current occupancy rates, the current ratio of spaces leased per leased bed is 0.69. Our project is proposing a parking ratio of 0.75, plus 20 public parking spaces, which has been determined to be more than we need to accommodate the project as a whole. The City’s recently adopted city-wide booting ordinance will also help to discourage students from parking within the neighborhoods, and the new proposed transit routes will help to decrease traffic by allowing students an alternative to driving to get to areas outside of downtown. The adjacency to the University is an ideal location for this product type allowing students to walk across the street and be on campus. The project will accommodate 20 covered public parking spaces and additional indoor secured bike parking. In addition, the developer will provide bikes that can be checked out at no charge at any time to get around campus, thereby further reducing traffic concerns in the area. The Developer will also have a bike maintenance and repair shop on site.

We are also requesting an alternative compliance to increase the height of the project from 5 to 7 stories, only on the east side of North Street. This will allow a nice reduction in density from 7 stories on the East side of North Street to 5 stories for the building fronting directly on North Street to the west. The reduction in height will continue to the west to existing 3 story apartment project, and then on to 2 story single family homes.

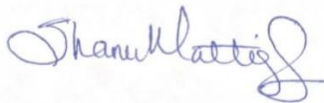
This project is outside of the downtown area immediately adjacent to the University. We have provided a 3D rendering to show the height of the building as it relates to surrounding properties. In order to serve the needs of the University’s student population and given the very limited number of sites that exist across from the University and not adjacent to single family, an increase in height is necessary to achieve the density to make the project beneficial for all. We have met with the Fire Chief and Fire Marshall and incorporated all of their recommendations to improve fire access to the site. We will be removing two older complexes as part of this project development, which were not required at the time of construction to meet the same current fire standards that exist today and are not currently sprinkled. Our proposal will include the first two stories be built with concrete and will then transition to wood construction.

This project is ideal, due to its proximity to the University as well as stores and services within the downtown area that are walkable. It will include an improved pedestrian experience with a well-connected network of streets to accommodate the increased pedestrian traffic, while reducing the number of cars on the road. Students will be able to attend class, get to work, shop or access other commonly used student services, all without accessing their cars.

After going through the first round of public input the developer has addressed the comments from the neighborhood meeting and has also addressed the criteria for requesting alternative compliance. These comments are attached on the following tables, as well as some additional renderings and an updated property summary.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Shannon Mattingly". The signature is written in a cursive, flowing style.

Shannon Mattingly

**Conditional Use Permit Exhibit and Parcel Information
McLain Multifamily**



TRACT	Parcel Number	Property Owner	Mailing Address	Property Address	Lot	Block	Subdivision	Acreage	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 Burttschell	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		1	Comanche II	0.856	High Intensity	CD-5D	CD-5D

Issue Identified	Project Response
Safety of student housing (structure)	Less safe, non-sprinkled units will be replaced with new, sprinkled units that meet current Building, Fire, Electrical, and Plumbing Codes. Met with the Fire Chief and Fire Marshall to discuss improved access to the site based on their recommendations.
Rent by the bed student housing contracts.	Individual housing contracts allow roommate matching. Students will only be placed with other students of the same gender. Lighting and access/egress will be designed to current Code standards and provide a safer environment than exists today. Rent by the bed protects students by

making them responsible for only their payments and damages. They are not responsible as they would be in traditional apartments, for roommates moving out. Places risk on the developer. If a certain roommate leaves before the lease is over, or causes damage to their room, the other(s) do not become responsible for that student's payments, the loss is on the developer for the damage and loss of rent if they cannot release the bedroom.

Overbuilt student housing

Data shows there is a current (and rising) demand for student housing, even with the proposed Texas State University project. In an independent study done by Capital Market Research, it found that the current

occupancy rates are at 97% in student housing projects city-wide, and showing a current need for over 3,000 student housing beds. As of this week it has been brought to our attention that the University has purchased Sanctuary Lofts and the Vistas properties.

Parking

An independent parking study, as suggested by the city was conducted in 2023 and clearly identifies 0.7 as the appropriate ratio of parking spaces/beds. We are proposing to park our development at .75. An additional 20 spaces will be available for public parking and to help assist with commuter parking during school hours by allowing them off street parking. At over

	<p>\$25,000/parking space this will result in over a \$500,000 additional expense to the developer.</p>
Height	<p>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories, as suggested.</p>
Flooding/Drainage	<p>Per the city planning and engineering departments this will all be addressed and enforced by the city code during the site development permitting process. It is important to note that the parking garage facility will utilize the current slope of the property but will not require further excavation.</p>

Historic Structures

We are currently in negotiations to have all 3 homes moved, if for some reason any or all of these falls through, we will immediately pursue moving the homes under the historic preservation guidelines.

Encroachment into Neighborhood

The height of the western 3 parcels has been reduced to 5 stories. Requested Preferred Scenario Amendment and Zoning Request are consistent with gradually decreasing density from the downtown area as noted above. The transition would go from 7 to 5 to 3. Noting that the current multifamily zoning allows for 4 stories by right and the current CD-5D allows for 5 by right.

Updated plans received January 2024 (indicative only)



Updated plans received January 2024 (indicative only)



14 STORY BUILDING

7 STORY BUILDING

7 STORY BUILDING

6 STORY BUILDING

5 STORY BUILDING

3 TO 4 STORY BUILDINGS

Alternative Compliance Findings

The City Council may allow additional stories in the CD5D... zoning districts, subject to the following:

1. The project is consistent with the objectives and guidelines from the City's Comprehensive Plan and Downtown Master Plan where applicable. **THE PROJECT IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND DOWNTOWN MASTER PLAN.** ✓
2. ~~For a residential project, the additional stories provide an opportunity to include a minimum of 10% of the project as affordable housing.~~ **NOT APPLICABLE FOR STUDENT HOUSING PER CITY CODE** NA
3. ~~For a residential project, the additional stories provide an opportunity to include a minimum of 20% of the project as workforce housing.~~ **NOT APPLICABLE FOR STUDENT HOUSING PER CITY CODE** NA
4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; -
5. The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program; **PROJECT WILL BE LEED SILVER CERTIFIED** ✓
6. The additional stories provide an opportunity to include childcare within the facility; -
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown; **20 COVERED PUBLIC PARKING SPACES WILL BE PROVIDED.** ✓
8. The additional stories provide an opportunity to include onsite publicly accessible open space in excess of the open space required under Section 3.10.1.2. **APPROXIMATELY 5% OPEN SPACE WILL BE PROVIDED FOR PUBLIC USE** ✓
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; - and
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. **THE PROJECT HAS REDUCED THE HEIGHT ON THE EASTERN 3 PARCELS TO FACILITATE A BETTER PEDESTRIAN EXPERIENCE.** ✓

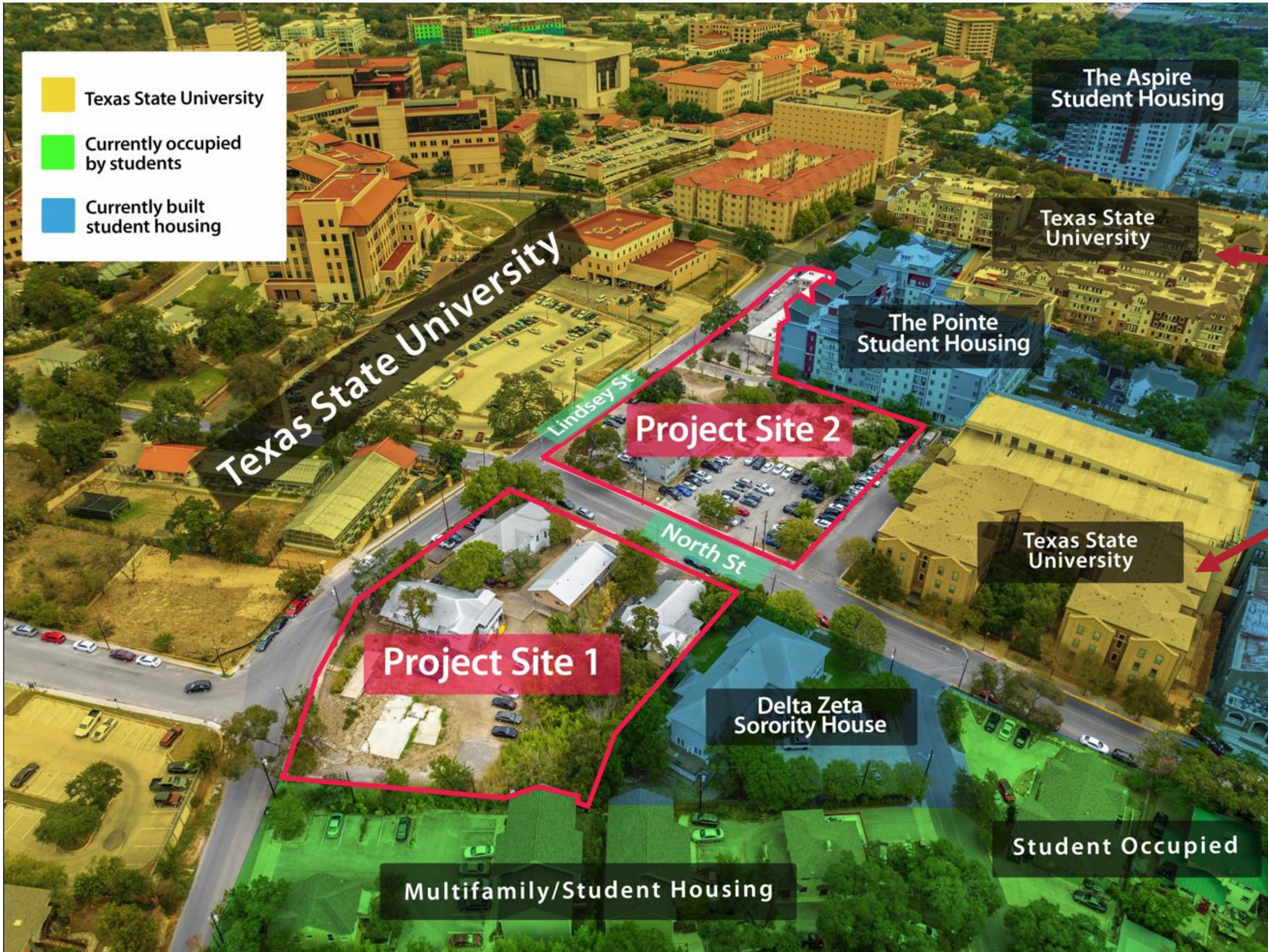
The McLain

Planning & Zoning Commission

PSA 23-02, ZC 23-19, CUP 23-22, AC 23-09

February 27, 2024

Site Aerial



COMMUNITY IMPACT

AUSTIN / SAN MARCOS - BUDA - KYLE / EDUCATION

Texas State University purchases downtown apartments for \$151 million



By Sierra Martin | 1:44 PM Feb 12, 2024 CST
Updated 1:44 PM Feb 12, 2024 CST



Texas State University has purchased two apartment buildings in downtown San Marcos to house an additional 1,086 students.

The Vista and Sanctuary Lofts were acquired by TXST in December, and the university took over management of the properties in January. The \$151 million purchase of the two properties was cheaper per-square-foot than building new dormitories, according to Bill Mattera, executive director of housing and residential life at TXST.

"The goal is just to offer more affordable housing for students and really lower the rates of these properties," Mattera said.

The big picture

He said that the growth of the freshman class over the past few years has caused a shortage in campus housing.

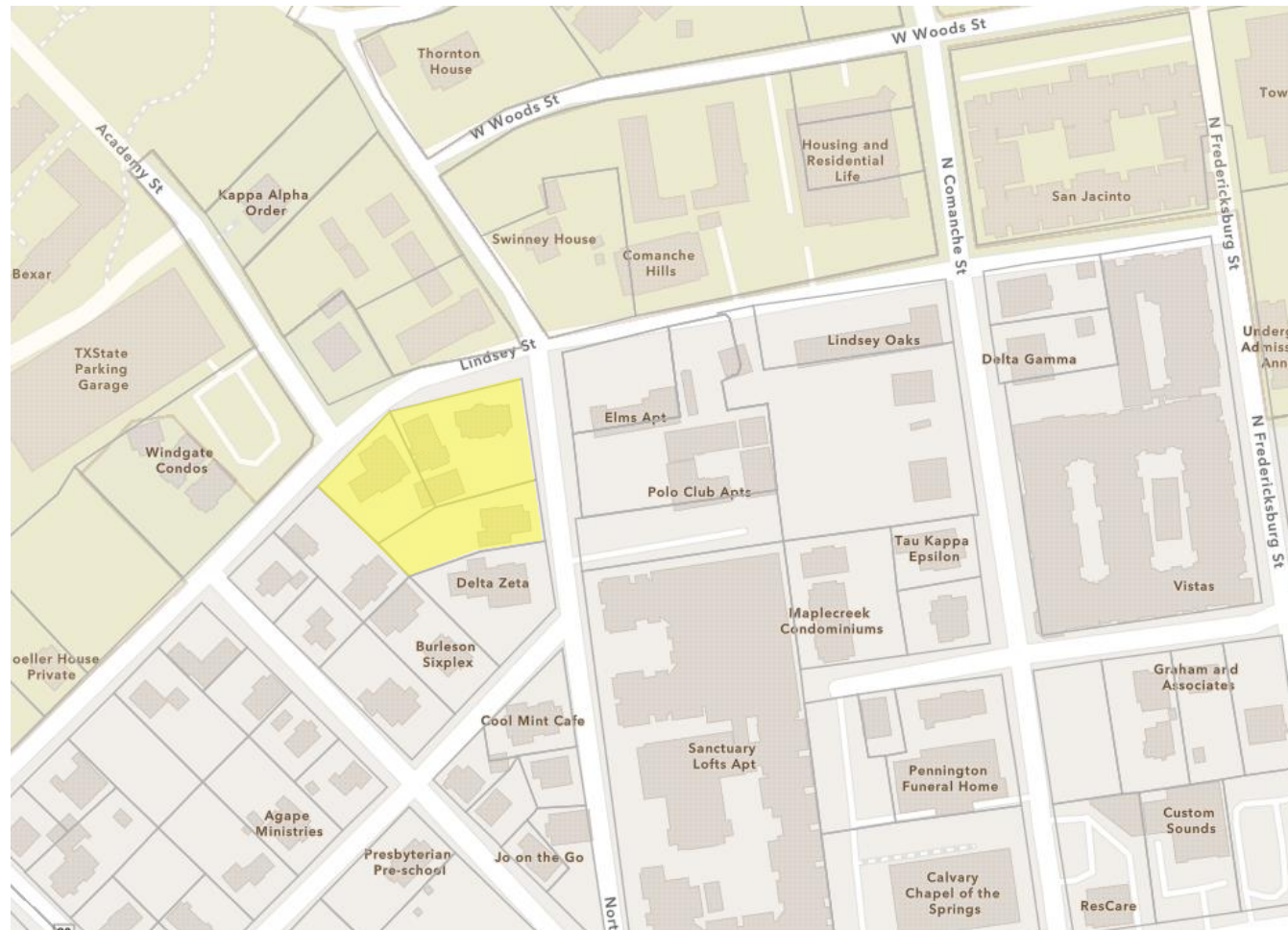
"Rents have increased by 40% in the San Marcos market, [TXST] has increased by 11%," Mattera said. "And so it's an opportunity to set up some affordable housing close to campus, but of the apartment variety."

About 90% of the property is already occupied by TXST students, but any occupant of *The Vistas* or *Sanctuary Lofts* that is not currently a student will be able to stay until the end of their lease but not have the ability to renew.

Request

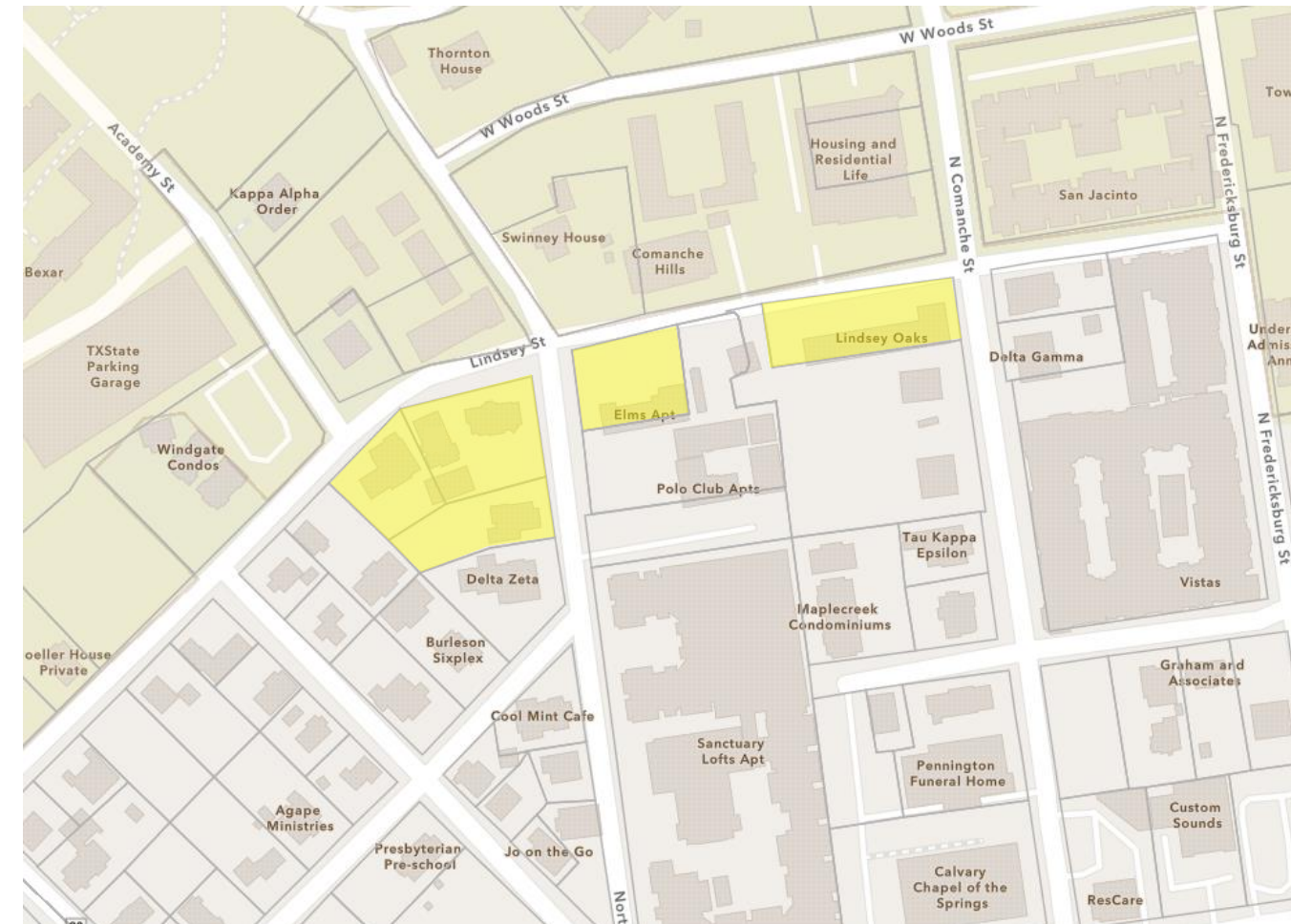
Preferred Scenario Amendment:

- PSA 23-02
- 3 parcels
- From “Existing Neighborhood” to “High Density-Downtown”
- Tract Size: 1.13 acres



Rezoning Request:

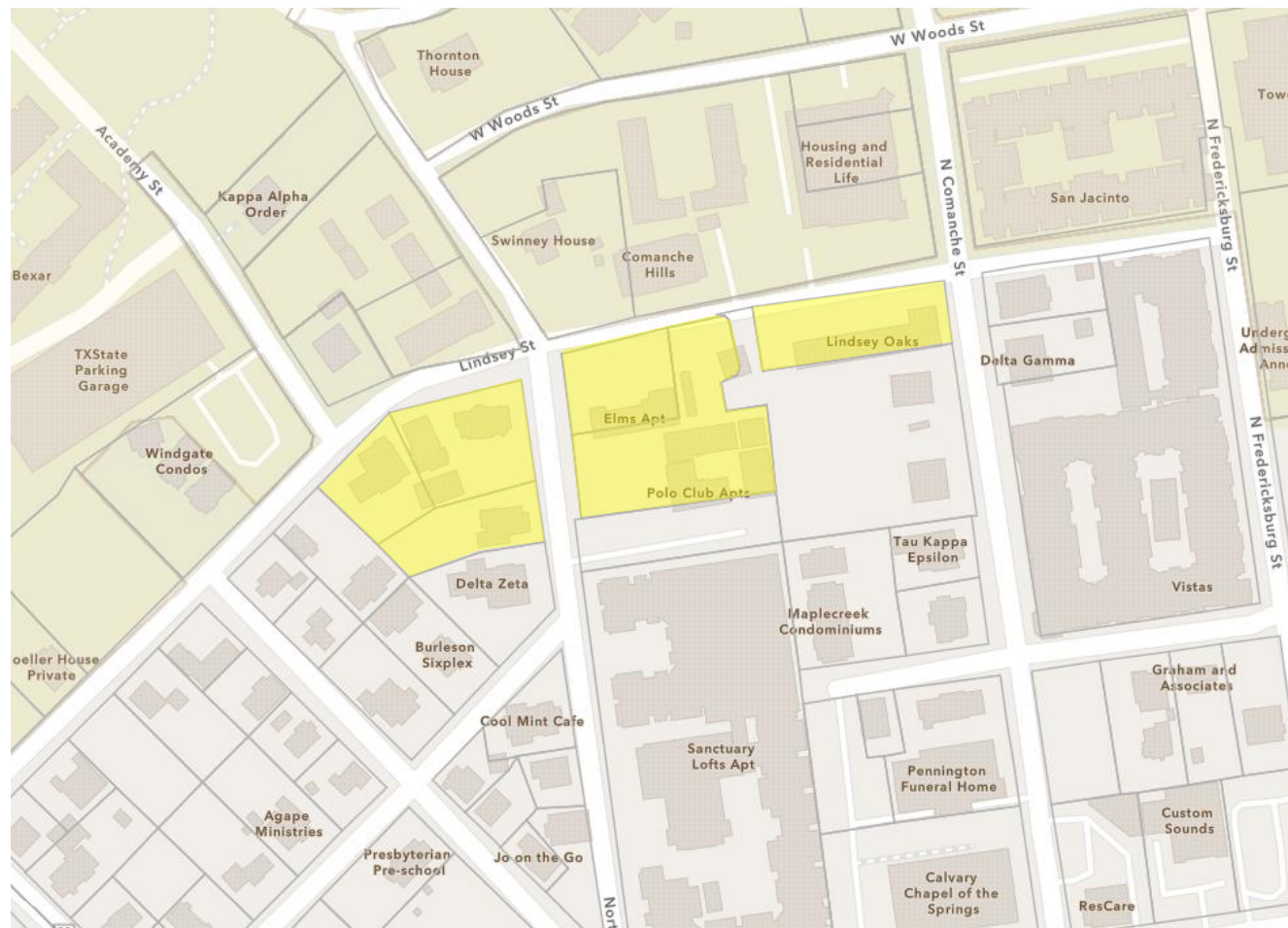
- ZC 23-19
- 5 parcels
- From “Multifamily MF-12/MF-18/MF-24” to “Character District 5-D”
- Tract Size: 1.97 acres



Request

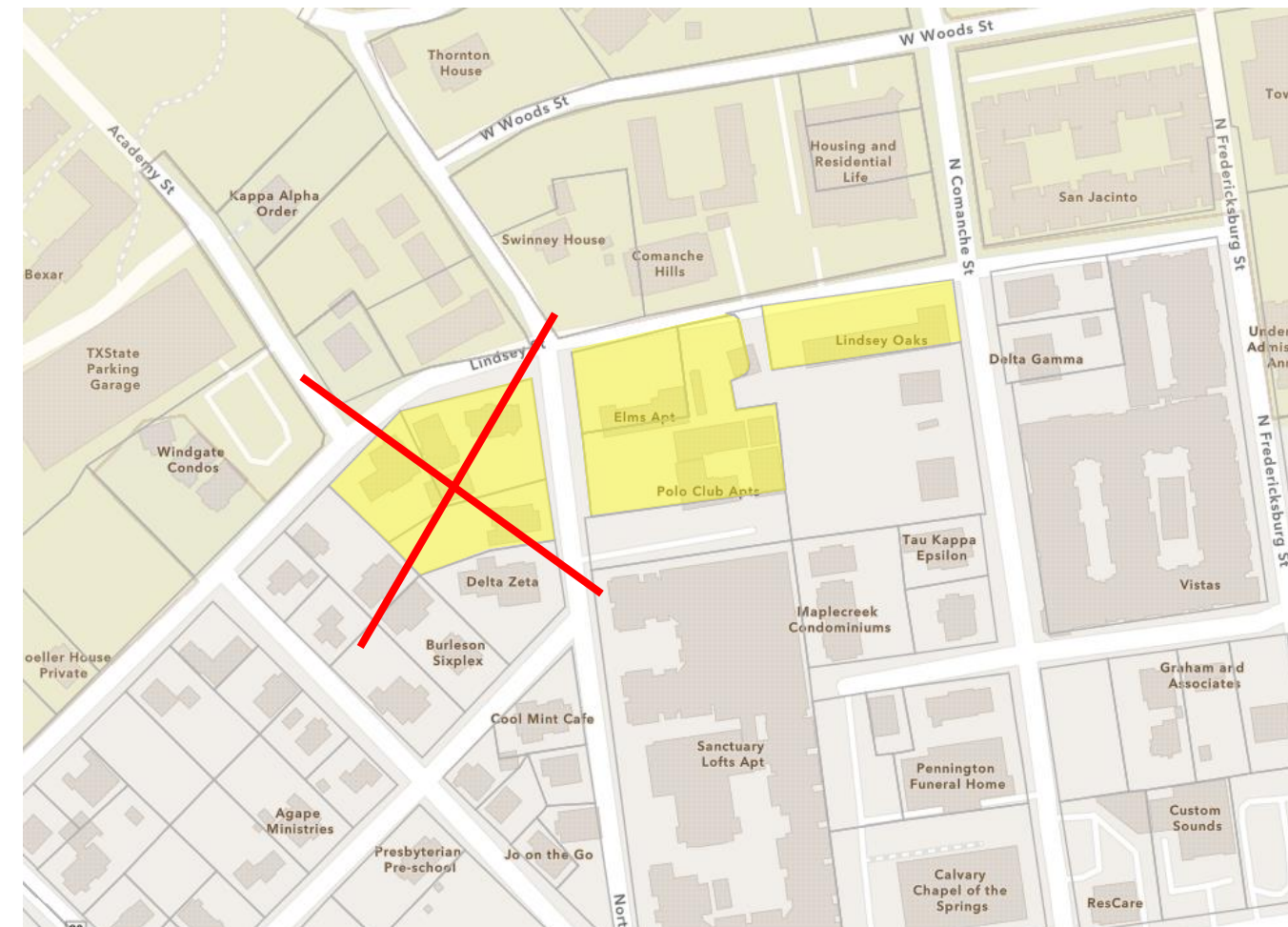
Conditional Use Permit:

- CUP 23-22
- 6 parcels
- For Student Housing & Reduction in Parking Ratio to 0.75 spaces/bed (plus payment of \$7500/space difference per Code)
- Tract Size: 2.59 acres



Alternative Compliance Request:

- AC 23-09
- 3 parcels (**removed western 3 tracts**)
- Increase the permitted height from 5 to 7 stories
- Tract Size: 1.46 acres (**removed 1.13 acres**)



Tax Impacts of Project

Tax Value Lost to Sale of Sanctuary Lofts/Vistas to Texas State University (2023)

Year	Taxing Unit	Tax Rate	Assessed Value		Lost Tax Value
			Sanctuary Lofts	Vistas	
2023	City of San Marcos	0.603000%	\$ 33,319,599	\$ 45,377,478	\$ 474,543
2023	Hays County	0.287500%	\$ 33,319,599	\$ 45,377,478	\$ 226,254
2023	San Marcos CISD	0.991500%	\$ 33,319,599	\$ 45,377,478	\$ 780,282
2023	Special Road District	0.020000%	\$ 33,319,599	\$ 45,377,478	\$ 15,739
2023					\$ 1,496,818



Tax Value Gained by McLain Project

Year	Taxing Unit	Tax Rate	Assessed Value						Lost Tax Value	Estimated Assessed Value - McLain	Gained Tax Value	Net Tax Value
			421 Lindsey	413/419 North	435 Comanche	410 North	420 North	409 North				
2023	City of San Marcos	0.603000%	\$ 248,140	\$ 968,915	\$ 1,431,612	\$ 244,720	\$ 665,000	\$ 579,110	\$ 24,949	\$ 65,262,107	\$ 393,531	\$ 368,581
2023	Hays County	0.287500%	\$ 248,140	\$ 968,915	\$ 1,431,612	\$ 244,720	\$ 665,000	\$ 579,110	\$ 11,895	\$ 65,262,107	\$ 187,629	\$ 175,733
2023	San Marcos CISD	0.991500%	\$ 248,140	\$ 968,915	\$ 1,431,612	\$ 244,720	\$ 665,000	\$ 579,110	\$ 41,023	\$ 65,262,107	\$ 647,074	\$ 606,051
2023	Special Road District	0.020000%	\$ 248,140	\$ 968,915	\$ 1,431,612	\$ 244,720	\$ 665,000	\$ 579,110	\$ 827	\$ 65,262,107	\$ 13,052	\$ 12,225
2023									\$ 78,695		\$ 1,241,285	\$ 1,162,590

The Estimated Assessed Value for McLain is a general estimate based on current building plans and market conditions and not a projection for the Tax Assessor's office.

- Project nets an approximate \$368,500 increase in City tax revenues over today's situation.
- This recovers 77% of tax revenues lost by sale of Sanctuary Lofts and The Vistas to Texas State University.
- All taxing units achieve 77% tax revenue recovery with project.

Public Outreach and Participation

- Public Outreach Highlights

- Neighborhood Meetings were held on September 28, 2023 and January 31, 2024.
- Planning Commission hearing will be held on February 27, 2024
- Canvassing students on campus

Issue Identified	Project Response
Safety of student housing (structure)	Less safe, non-sprinkled units will be replaced with new, sprinkled units that meet current Building, Fire, Electrical, and Plumbing Codes.
Safety of student housing (rent by bed)	Individual housing contracts allow roommate matching. Students will only be placed with other students. Lighting and access/egress will be designed to current Code standards and provide a safer environment than exists today
Overbuilt student housing	Data shows there is a current (and rising) demand for student housing, even with proposed Texas State University project. University is currently purchasing existing student housing projects to support the need.
Parking	Parking study conducted in 2023 clearly identifies 0.7 as the appropriate ratio of parking spaces/beds. This project will park at .75 and will pay the mandated parking fee prescribed by Code. An additional 20 spaces will be available for public parking.
Height	While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories.
Flooding/Drainage	Impervious cover of eastern 3 parcels is almost 100%. Per Engineering Department, impervious cover on eastern 3 parcels will be addressed as part of Site Development Permit.
Historic Structures	Historic structures will not be demolished, they will be relocated.
Encroachment into Neighborhood	The height of the western 3 parcels has been reduced to 5 stories. Requested Preferred Scenario Amendment and Zoning Request are consistent with gradually decreasing density from downtown area.

Petitions & Letters of Support

427 Lindsey Street Partnership, Ltd

1407 Brown Street, San Marcos, Texas 78666

Dear Members of City Council and/or Planning and Zoning Commission

I represent the owner of 427 & 431 Lindsey Street and 410 & 412 Burleson Street, San Marcos, TX 78666.

These properties connect from Lindsey Street on the north all the way to Burleson Street on the south and are directly adjoined to 413 & 421 Lindsey Street and 415 & 409 North Street making my property directly contiguous to the west of the new student housing project that Kenyon Companies is proposing on the corner of North Street and Lindsey Street.

The four properties owned by 427 Lindsey Street Partnership are multifamily/student housing and have been rented almost exclusively to students for many years.

I have been in contact with Kenyon Companies, and I am in support of the four (4) applications being submitted for these properties to enable them to be used as student housing. This includes the Preferred Scenario Amendment, the Zoning change to CD-5D, the Conditional Use for Student Housing, and the Alternative Compliance for an increase in height to 7 stories.

With such proximity to Campus, minimal site constraints, and a need for student housing near Campus, a project like this will benefit both the University and the City of San Marcos by:

- Enabling students to live closer to campus, which will remove traffic from other housing farther off Campus;
- Reducing the sprawl effect that can come with increased enrollment at Texas State
- Reducing vehicular traffic congestion, enabling them to access Campus and other routine services by bicycle or walking.

Thank you for considering this request.

Sincerely,



Allen E. Wise
President/Manager
Date: 10/20/23

PETITION OF SUPPORT

Preferred Scenario Amendment: PSA 23-02: From "Existing Neighborhood" to "High Density-Downtown" for Site 1
Rezoning Request: ZC 23-19: From "Multifamily MF-12/MF'18" to "Character District 5-D"
Conditional Use Permit: CUP 23-22: For Student Housing & Reduction in Parking to 0.75
Alternative Compliance Request: AC 23-09: Increase the permitted height from 5 to 7 stories

Project Description: The purpose of these applications is to change the Preferred Scenario map for both Sites from Existing Neighborhood to High Intensity-Downtown per the currently adopted Comprehensive Plan. **The Property is intended to be redeveloped with a student housing project with up to 917 beds.** The Property is currently zoned multi-family and is surrounded by the University, other multi-family and sorority houses. **The Property is not adjacent to residential.**

We believe that this location is ideal to accommodate the increased student population, and the need for student housing adjacent to the University. We recognize that most students will bring a car to campus, therefore we are proposing a parking structure to accommodate the vehicles of the students. Our project is proposing a parking ratio of 0.75, which has been determined to be more than we need to accommodate the project as a whole. **The adjacency to the University is an ideal location for this product type allowing students to walk across the street and be on campus.**

We are also requesting an alternative compliance to **increase the height of the project from 5 to 7 stories. This project is outside of the downtown area immediately adjacent to the University.** We have provided a 3D rendering to show the height of the building as it related to surrounding properties. **In order to serve the needs of the University student population given the limited number of sites that exist that are across from the University and not adjacent to single family, an increase in height is necessary to get the density to make the project beneficial for all.**

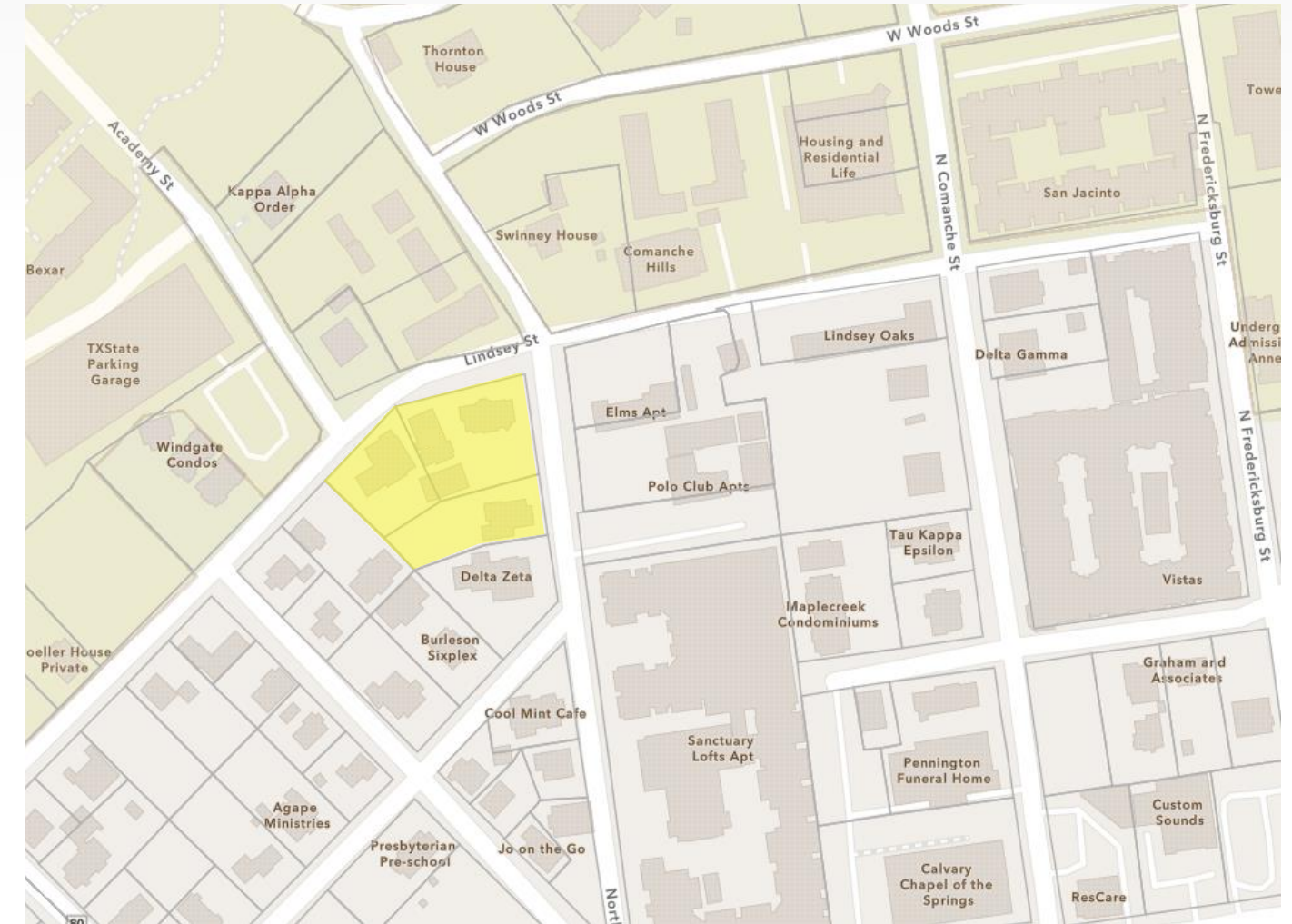


Petitions of Support (1200 Signatures in Support)

Printed Name	Signature	Address	Student? (Y/N)	Printed Name	Signature	Address	Student? (Y/N)	Printed Name	Signature	Address	Student? (Y/N)	Printed Name	Signature	Address	Student? (Y/N)	Printed Name	Signature	Address	Student? (Y/N)	Printed Name	Signature	Address	Student? (Y/N)
Campbell Burke		2710 Briskey trail	Y	Hannah Aguiar		San Marcos, TX	Y	Abdul Adenise		Towry	Yes	Sagiani		Leah Avenue	Y	Taylor Bell		San Marcos, TX	Y	MUSTAPHA M		San Marcos, TX	Y
Jayden		1104 Eyer road dr	Y	Leah Bastien		San Marcos, TX	Y	David Oranga		blanco	yes	Rya Cranton		Leah Ave.	Y	Miyanna Kralik		Seguin, TX	Y	Larry Reed		San Marcos, TX	Y
awa Anderson		5012 W. 03 Dr	Yes	Christy Williams		San Marcos, TX	Y	Samuel		College Inn	Yes	Jalen Tames		Blanco Hall	Y	Emma Yurko		San Marcos, TX	Y	Ashley Barsh		Jackson Hall	Y
EMILY McLENNAN		Arnold	YES	ALICIA MORALES		San Marcos TX	Y	Angel S		Austin, TX	Y	Felix Stutz		Austin TX	Y	Amey Sherman		San Marcos, TX	Y	Alexander Jordan		FFF	Y
LELA BRINNETTA		33550 FRANK WILSON BLVD	yes	NORMAN LARSON		San Marcos TX	Y	Alyanna Soto		Kyle, TX	Y	Knathon Gutierrez		San Marcos, TX	Y	Elizabeth Brock		San Marcos, TX	Y	William M		Bobcat Village	Y
Joseph Anderson		Jacobson	Yes	Rubio Pedroza		San Marcos, TX	Y	Alga Soto		San Marcos, TX	Y	Brianna Bush		San Marcos, TX	Y	Danny Cates		San Marcos, TX	Y	GABRIEL KUAN		North Austin	Y
Corinne Ward		FALLS HALLS	YES	Maria Lopez		San Marcos, TX	Y	Rubio Georgia		Kyle, TX	Y	Erica Martinez		San Marcos, TX	Y	Laura Quiñones		San Marcos, TX	Y	Cassandra Vasquez		Sage's Hall, San Marcos	Y
Shelby Smith		Falls Hall	YES	ARUP AHMED		SAN MARCOS, TX	Y	Malik Emanuel		San Marcos, TX	Y	Debraun Huan		San Marcos Hall	Yes	Christina Rodriguez		San Marcos, TX	Y	Khariyon McKey		Cottages	Y
Kathia Perez		Jackson	YES	Isabel Quintero		San Marcos TX	Y	Meliki Brown		San Marcos	Y	Kenzie A		Falls Hall	Yes	Leslyezhang		San Marcos, TX	Y	Chris Perryman		Blanco Hall	Y
Josiah McDonald		701 Moore St	Y	Liam Morrison		San Marcos, TX	Y	Miranda G		San Marcos	Y	Carra Estroff		San Marcos, TX	Y	Juan D		San Marcos, TX	Y	Chase Small		College Inn	Y
Amyra Boyd		701 Moore St	Y	Maria Plo		San Marcos, TX	Y	Leslie G.		San Marcos	Y	Sofia Saez		San Marcos, TX	Y	Dianayel V		San Marcos, TX	Y	Logan Hamer		121 crosswalk	Y
Chloe Ginn		701 Moore St.	YES	Sofia Chalce		San Marcos, TX	Y	Arlic W.		San Marcos	Y	Debraun Huan		San Marcos Hall	Yes	Madison S		San Marcos, TX	Y	Ethan Mauer		Tower Hall	Y
Lulwa Cassin		615 RAWSON BLVD	Yes	Samar Okonima		San Marcos, TX	Y	Suzanne Williams		Wyle, TX	Y	Kenzie A		Falls Hall	Yes	Malaki B		San Marcos, TX	Y	ERIC GRIGGS		Tower Hall	Y
Terra Mann		Lantana	Yes	Isabel Garcia		Austin TX	Y	Trinity McCallum		Wyle, TX	Y	Erica Martinez		San Marcos, TX	Y	Taylor G.		San Marcos, TX	Y	Patricia Turin		Stony Hall	Y
Bethel Salmon		EZO	Yes	Guany Salazar		San Marcos TX	Y					Kaylee Norman		San Marcos TX	Y	Jane P.		San Marcos, TX	Y	Maria Frank		Arba	Y

Preferred Scenario Map Amendment - Summary

- Amendment request for 3 parcels
- Located at Lindsey and North Street
- Adjacent the University
- Surrounded by multi-family, fraternity/sorority houses and University
- Current Comprehensive Plan **Vision SMTX** identifies the property as existing multifamily
- Under current Vision SMTX: Requesting **High-Density Downtown** designation to match surrounding properties
- Under proposed Vision SMTX (recommended by P&Z Commission): Requesting **High Intensity-Neighborhood** designation.
- Property is currently zoned Multifamily and allows for 4-story development.



Section 4.1.1.6 Comprehensive Plan Preferred Scenario

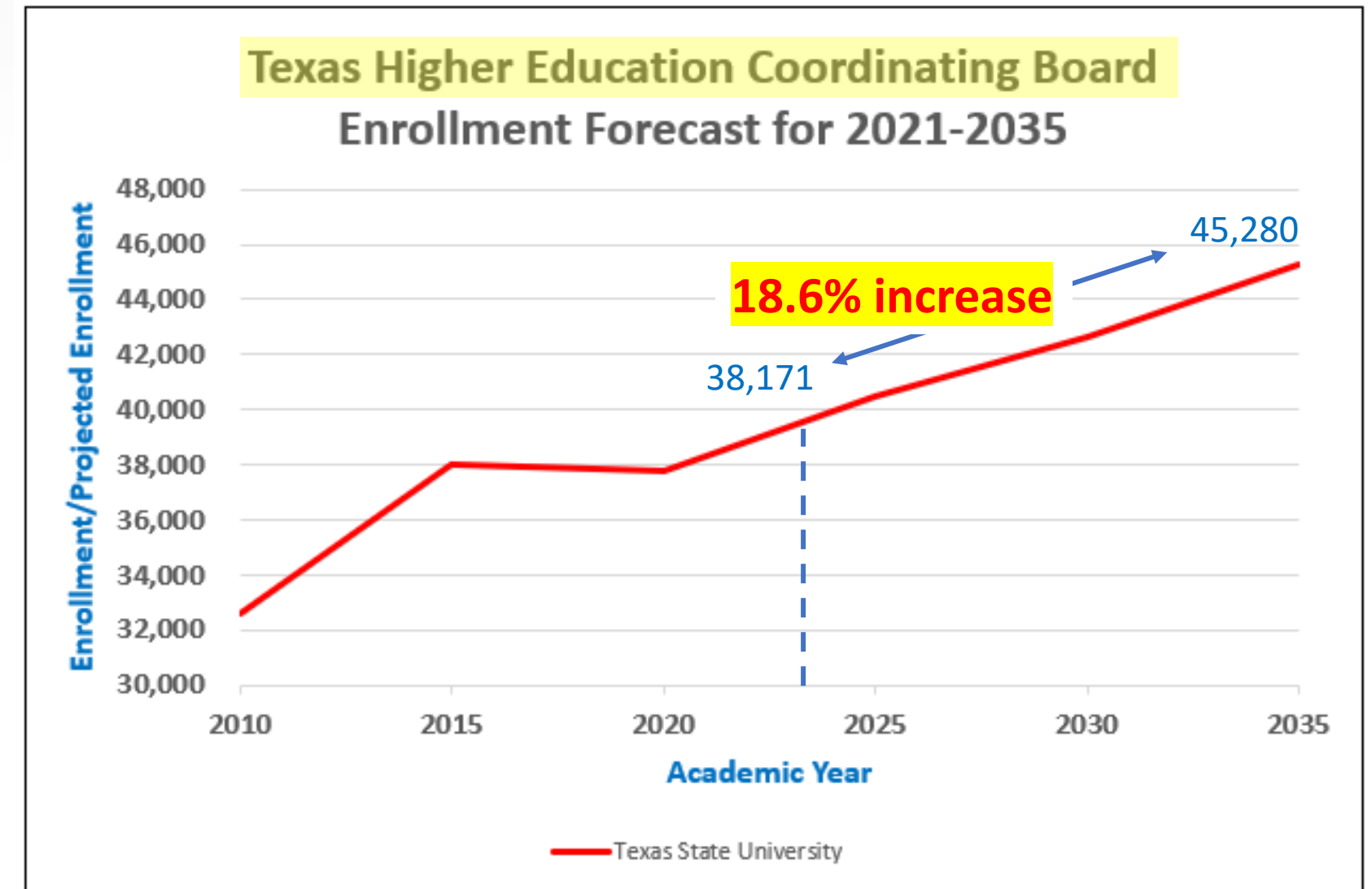
A. Comprehensive Plan Preferred Scenario Designations. To direct the intensity of, and development within, the various areas of the City, the Comprehensive Plan Preferred Scenario Map establishes the following Preferred Scenario areas:

4. Medium or High Intensity Zone. An area of change intended to accommodate the City's future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip or drive.

Preferred Scenario Map Amendment - Use

- Use: Student Housing Demand

- Texas State University data shows freshman enrollment has increased 30% over the last 5 years.
- Community Impact (2023): “The freshman class represents a record-setting enrollment for the 3rd consecutive year.”
- Community Impact (2023): Current enrollment at Texas State University is at the highest in the past five (5) years and the 2nd-highest in university history.
- KTSW 89.9 (2022): “Texas State’s record-setting freshman enrollment could be cause of housing shortage.”
- Texas Higher Education Coordinating Board Enrollment Forecast for 2021-2035: Projects that enrollment at Texas State University will increase by roughly 18% by 2035.



- Use: Student Housing Supply

- 2021 U.S. Census Data shows 1,013 vacant rental units within San Marcos area, but this doesn't depict where these units are.
- November 2023 survey of 42 student housing projects in San Marcos: 21,264 total beds at 96.91% occupancy.
- July 2023 survey of ten (10) apartment communities with 1-mile of Property had vacancy rate of 1.3%.
- While there may be beds available city-wide, it is reasonable for the Commission to conclude that the supply of student housing within close proximity to the University is lacking.
- This is borne out by Texas State purchase of surrounding complexes adjacent to the University and abutting the proposed Project.

Preferred Scenario Map Amendment – Use

From TAG:

RBB Statistics in San Marcos, Texas

San Marcos is already **overbuilt** by roughly **6,308-12,309 beds** of Rent By the Bed (RBB) student-oriented housing.

38,376 students are currently enrolled (2023)

According to TSU Date, capacity is 6,753 and 7,174 students are living in these residence halls

22,685 students physically do not live in San Marcos and do not need RBBs:

6,853 students in residence halls,

1,456 in Round Rock,

10,814 commuters,

3,562 online only students,

Commuters and On-Line students cannot be assumed to not want to live on/near campus

Unknown number of students living in traditional housing

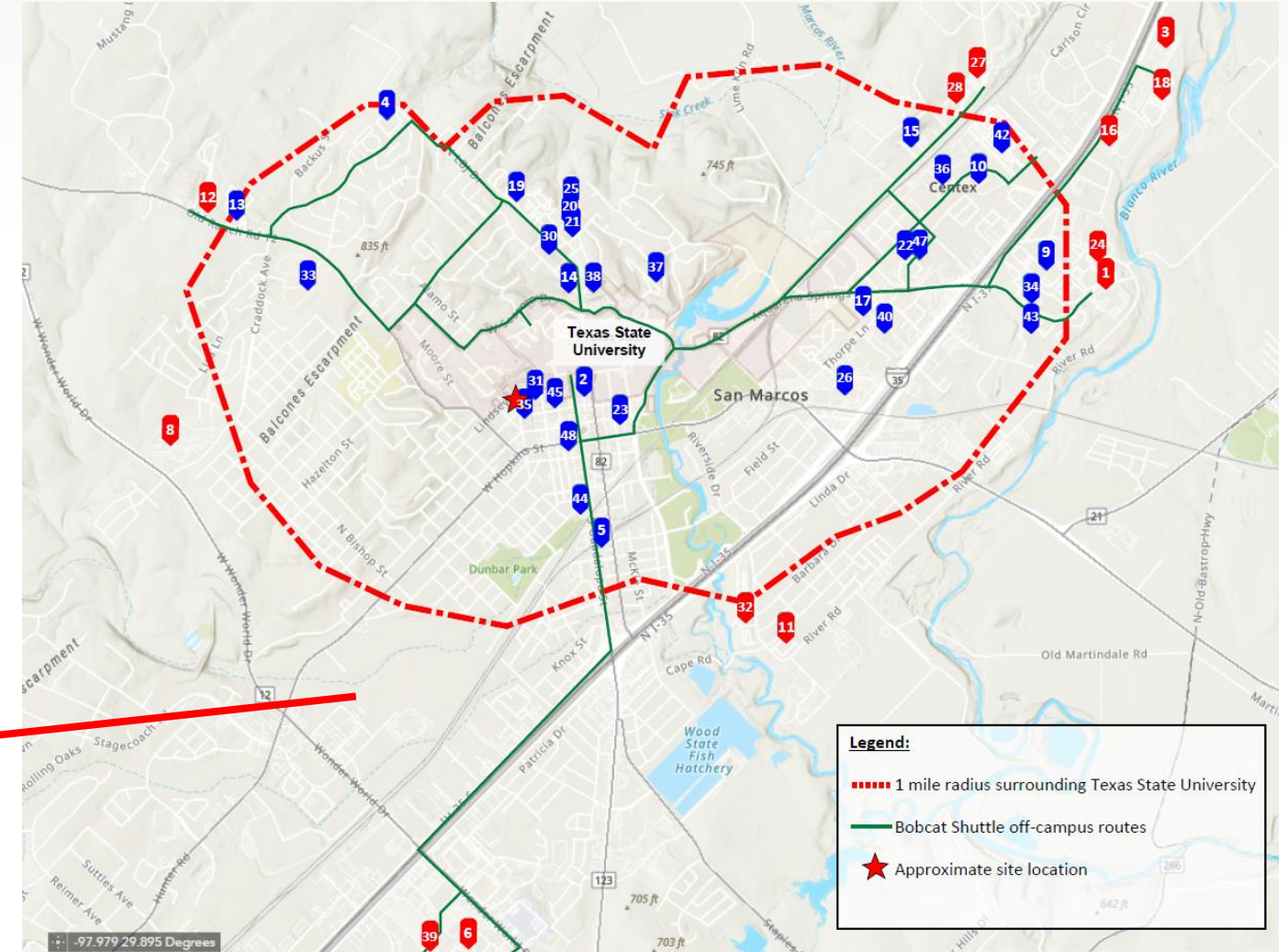
With commuters and on-line students, this number rises to 30,067

15,691 is the maximum number of “student housing” beds San Marcos needs to be able to house every Sophomore, Junior, Senior, PhD, Masters, Post Grad student, married, graduate, veteran, and people living in traditional/ joint lease housing.

21,999-ish RBB beds are available now. At least **28,000ish** beds are available with double occupancy.

More than 36% of these beds are > 1 mile from campus

Only 53% of these beds are within 500’ of Bobcat Bus line



Student Housing Occupancy Information (within a 10 mile radius)

Map No.	Project	YOC	Total Units	Total Number of Beds	Beds Leased
Built 2010 +					
1	Aspire San Marcos	2020	225	755	755
2	Cheatham Street Flats	2020	143	234	234
3	Pointe San Marcos	2017	109	345	345
4	Sanctuary Lofts	2006	202	481	460
5	The Local	2017	96	304	304
6	The Lyndon*	2019	233	515	506
7	The Parlor	2021	261	452	452
8	The View on the Square	2021	120	386	364
9	Vie Lofts at San Marcos	2016	86	230	230
10	Vistas San Marcos	2013	255	599	593
Total			1,730	4,301	4,243

98.7% Occupancy Rate

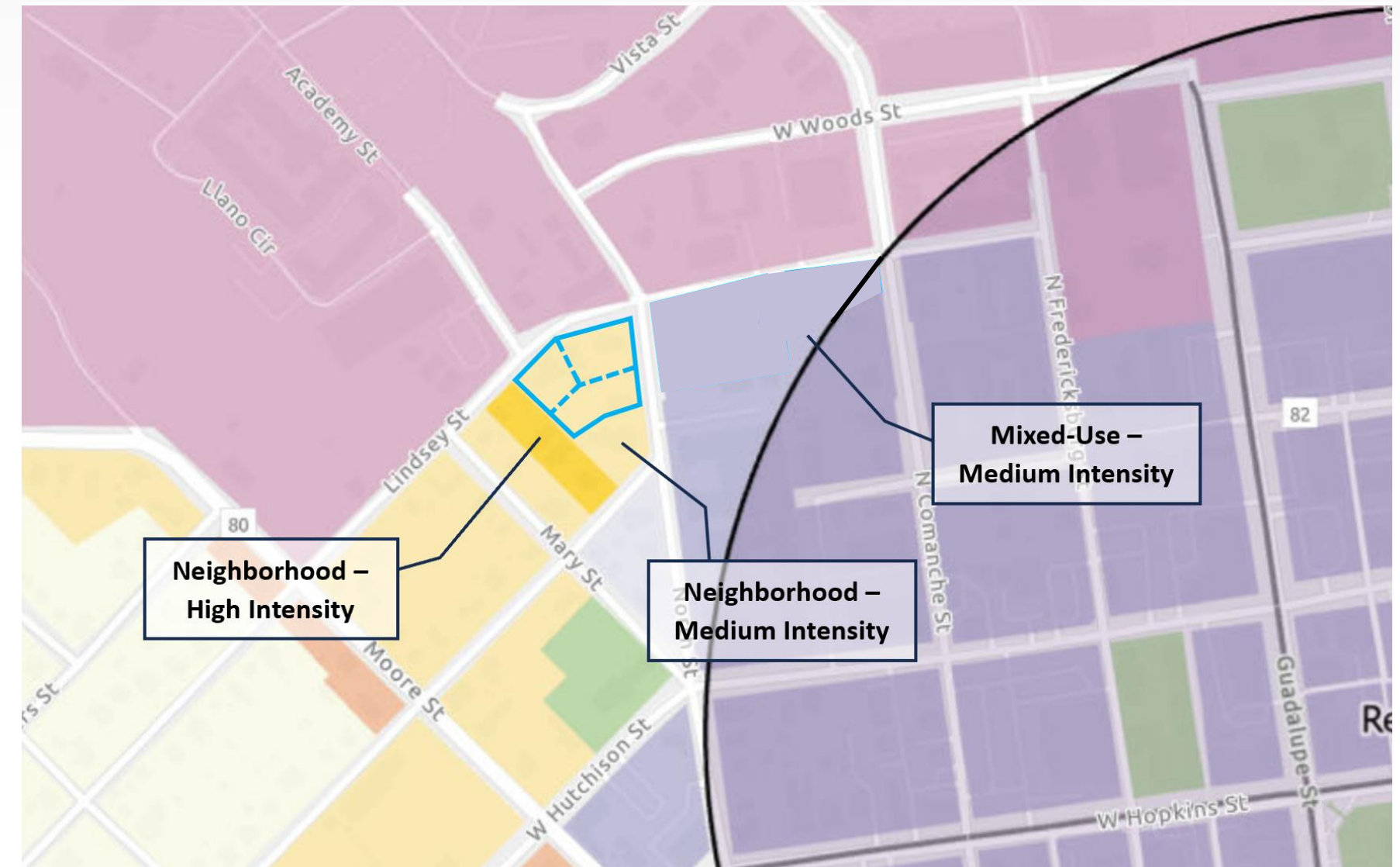
Source: Capitol Market Research, apartment community survey July 2023

- There is a market demand – see petition numbers.
- The University has recently purchased the existing Sanctuary Lofts and The Vistas Student Housing Project totaling 1,048 beds, which they will be using for freshman housing.
- Without additional student housing near campus, students will be forced to live throughout San Marcos causing student sprawl and increased traffic throughout the city.

Preferred Scenario Map Amendment – Good Urban Planning

Is this the right location for High Density Downtown Use?

- P&Z proposed Vision SMTX recommendation identifies Neighborhood High Intensity for a property abutting the proposed Project immediately to the west.
- Every unit **NOT** placed near campus puts pressure on other parts of San Marcos and will likely increase urban sprawl.
- Every unit **NOT** placed near campus means an additional car on the street, and additional car parking within a neighborhood, or additional strain on the bus system.
- Proposed project is **DIRECTLY ACROSS THE STREET** from the Texas State University campus.
- The proposed project site has a walkability score of 93 – putting it at the top of similar projects across the country.



- Per-capita water use in more densely developed areas is significantly less than in suburban areas.
- Urban sprawl has a proven negative impact on water quality.

Preferred Scenario Map Amendment – Summary

- City Staff supports this request.
- Good planning principals dictate a logical transition that meets the intent of **Vision SMTX**
 - From Mixed Use-Medium to Neighborhood High-Intensity to Neighborhood Medium-Intensity



- There is documented demand for student housing and the Preferred Scenario Map Amendment is appropriate to allow the kind of development to address the additional need for housing.
- The impacts of NOT making this change would likely result in:
 - Urban Sprawl
 - Increased parking issues in neighborhoods
 - Increased strain on the bus system
 - Increased water use on a per-capita basis
 - Poorer water quality
 - Increased traffic and associated impacts on air quality

Zoning Change Request

ZONING REGULATIONS

CHAPTER 4

Section 4.1.2.6 Character Districts

- A. Character districts are intended for infill development and new development in both high and medium intensity zones on the Preferred Scenario Map.
- B. Character districts provide for higher density residential and commercial uses in well planned areas where utilities and infrastructure are designed and constructed to support intense development in a walkable and mixed use environment.

TABLE 4.5 CHARACTER DISTRICTS

ABBREVIATED DESIGNATION	DISTRICT NAME	DISTRICT INTENT	SEC.
CD-5D	Character District -5 Downtown	The CD-5D district is intended to provide for mixed use, pedestrian-oriented development in downtown. To promote walkability and to encourage street level retail activity, auto-oriented uses are restricted. CD-5D should be applied in areas where the existing or proposed land use pattern promotes the highest levels of pedestrian and mixed use activity in the community.	Section 4.4.3.7

CHAPTER 4 ZONING REGULATIONS

GENERAL DESCRIPTION

The CD-5D district is intended to provide for mixed use, pedestrian oriented development in downtown. To promote walkability and to encourage street level retail activity, auto-oriented uses are restricted.

Walk Score is 93 for this site, which ranks among the highest in the nation for student housing near campus
 [Source: www.walkscore.com]

CHAPTER 4 ZONING REGULATIONS



APARTMENT:

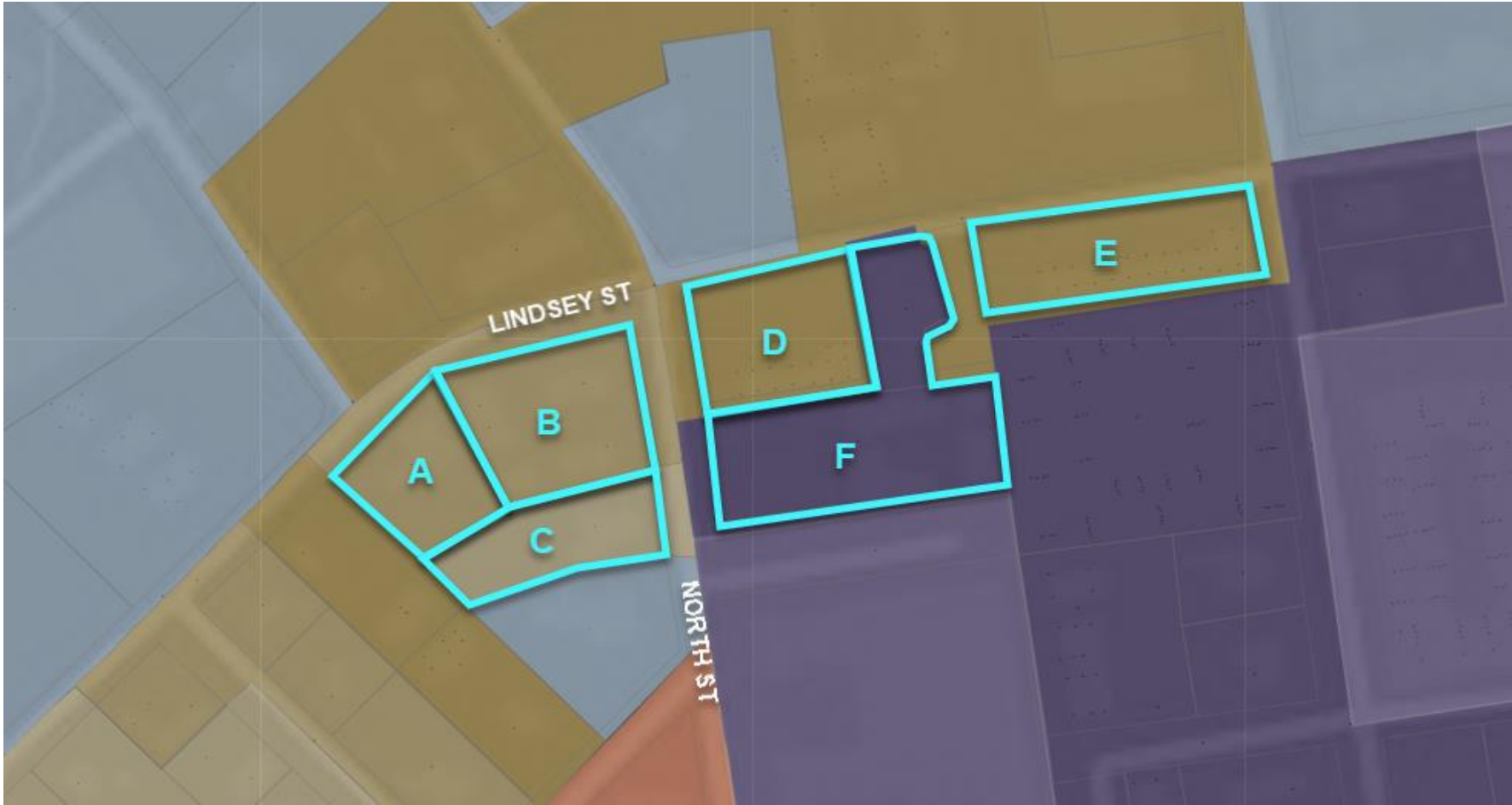
A multi-family residential only structure consisting of a number of dwelling units arranged side by side and stacked on multiple floors. Unit types may be either single level (flats) or multi-floor (townhouse).



Zoning Change Request

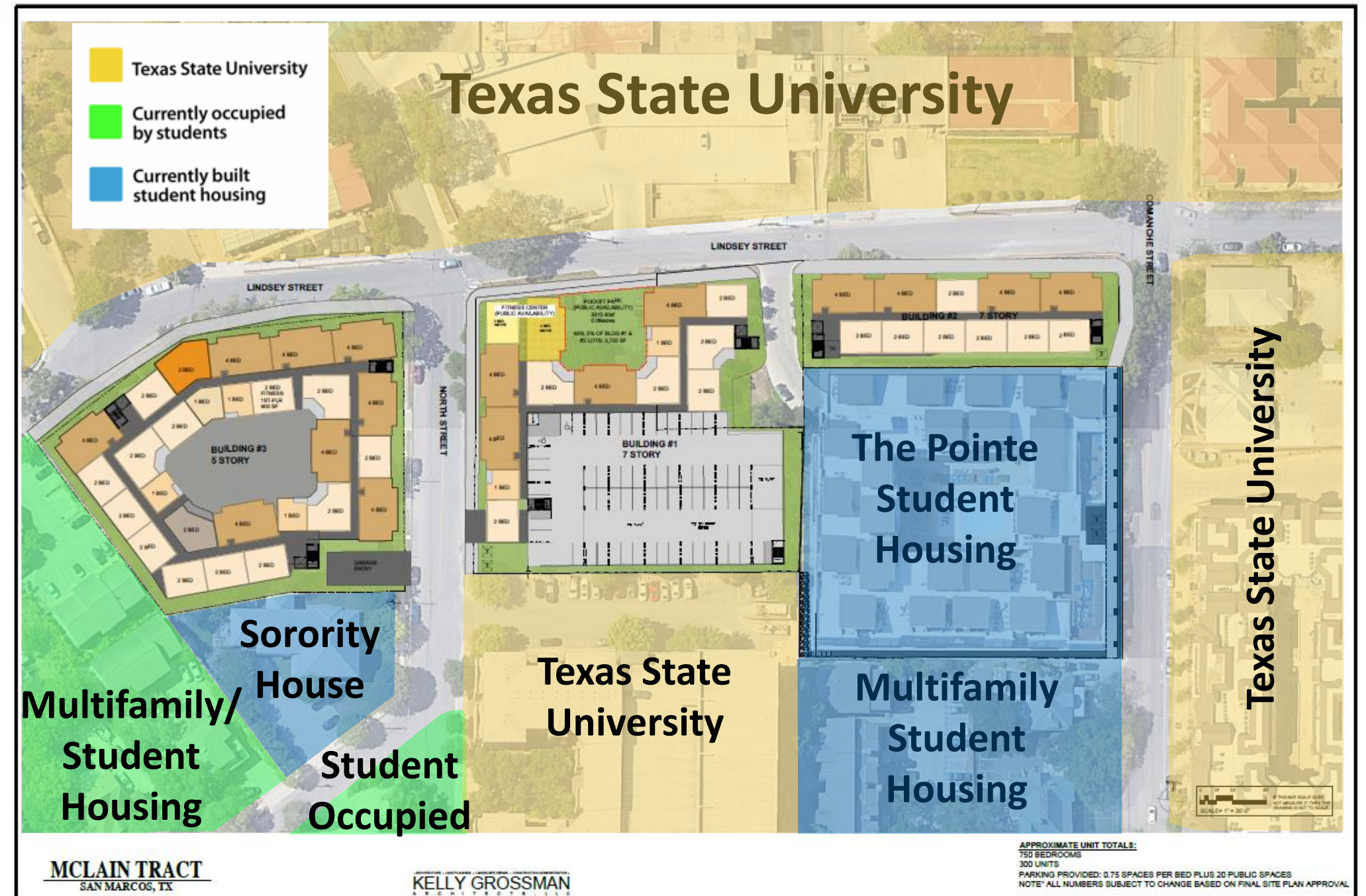
Parcel #	Label	Address	Zoning Change	Existing Zoning	New Zoning Allowed	Proposed
R34773	A	421 Lindsey St.	From MF-12 to CD-5D	4 stories	5 stories	5 stories
R141054	B	413 & 419 North St.	From MF-12 to CD-5D	4 stories	5 stories	5 stories
R133230	C	499 North St.	From MF-18 to CD-5D	4 stories	5 stories	5 stories
R32207	D	420 North St.	From MF-24 to CD-5D	4 stories	5 stories*	7 stories
R53147	E	435 N. Comanche St.	No Change (CD-5D)	5 stories*	5 stories*	7 stories
R155306	F	410 North St.	From MF-24 to CD-5D	4 stories	6 stories*	7 stories

* Alternative Compliance available (see Section 4.3.4.4 or Section 4.3.4.5).



Zoning Change Request - Summary

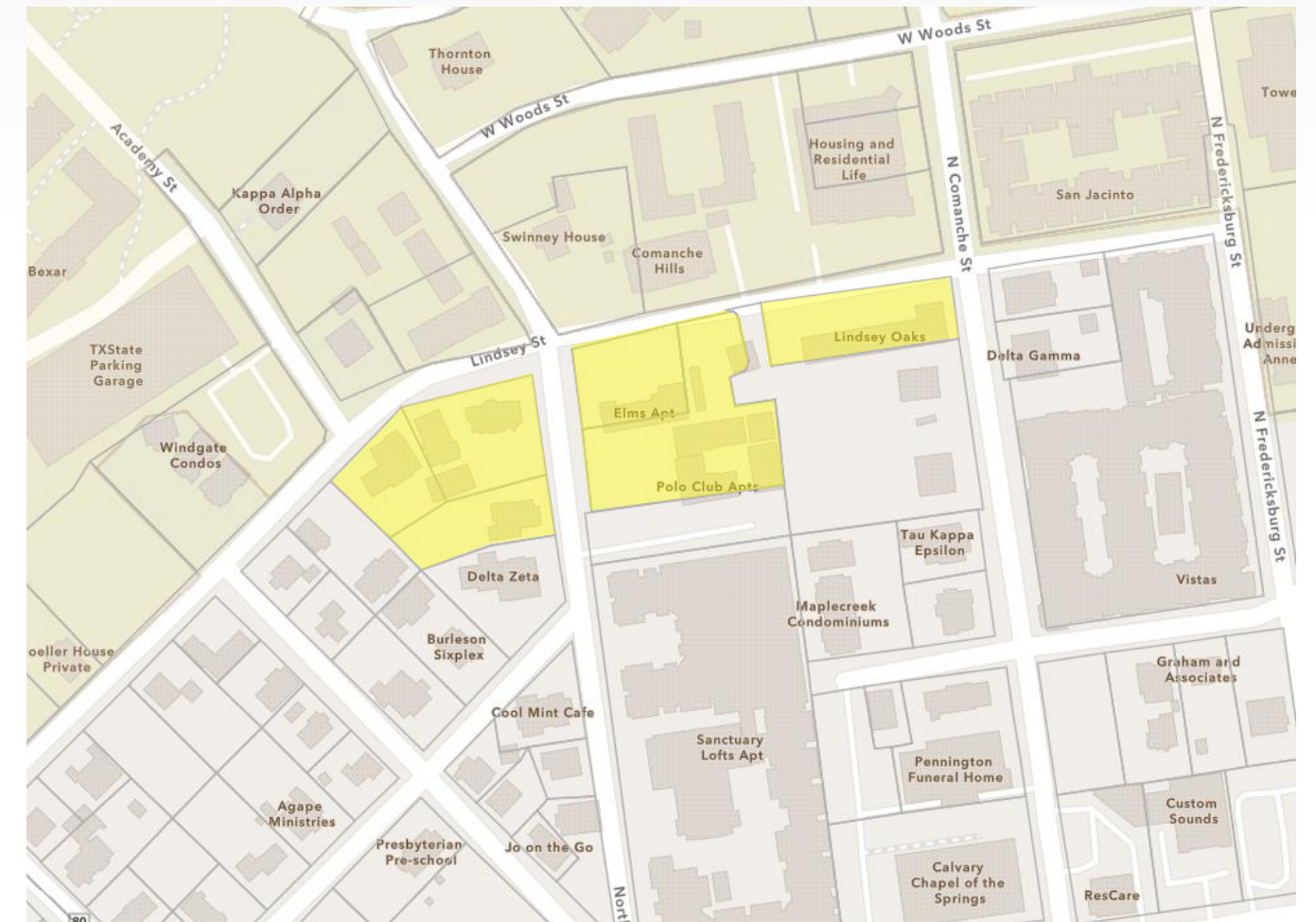
- Zoning change requested for 5 parcels.
- Property is currently zoned Multifamily.
- Project is seeking CD-5D
- Staff supports this request.
- Requested zoning:
 - Is consistent with surrounding zoning and use.
 - Promotes compatibility with adjacent and nearby uses.
 - Allows for a reasonable use of the property.
 - Satisfies a public need.
 - Promotes a transition between adjacent and nearby zoning districts, land uses, and development intensities.



Conditional Use Permit – Student Housing

Off-Campus Individual Housing Contract Student Housing

- The predominant Student Housing model in the United States
 - Limits student risk
 - Places all risk on developer
- In this model, a **student renter is protected** if:
 - A co-habitant is late or does not pay their lease
 - A co-habitant damages the portion of the apartment they have leased
- Students are only required to ensure their installment payments get paid monthly
 - **It will not matter if your roommates pays the rent on time or does not pay the rent at all.**
- Allows for roommate matching
 - Non-students will not be placed with students and can include age-appropriate matching
- Nationally, only 20% of on-campus student housing is equipped with **full kitchens**
 - Especially important as Universities struggle with providing meal plans that satisfy the broad range of dietary needs of their student population.
- **Provides an asset to the University** to academically, socially, and physically advance the learning environment while minimizing financial exposure.
 - **Proven by recent University purchase of adjacent private student-built housing projects.**



The Texas Fair Housing Act protects rights to rent an apartment free from discrimination based on race, color, national origin, religion, sex, familial status, and disability.

Conditional Use Permit – Parking & Open Space

- Applicant is proposing a parking ratio = 0.75 spaces/bed
- 2023 Capital Market Research Parking Utilization Study
 - **Appropriate ratio of parking spaces/bed for a student housing project in San Marcos = 0.7 spaces/bed.**
 - Especially true when Project is literally across the street from campus.
- Thus, the project provides 20 **paid, covered parking spaces available for public use.**
- Applicant will **meet the provisions** in the Land Development Code Chapter 7, Article 1, Division 4 by paying fee-in-lieu for the balance of the parking spaces not provided.
- Applicant is proposing to provide a bike storage room to include a maintenance shop and bikes available to be checked out by residents.
- Applicant is proposing to pay fee-in-lieu for all parkland required in the Land Development Code.
- Applicant will provide public park space on site including seating, bike parking, covered dining, etc.



Student Housing Parking Utilization Study

Prepared for

Mr. Matt Kenyon
Kenyon Companies
4826 East Cesar Chavez
Austin, Texas 78702

By

Capitol Market Research, Inc.
1102 West Avenue, Suite 100
Austin, Texas 78701

On

July 17, 2023

Conditional Use Permit – Staff Conditions

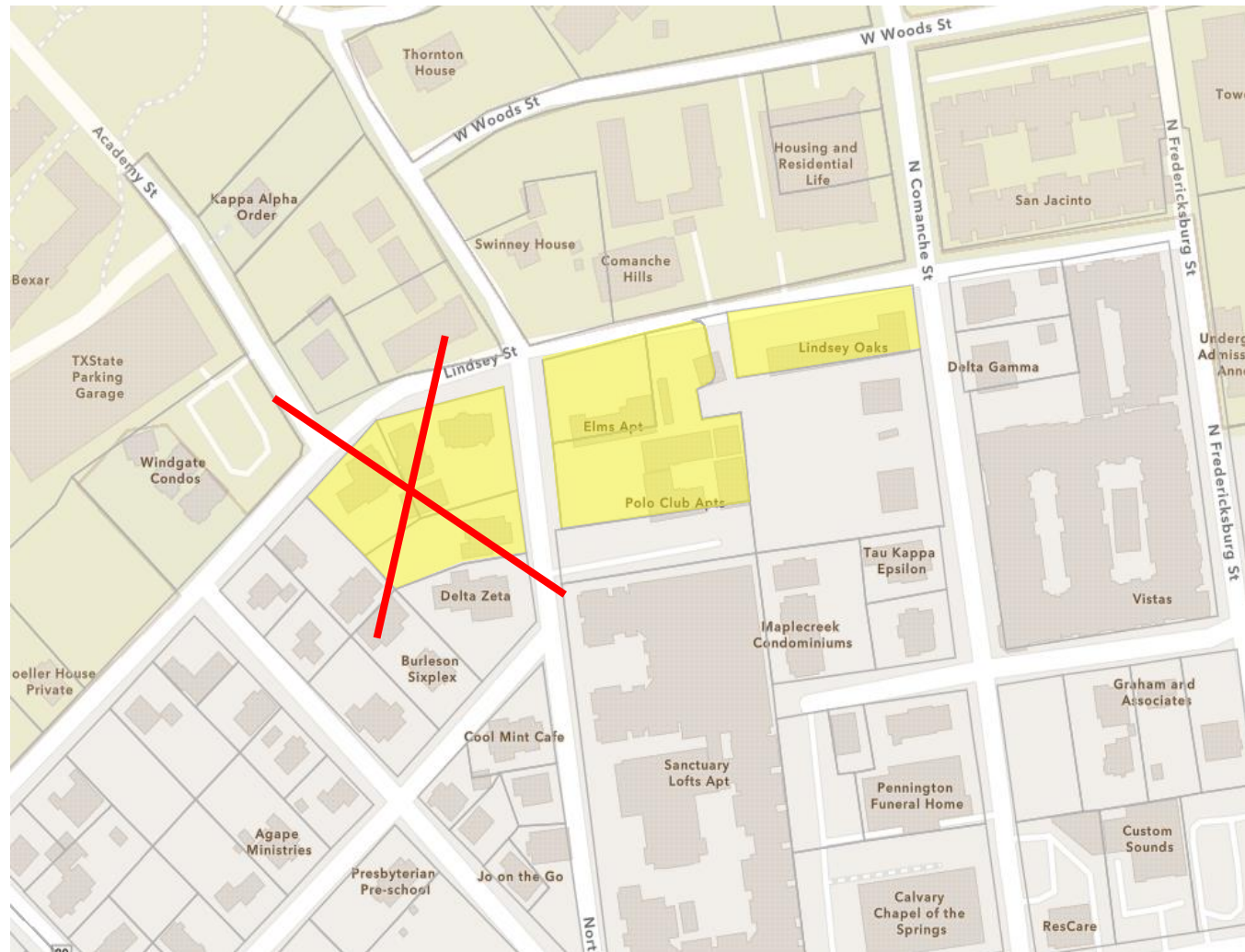
- Owner is **amendable to ALL Staff conditions:**

- The development shall register with the City of San Marcos Long Term Landlord Registration Scheme. ✓
- The existing “High Priority” structure identified in the Historic Research Survey shall be integrated into the development or relocated elsewhere – **it shall not be demolished.** ✓
- Approval of this request for Purpose-Built Student Housing does not waive any development code regulations, including parking requirements. Back up materials are provided for informational purposes only. ✓
- This Conditional use Permit shall not expire. ✓
- 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.”

Alternative Compliance Request

- Request:
 - Increase the permitted height from 5 to 7 stories on eastern 3 parcels only (**removed this request on western 3 parcels**)
- Height:
 - CD-5D Zoning Category allows 5 stories by right
 - James Street Housing Complex is 7 stories <500 ft from the site on Academy Street.
 - Project meets **63%** of applicable Alternative Compliance Findings



Alternative Compliance Findings

The City Council may allow additional stories in the CD-5D... zoning districts, subject to the following:

1. The project is consistent with the objectives and guidelines from the City's Comprehensive Plan and Downtown Master Plan where applicable. **THE PROJECT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.** ✓
- ~~2. For a residential project, the additional stories provide an opportunity to include a minimum of 10% of the project as affordable housing. **NOT APPLICABLE FOR STUDENT HOUSING**~~ NA
- ~~3. For a residential project, the additional stories provide an opportunity to include a minimum of 20% of the project as workforce housing. **NOT APPLICABLE FOR STUDENT HOUSING**~~ NA
4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; -
5. The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program; **PROJECT WILL BE LEED SILVER CERTIFIED** ✓
6. The additional stories provide an opportunity to include childcare within the facility; -
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown; **20 PUBLIC PARKING SPACES WILL BE PROVIDED.** ✓
8. The additional stories provide an opportunity to include on-site publicly accessible open space in excess of the open space required under Section 3.10.1.2. **APPROXIMATELY 5% OPEN SPACE WILL BE PROVIDED** ✓
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; and -
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. **THE PROJECT HAS REDUCED THE HEIGHT ON THE EASTERN 3 PARCELS TO FACILITATE A BETTER PEDESTRIAN EXPERIENCE.** ✓

Timeline

Date]	Pre-submittal meeting with Staff
8/7/23	Submitted applications
9/26/23	Planning and Zoning Commission Update
10/2/23	City Council Update
9/28/23	Neighborhood Meeting (on site)
10/18/23	Neighborhood Commission
01/31/24	Neighborhood Meeting (Palmer's)
2/27/24	Planning and Zoning Commission Hearing
03/19/24	City Council Public Hearing (no action)
04/02/24	City Council Public Hearing/First Reading
4/16/24	City Council Public Hearing/Second Reading