This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10. The presiding officer for this meeting will be present at the meeting location described above.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. Citizen Comment Period

Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 1 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

1. Consider approval, by motion, of the February 13, 2024 - Planning and Zoning Regular Meeting Minutes.

PUBLIC HEARINGS

Interested persons may participate in any of the Public Hearing items # 2-7:
1) To participate/speak remotely (online) during the Public Hearings, email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting, or
2) Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners and comments received after the deadline will be provided to the Commissioners at the meeting, or
3) Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called Comments shall have a time limit of three minutes each and speakers must state
their name and address.

2. AC-24-01 (2420 S IH 35 Hotel) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the minimum build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)

3. CUP-24-02 (Wineaux) Hold a public hearing and consider a request by Peggy Jones, on behalf of Wineaux, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 314 Hutchison Street Suite A (C. Garrison)

4. PSA-23-02 (North & Lindsey Street Preferred Scenario Amendment) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burttshell, for a Preferred Scenario Amendment from “Existing Neighborhood” to “High Intensity- Downtown” for approximately 1.13 +/- acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey Street and North Street. (J. Cleary)

5. ZC-23-19 (North & Lindsey Street Zoning Change) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for a Zoning Change from Multifamily-12 (MF-12), Multifamily-18 (MF-18) and Multifamily-24 (MF-24) to Character District-5 Downtown (CD-5D) or, subject to consent of the owner, another less intense zoning district classification, for approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey Street and North Street. (J. Cleary)

6. CUP-23-22 (North & Lindsey Street Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for a Conditional Use Permit to allow a purpose-built student housing development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J. Cleary)

7. AC-23-09 (North & Lindsey Street Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for a proposed development generally located on the south side of Lindsey Street between North Comanche Street and North Street, and southwest of the intersection between Lindsey Street and North Street (J. Cleary)

NON-CONSENT AGENDA

8. Receive an update from staff on the Dunbar Heritage Area Plan direction received from City Council on February 20, 2024.
9. Election of Officers
   a. Planning and Zoning Commission Chair
   b. Planning and Zoning Commission Vice-Chair

V. Question and Answer Session with Press and Public.

   This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted time frame, or for which answers are not immediately available can be addressed outside the meeting.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _______________________________ day of _______________________________

_________________________________________________________________________ Title:

_________________________________________________________________________
AGENDA CAPTION:
Consider approval, by motion, of the February 13, 2024 - Planning and Zoning Regular Meeting Minutes.

Meeting date:  February 27, 2024

Department:  Planning and Development

Amount & Source of Funding
Funds Required:  Click or tap here to enter text.
Account Number:  Click or tap here to enter text.
Funds Available:  Click or tap here to enter text.
Account Name:  Click or tap here to enter text.

Fiscal Note:
Prior Council Action:  Click or tap here to enter text.

City Council Strategic Initiative:  [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s):  [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
Click or tap here to enter text.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10

I. Call To Order

With quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Garber at 6:00 pm on Tuesday, February 13, 2024 via hybrid meeting due to Covid 19.

II. Roll Call

Present 8 - Commissioner William Agnew, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, Commissioner Maraya Dunn, and Commissioner Jim Garber

Absent 1 - Commissioner Lupe Costilla

III. Chairperson's Opening Remarks

Chair Garber welcomed the audience and stated that Item 5 was postponed by the applicant and would not have a Public Hearing. Chair Garber gave brief opening remarks detailing the meeting rules and guidelines.

IV. Citizen Comment Period

Chair Garber opened the Citizen Comment Period.

1) Lisa Marie Coppoletta - 1322 Belvin Street, general comments on early warning sirens.

Chair Garber closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion, of the January 23, 2024 - Planning and Zoning Regular Meeting Minutes.
A motion was made by Vice-Chair Kelsey, seconded by Commissioner Burleson to approve the Consent Agenda.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against: 0

Absent: 1 - Commissioner Costilla

PRESENTATIONS

2. Receive a staff presentation and hold discussion on the River Bridge Ranch Subdivision Qualified Watershed Protection Plan Phase 2, Permit # 2022-44573

Greg Schwarz, Senior Engineer, gave a presentation on the River Bridge Ranch Subdivision Qualified Watershed Protection Plan Phase 2, Permit # 2022-44573.

No action was taken.

PUBLIC HEARINGS

3. AC-23-12 (845 Garrett Trail - Flag Lot) Hold a public hearing and consider a request by Janie Davila, for an Alternative Compliance to the requirements in Section 3.6.3.1 (Irregularly-Shaped Lots) of the Land Development Code to allow 1 flag lot within a proposed 3 lot subdivision, located at 845 Garrett Trail. (K. Buck)

Kaitlyn Buck, Planner, gave a presentation on request AC-23-12.

Staff recommended approval of request AC-23-12 with the following conditions.

1. This 10-acre parcel shall be subdivided into no more than three (3) lots.
2. This 10-acre parcel shall be restricted to one (1) flag lot.
3. Right-of-way shall be dedicated along Garrett Trail to meet Caldwell County standards at time of platting.

Chair Garber opened the Public Hearings.
1) Janie Davila - 356 Fm 1984 Maxwell, in favor
2) Lisa Marie Coppoletta - 1322 Belvin Street, concern with neutral staff analysis

Chair Garber closed the Public Hearings.

A motion was made by Commissioner Spell, seconded by Commissioner Meeks to approve request AC-23-12 with staff conditions.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against: 0

Absent: 1 - Commissioner Costilla

4. CUP-24-03 (Gypsy Rose Tattoo) Hold a public hearing and consider a request by William Ferguson, on behalf of Gypsy Rose Tattoo, for a Conditional Use Permit to allow the use of Studio Tattoo & Body Piercing, located at 829 N LBJ Dr, STE 105. (K. Buck)

Kaitlyn Buck, Planner gave a presentation on request CUP-24-03.

Staff recommended approval of request CUP-24-03 with the following conditions:

1. Hours of operation, including all deliveries, shall be limited to the hours between 6am and 10pm; and
2. This permit shall not expire.

Chair Garber opened the Public Hearings.

1) William Ferguson - 2810 Rueben Road, New Braunfels, in favor
2) Lisa Marie Coppoletta - 1322 Belvin Street, questions regarding notification buffer

Chair Garber closed the Public Hearings.

A motion was made by Commissioner Meeks, seconded by Commissioner Case to approve the request with staff conditions.
The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against: 0

Absent: 1 - Commissioner Costilla

5. AC-24-01 (2420 S IH 35 Hotel) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (POSTPONED)

Item was postponed by applicant.

No action was taken.

6. ZC-24-01 (2420 S IH 35 Hotel / HC to CM) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for a Zoning Change from Heavy Commercial “HC” to Commercial “CM”, or, subject to consent of the owner, another less intense zoning classification, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)

Amanda Hernandez, Director of Planning and Development Services, Introduced the new Chief Planner, Lauren Clanton, to the Planning and Zoning Commission.

Lauren Clanton, Chief Planner, gave a presentation on request ZC-24-01.

Staff recommended approval of request ZC-24-01 as presented.

Chair Garber opened the Public Hearings.

1) Randy Warner - 1909 Woodall Rodgers Fwy, Dallas, in favor
2) Andrew Dobrozi - 5586 Hamilton Trail, Liberty Township, Ohio, in favor
3) Lisa Marie Coppoletta - 1322 Belvin, comments on location of development.

Chair Garber closed the Public Hearings.
A motion was made by Commissioner Case, seconded by Commissioner Dunn to approve request ZC-24-01.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against: 0

Absent: 1 - Commissioner Costilla

7. ZC-24-02 (S Old Bastrop Hwy & Redwood Rd Gas Station / CD-5 to CM) Hold a public hearing and consider a request by Priscilla Gonzalez, on behalf of Jim Smith of SmithCo Development, LLC, for a zoning change from “CD-5” Character District - 5 to “CM” Commercial or, subject to consent of the owner, another less intense zoning district classification, for approximately 2.133 acres of land out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, and generally located north of the S Old Bastrop Hwy and Redwood Rd intersection. (W. Rugeley)

Amanda Hernandez, Director of Planning and Development Services, gave a presentation on request ZC-24-02.

Staff recommended approval of request ZC-24-02 as presented.

Chair Garber opened the Public Hearings.

1. Jose Cantu – 9830 Colonnade Blvd, San Antonio, in favor
2. Jim Smith – 1111 Staples Road, in favor
3. Lisa Marie Coppoletta – 1322 Belvin, concerns with traffic, gas station use and notification requirements

Chair Garber closed the Public Hearings.

A motion was made by Vice Chair Kelsey, seconded by Commissioner Burleson to approve request ZC-24-02.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against: 0
V.  Question and Answer Session with Press and Public.

Chair Garber opened the Question and Answer Session.

1) Lisa Marie Coppoletta - 1322 Belvin, question on why future agenda items were removed from P&Z Agenda

Amanda Hernandez, Director of Planning and Development Services, responded to the question stating future agenda items was never an item on Planning and Zoning Commission Agendas.

Chair Garber closed the Question and Answer Session.

VI.  Adjournment

A motion was made by Vice-Chair Kelsey, seconded by Commissioner Meeks to adjourn.

The motion carried by the following vote.

For:  8 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

Against:  0

Absent:  1 - Commissioner Costilla

The meeting adjourned at 6:58 pm.

Enrique Velasquez, Recording Secretary                     Jim Garber, Chair
AGENDA CAPTION:
AC-24-01 (2420 S IH 35 Hotel) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the minimum build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)
Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Vision San Marcos - A River Runs Through Us

**Background Information:**
This request is running concurrently with a zoning change from Heavy Commercial “HC” to Commercial “CM” (ZC-24-01). The zone change necessitates an alternative compliance to meet the build-to requirements of Commercial districts. This request is to position the building farther from the street behind easements along both frontages. A site plan has been submitted with the application showing intent to install bicycle/ pedestrian amenities and meet other staff-proposed conditions.

**Council Committee, Board/Commission Action:**
N/A

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Staff recommends approval of AC-24-01 with the following conditions:

1. Site design shall incorporate a greenway as required by the Transportation Master Plan (TMP) along IH 35 frontage, including a 12’ shared use path and a tree buffer between the shared use path and frontage road.
2. Site design shall incorporate streetscape improvements as required by TMP thoroughfare class AV 82-43, including a 14.5’ shared use path and a tree buffer on each side of the shared use path.
3. The final site plan will be substantially similar to the conceptual site plan submitted with this Alternative Compliance request.
4. All other code requirements shall be met.
5. This Alternative Compliance shall be effective upon rezoning from Heavy Commercial “HC” to Commercial “CM.”
6. This Alternative Compliance shall not expire.
Summary
Request: Alternative compliance to vary from the Build-To Zone requirements of Section 4.3.3.3 of the Land Development Code, allowing positioning of the building behind the primary setback range according to the submitted site plan.

Applicant: Randy Warner
1909 Woodall Rodgers Frwy., 3rd floor
Dallas, TX 75201

Property Owner: Daniel McCutchen
125 Ash Juniper Dr.
New Braunfels, TX 78132

Interior Floor Area: 54,000 sq. ft. proposed
Outdoor Floor Area: N/A

Parking Required: 124 spaces
5 accessible spaces
Parking Provided: 136 standard spaces
5 accessible spaces

Days & Hours of Operation: 24/7 upon completion

Notification
Posted: N/A
Personal: February 16, 2024
Response: None as of the date of this report

Property Description
Legal Description: Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2
Location: Located between S IH 35 and Barnes Dr. frontages, approx. 960 ft. southwest of Barnes Dr. and Thermon Dr. intersection
Acreage: 3.04 acres
PDD/DA/Other: N/A
Existing Zoning: Heavy Commercial (HC)
Proposed Zoning: Commercial (CM)
Existing Use: Vacant land
Proposed Use: Hotel
Preferred Scenario: Employment Center
Proposed Designation: Same
CONA Neighborhood: N/A
Sector: 4
Utility Capacity: Available
Floodplain: Yes – 100-yr. floodplain
Historic Designation: N/A
My Historic SMTX Resources Survey: No

Surrounding Area

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>LI</td>
<td>Office</td>
<td>Employment Center</td>
</tr>
<tr>
<td>GC</td>
<td>IH 35/ Industrial</td>
<td>Employment Center</td>
</tr>
<tr>
<td>LI</td>
<td>Manufacturing</td>
<td>Employment Center</td>
</tr>
<tr>
<td>HC</td>
<td>Office</td>
<td>Employment Center</td>
</tr>
</tbody>
</table>
**Staff Recommendation**

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>✗ Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
</table>

1. Site design shall incorporate a greenway as required by the Transportation Master Plan (TMP) along IH 35 frontage, including a 12-ft. shared use path and a tree buffer between the shared use path and frontage road.

2. Site design shall incorporate streetscape improvements as required by TMP thoroughfare class AV 82-43, including a 14.5-ft. shared use path and a tree buffer on each side of the shared use path.

3. The final site plan will be substantially similar to the conceptual site plan submitted with this Alternative Compliance request.

4. All other code requirements shall be met.

5. This Alternative Compliance shall be effective upon rezoning from Heavy Commercial “HC” to Commercial “CM.”

6. This Alternative Compliance shall not expire.

**Staff:** Lauren Clanton, AICP  
**Title:** Chief Planner  
**Date:** February 21, 2023
History
The property was originally platted as part of Thermon Industrial Park No. 2. This area is characterized by 1-story buildings that house manufacturing and service-related uses. Quality of pedestrian infrastructure and landscape varies down the strip.

To accommodate the proposed use of a hotel, a concurrent zoning change from Heavy Commercial (HC) to Commercial (CM) has been submitted by the applicant. This introduced a build-to requirement that had previously not been required for the site.

This Alternative Compliance request is one of two applications submitted by the applicant for this site:
- Zoning change from HC to CM (AC-24-01).
Additional Analysis

Section 4.3.3.3, Build-To Zone, defines the build-to zone as “the area on the lot where a certain percentage of the front principal building façade must be located.” This requirement aims to create a sense of place along the street and a unified environment for individuals walking or biking. In the proposed Commercial zoning district, the build-to zone is 10 to 20 ft. from the primary street. 50% of the building façade as a proportion of the lot width must be within this range. Otherwise, an Alternative Compliance is required.

This is a double-frontage lot, meaning the 10 to 20 ft. build-to zone is applied along IH 35 and Barnes Dr. It is permitted by Section 4.3.3.3 to measure the build-to zone from an existing easement. In the site plan submitted with this application, the building is situated 20 ft. from a 20-ft. public utility easement along Barnes Dr. To meet the intent of the build-to zone along IH 35, a cross-access easement allowing entrance to the property occupies the space between the building and the frontage road.

Staff worked closely with the applicant to create the attached, conceptual, site plan, which includes parking behind the front building line and includes additional landscaping toward the front and streetscape improvements.

Staff has assessed the criteria for an Alternative Compliance based on the standards of the Development code, listed below.

<table>
<thead>
<tr>
<th>Comments from Other Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
</tr>
<tr>
<td>Fire</td>
</tr>
<tr>
<td>Public Services</td>
</tr>
<tr>
<td>Engineering</td>
</tr>
</tbody>
</table>
### Alternative Compliance

#### 2420 S IH 35

**AC-24-01**

**Proposed Hotel**

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<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 4.3.3.3.F)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td>The approved alternate meets the intent of the build-to regulations. <em>Improved streetscape along both frontages is included as a condition for approval, serving to create a sense of place with increased walkability.</em></td>
</tr>
<tr>
<td></td>
<td>The approved alternate conforms with the Comprehensive Plan and other adopted City Plans.</td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context. <em>The proposed distance from both IH 35 and Barnes Dr. is consistent with other properties in the industrial park area.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort, or safety. <em>The site plan shows an ADA-compliant path from the public right-of-way to the building entrance.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area. <em>An outdoor amenity area is shown on the side of the hotel facing Barnes Dr.</em></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td>In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.</td>
</tr>
</tbody>
</table>
### Evaluation Criteria for Approval (Sec. 2.8.4.4)

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
<td></td>
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</tbody>
</table>

The request is consistent with the policies embodied in the adopted Comprehensive Plan.

|            | X          |              |         |

The request is consistent with the general purpose, intent and character of the development regulations applicable to the property.

|            | X          |              |         |

There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property.

*Existence of floodplain on the southeast side of the property necessitates the installation of a detention pond. This feature has been appropriately screened so that landscaping, rather than parking, is the main visual in the first layer.*

|            | X          |              |         |

The request is not detrimental to the public health, safety or welfare, or injurious to other property within the area.

|            | X          |              |         |

The request either:
- Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or

*Staff does not find the request to have an adverse impact upon adjacent property or neighborhoods. All other Development Code regulations will apply to the property.*

- Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.

|            | X          |              |         |

The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods.
### Evaluation Criteria for Approval (Sec. 2.8.4.4)

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.4.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods.</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or improvement compatible with adjacent development or the neighborhood. The hotel building is located to the southwest side of the lot to allow space for parking, fire access, shared use paths, a billboard easement, drainage, and amenities serving the hotel.</td>
</tr>
<tr>
<td>Neutral</td>
<td></td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 1/25/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Date: 1/25/2024
Figure 112: SMFD 8-Minute Effective Response Force

*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*

**AC-24-01 Approximate Location**
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 1/18/2024
Notice of Public Hearing

UPDATED P&Z HEARING DATE
Alternative Compliance Request
Build-To Zone Requirement
2420 S IH 35 Hotel

AC-24-01 (2420 S IH 35 Hotel) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the minimum build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will approve or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, February 27, 2024**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

For Planning & Zoning Commission:
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, **Lauren Clanton**, at **512.393.8238** or lclanton@sanmarcostx.gov. When calling, please refer to case number **AC-24-01**.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Site Address</th>
<th>Owner</th>
<th>Owner Address</th>
<th>Owner City/ State/ Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>133246</td>
<td>BARNES DR, SAN MARCOS, TX  78666</td>
<td>320 BARNES 2020 LP</td>
<td>2705 BEE CAVES RD, STE 230</td>
<td>AUSTIN, TX 78746-5685</td>
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<tr>
<td>151622</td>
<td>S IH 35, SAN MARCOS, TX  78666</td>
<td>SENIOR LIVING SAN MARCOS LLC &amp; PACTX RE SM LLC &amp;</td>
<td>24903 NORTHAMPTON FOREST DR</td>
<td>SPRING, TX 77389</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CONA Rep Amy Thomaides</td>
<td>1131 W. MLK St</td>
<td>SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>164760</td>
<td>2430 S IH 35, STE #106 &amp; 110, SAN MARCOS, TX  78666</td>
<td>CTEC SM PROPERTY LLC</td>
<td>5724 HEIDRICH CT</td>
<td>NEW BRAUNFELS, TX 78132</td>
</tr>
<tr>
<td>36345</td>
<td>2501 IH 35 S, SAN MARCOS, TX  78666</td>
<td>CVSM LLC</td>
<td>10806 N HWY 620</td>
<td>AUSTIN, TX 78726</td>
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<tr>
<td>45649</td>
<td>2517 S IH 35, SAN MARCOS, TX  78666</td>
<td>CW 9 SAN MARCOS LLC &amp; EMBARK ENERGY LLC</td>
<td>8870 BUSINESS PARK DR, STE 100</td>
<td>AUSTIN, TX 78759-7519</td>
</tr>
<tr>
<td>36347</td>
<td>2517 S IH 35, SAN MARCOS, TX  78666</td>
<td>HABBIT SCOTT D &amp; HABBIT MYRA ALLEN</td>
<td>2618 ROLLING OAKS</td>
<td>SAN MARCOS, TX 78666-5023</td>
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<tr>
<td>164761</td>
<td>2420 S IH 35, SAN MARCOS, TX  78666</td>
<td>MCB INVESTMENT PARTNERS LLC</td>
<td>125 ASH JUNIPER DR</td>
<td>NEW BRAUNFELS, TX 78132-3551</td>
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<tr>
<td></td>
<td></td>
<td>Neighborhood Rep Bobbie Garza-Hernandez</td>
<td>122 Riviera St</td>
<td>SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Neighborhood Rep Michael Adams</td>
<td>106 Losoya Drive</td>
<td>SAN MARCOS, TX 78666</td>
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<tr>
<td></td>
<td></td>
<td>Neighborhood Rep Roland Saucedo</td>
<td>211 Ebony</td>
<td>SAN MARCOS, TX 78666</td>
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<tr>
<td>140334</td>
<td>2521-2527 S IH 35, SAN MARCOS, TX  78666</td>
<td>TSM PROPERTIES LLC</td>
<td>4910 OLD LEHMAN RD</td>
<td>KINGSBURY, TX 78638-1406</td>
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<tr>
<td>133245</td>
<td>350 BARNES DR, SAN MARCOS, TX  78666</td>
<td>TELENETWORK PROPERTIES LTD</td>
<td>350 BARNES DR, STE 105</td>
<td>SAN MARCOS, TX 78666-6174</td>
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<tr>
<td>116013</td>
<td>S IH 35, SAN MARCOS, TX  78666</td>
<td>TEXAS RESERVE PROPERTIES II LP</td>
<td>2500 MILFOIL CV</td>
<td>AUSTIN, TX 78704</td>
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<tr>
<td>45641</td>
<td>270 &amp; 300 BARNES DR, SAN MARCOS, TX  78666</td>
<td>THERMON MANUFACTURING CO</td>
<td>P O BOX 609</td>
<td>SAN MARCOS, TX 78667-0609</td>
</tr>
<tr>
<td>140988</td>
<td>328 BARNES DR, BLDG #2, SAN MARCOS, TX  78666</td>
<td>UNAM CORPORATION</td>
<td>1000 WIEGAND BLVD</td>
<td>LAWRENCEVILLE, GA 30043-5868</td>
</tr>
</tbody>
</table>
setback (but not into the sidewalk), including, but not limited to:

a. Rain barrels or cisterns, six (6) feet or less in height when in the primary or side street setback;

b. Planter boxes;

c. Bioretention areas; and

d. Similar features, as determined by the Responsible Official.

4. Other Setback Encroachments

a. Fence and walls under Section 7.2.6.1.

b. Signs under Section 7.3.1.1.

c. Driveways under Section 3.6.4.2.

Section 4.3.3.3 Build-To Zone

A. The build-to is the area on the lot where a certain percentage of the front principal building facade must be located, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, or easement, whichever is greater.

B. The required percentage specifies the amount of the front building facade that must be located in the build-to, measured based on the width of the building divided by the width of the site or lot.

1. The measurement of the width of the site or lot shall not include the area occupied by the approved access drive.

(Ord. No. 2023-72, 10-17-2023)
2. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.

E. Nonconforming Build-to Requirement

1. **Additions.** When an existing building is being expanded and the existing building doesn't meet the build-to requirement, the addition must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

2. **New Buildings.** Where a new building is being constructed on a lot or site with an existing building on it that doesn’t meet the build-to requirement, all new buildings and additions must be placed in the build-to zone until the build-to percentage for the lot has been met.
F. **Alternative Compliance Findings.** An application for alternative compliance may be requested in accordance with Section 2.8.4.1 to modify the build-to requirement, subject to the following findings:

1. The approved alternate meets the intent of the build-to regulations;

2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;

3. The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context;

4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and

5. Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; and

6. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

**DIVISION 4: BUILDING HEIGHT**

**Section 4.3.4.1 Measuring Height**

A. **Building Height.** Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

B. **Average Grade.** Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading.

C. Where a lot slopes downward from the front property line, one (1) story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

D. Mezzanines extending beyond 33% of the floor area below shall be counted as an additional story.

E. A basement with 50% or more of its perimeter wall area (measured from finished floor elevation) surrounded by finished grade is not considered a story.

F. **Rooftop amenities or usable floor area on or above the finished roofline.** Usable floor area provided on or above the finished roofline shall be counted as an additional story.

(Ord. No. 2023-72, 10-17-2023)
CM is intended to serve as a commercial gateway and to take advantage of proximity to major roadways, therefore the quality and aesthetics of new development is very important. CM should be applied along highway corridors that serve as entrances to downtown or other pedestrian oriented activity areas.

**District Intent Statements**

**Density**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Cover</td>
<td>80% max.</td>
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</table>

**Transportation**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Limit</th>
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</thead>
<tbody>
<tr>
<td>Block Perimeter</td>
<td>5,000 ft. max.</td>
</tr>
<tr>
<td>Streetscape Type</td>
<td>Conventional</td>
</tr>
</tbody>
</table>

**Building Types Allowed**

- Live/Work: Section 4.4.5.11
- General Commercial
- Mixed Use Shopfront*: Section 4.4.5.13
- Civic Building: Section 4.4.5.14

*No Residential on the ground floor

**Building Standards**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Limit</th>
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</thead>
<tbody>
<tr>
<td>Principle Building Height</td>
<td>4 stories max. 62 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure Height</td>
<td>N/A 24 ft. max.</td>
</tr>
</tbody>
</table>
## Zoning Regulations

### Lot

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live/ Work</td>
<td>1,100 sq ft min.</td>
<td>15 ft min.</td>
</tr>
<tr>
<td>General Commercial</td>
<td>4,000 sq ft min.</td>
<td>40 ft min.</td>
</tr>
<tr>
<td>Mixed Use Shopfront</td>
<td>4,000 sq ft min.</td>
<td>40 ft min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>4,000 sq ft min.</td>
<td>40 ft min.</td>
</tr>
</tbody>
</table>

### Setbacks - Principal Building

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum/ Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>10 ft min/ 20 ft max.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>10 ft min/ 15 ft max.</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft min.</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft min.</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>3 ft min.</td>
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</table>

### Setbacks - Accessory Structure

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>50 ft min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>20 ft min.</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft min.</td>
</tr>
<tr>
<td>Rear</td>
<td>5 ft min.</td>
</tr>
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</table>

### Parking Location

#### Layer (Section 4.3.3.1)

<table>
<thead>
<tr>
<th>Layer</th>
<th>Surface</th>
<th>Garage</th>
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</thead>
<tbody>
<tr>
<td>First Layer</td>
<td>Not Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Second Layer</td>
<td>Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Third Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>BTZ Description</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Facade in primary street</td>
<td>50% min.</td>
</tr>
<tr>
<td>Building Facade in secondary street</td>
<td>25% min.</td>
</tr>
</tbody>
</table>

### Durable Building Material and Blank Wall Area

<table>
<thead>
<tr>
<th>Material</th>
<th>Minimum/ Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Material</td>
<td>80% min.</td>
</tr>
<tr>
<td>Secondary Material</td>
<td>20% max.</td>
</tr>
<tr>
<td>Blank Wall Area</td>
<td>35 ft. max.</td>
</tr>
</tbody>
</table>

(Employment Center (EC) renamed Commercial (CM) Ord. No. 2021-47 on 8-3-21)
November 21, 2023

City of San Marcos Planning & Development Services
630 E. Hopkins St
San Marcos, TX 78666

RE: Alternative Compliance Letter

To whom it may concern,

The proposed development is only seeking an alternative compliance from the primary and secondary street setbacks per the Commercial (CM) zoning district as outlined in the City of San Marcos Land Development Code at this time. It is the intent of the development to comply with the other applicable code standards per the Commercial (CM) zoning district.

Please contact me at jordan.schaefer@kimley-horn.com should you have any questions pertaining to this Alternative Compliance request.

Respectfully,

KIMLEY-HORN AND ASSOCIATES, INC.

Jordan Schaefer, P.E.
Project Manager / Kimley-Horn
CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: March, 2023

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Randy Warner</th>
<th>Property Owner</th>
<th>Daniel McCutchen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>RREAF Holdings, LLC</td>
<td>Company</td>
<td>MCB Investment Partners</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>1909 Woodall Rodgers Frwy, 3rd Floor</td>
<td>Owner’s Mailing Address</td>
<td>125 Ash Juniper Dr, New Braunfels, TX 78132</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>214-522-3300</td>
<td>Owner’s Phone #</td>
<td></td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:rwarner@rreaf.com">rwarner@rreaf.com</a></td>
<td>Owner’s Email</td>
<td></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address: 2420 S IH 35, San Marcos, TX 78666

Zoning District: CM - Commercial  Tax ID #: R 164761

Legal Description: Lot 2B  Block 2  Subdivision Thermon Industrial Park #2, Unit #1

DESCRIPTION OF REQUEST

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

The San Marcos Development Code specifies a 10ft minimum and 20ft maximum setback from the primary street and a 10ft minimum and 15ft maximum setback for a secondary street. We are requesting this alternative compliance to eliminate the maximum setback distance in both the primary street and secondary street scenarios. Placing the building within 20ft of the primary street (IH 35 Frontage Rd) is not feasible as that would put the building within existing floodplain. Additionally, buildings/developments adjacent to the subject site are set back from their property lines greater than 20’. Lastly, placing the building within 15’ of the secondary street (Barnes Dr) is not feasible as it would eliminate the ability to provide adequate parking/drive aisles for guests and maneuverability for fire apparatus.

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.
PROPERTY OWNER AUTHORIZATION

I, ________________________________ (owner name) on behalf of
MCB Investment Partners ____________ (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
2420 S IH 35, San Marcos, TX 78666 ____________ (address).

I hereby authorize ________________________________ (agent name) on behalf of
RREAF Holdings, LLC ________________ (agent company) to file this application for
alternative compliance ________________ (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ________________________________ Date: 11-20-2023
Printed Name, Title: ________________________________

Signature of Agent: ________________________________ Date: 11-21-23
Printed Name, Title: ________________________________
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: ___________________________

Daniel McCutchen

Print Name: ___________________________
GUEST ROOMS: 124
TYPE OF CONSTRUCTION: 5-A
OCCUPANCY TYPE: R-1
STORIES: 4
SQUARE FOOTAGE:
- 1st = 13,500 SF
- 2nd = 13,500 SF
- 3rd = 13,500 SF
- 4th = 13,500 SF
TOTAL = 54,000 SF
LEVEL TWO - FOUR PLAN

GUEST ROOMS: 124
TYPE OF CONSTRUCTION: 5-A
OCCUPANCY TYPE: R-1
STORIES: 4
SQUARE FOOTAGE:
- 1st = 13,500 SF
- 2nd = 13,500 SF
- 3rd = 13,500 SF
- 4th = 13,500 SF
TOTAL = 54,000 SF

SAN MARCOS TX
PROPOSED HOTEL

January 17, 2024
PROPOSED BUILDING MATERIALS

STUCCO
- PPG 1021-6 CURLEW
- PPG 1025-1 COMMERCIAL WHITE
- PPG 1025-3 WHISKERS
- PPG 1025-4 SHARKSKIN

EXTERIOR BRICK
- KING SIZE BRICK BY ACME BRICK DOVE GRAY

CANOPIES / LOUVERS
- CP 410 BRONZETONE

METAL TRIM / SCUPPERS / DOWNSPOUTS
- PPG 1021-6 CURLEW
- PPG 1025-1 COMMERCIAL WHITE
- PPG 1025-3 WHISKERS
- PPG 1025-4 SHARKSKIN

SAN MARCOS TX PROPOSED HOTEL

RREAF HOLDINGS

JANUARY 17, 2024
Public Hearing
AC-24-01
2420 S IH 35 Hotel

Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the minimum build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)
Property Information

Approximately 3.0 acres

Located between S IH 35 and Barnes Dr. frontages, approx. 960’ southwest of Thermon Dr.

Located within City Limit

Related applications:

• ZC-24-01 (Zoning Change/ HC to CM)
Context & History

Currently vacant

Surrounding uses
  – Manufacturing
  – Office

Single-story commercial buildings with front or rear entrances to Barnes Dr.

Established as industrial park in original plat
Context & History
Build-To Zone

Section 4.3.3.3

• Certain percentage of building façade must be within this zone
• Can be measured from easement
• For Commercial (CM):
  • Primary street – 50% within 10 to 20’
• Requested:
  • Allow measurement of IH 35 build-to from cross-access easement
  • Allow measurement of Barnes Dr build-to from Public Utility Easement
  • Allow >50% of building façade to be positioned behind the build-to zone
Site Plan (Concept)

NOT APPROVED
Front Elevation

NOT APPROVED
Visualization

NOT APPROVED
Criteria for Approval (Section 4.3.3.3.F)

1. The approved alternate meets the intent of the build-to regulations; **Met**
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans; **Met**
3. The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context; **Met**
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort, or safety; **Met**
5. Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; **Met**
6. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines. **Not applicable**
Recommendation

Staff recommends approval of AC-24-01 with the following conditions:

1. Site design shall incorporate a greenway as required by the Transportation Master Plan (TMP) along IH 35 frontage, including a 12’ shared use path and a tree buffer between the shared use path and frontage road.

2. Site design shall incorporate streetscape improvements as required by TMP thoroughfare class AV 82-43, including a 14.5’ shared use path and a tree buffer on each side of the shared use path.

3. The final site plan will be substantially similar to the conceptual site plan submitted with this Alternative Compliance request.

4. All other code requirements shall be met.

5. This Alternative Compliance shall be effective upon rezoning from Heavy Commercial “HC” to Commercial “CM.”

6. This Alternative Compliance shall not expire.
RETROFIT OF FOUR-LANE UNDIVIDED MINOR ARTERIAL TO THREE-LANE AVENUE WITH OFF-STREET SHARED PATH AND ON-STREET PARKING ON ONE SIDE (AV 82-43 Retrofit B)
AGENDA CAPTION:
CUP-24-02 (Wineaux) Hold a public hearing and consider a request by Peggy Jones, on behalf of Wineaux, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 314 Hutchison Street Suite A (C. Garrison)
Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
File #: CUP-24-02, Version: 1

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Vision San Marcos - A River Runs Through Us

Background Information:
Wineaux is a proposed Wine Retail Store and Wine Bar. Wineaux is currently in review for their Certificate of Occupancy and is applying for a Conditional Use Permit for Beer and Wine to allow for the sale wine and on-premises consumption.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
Staff recommends approval of the request with the following conditions:
1. The permit shall be valid for one (1) year, provided standards are met;
2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, and all areas within 100 feet of any exit and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
3. The permit shall be valid upon the issuance of a certificate of occupancy;
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
Summary
Request: New Conditional Use Permit for the sale of Beer and Wine
Applicant: Peggy Jones
314 E Hutchison Street
Suite A
San Marcos, TX 78666
Property Owner: Peggy Jones
314 E Hutchison Street
Suite A
San Marcos, TX 78666
CUP Expiration: N/A
Type of CUP: Beer & Wine
Interior Floor Area: 731 square feet
Outdoor Floor Area: none
Parking Required: 3 spaces
Parking Provided: Yes
Days & Hours of Operation: Sunday-Saturday 12pm-10pm.

Notification
Posted: 2/8/2024
Personal: 2/9/2024
Response: None as of the date of this report

Property Description
Legal Description: Original Town of San Marcos, Block 4, Lots Part of 3-4
Location: Approximately 200 feet west of the intersection of E Hutchison Street and CM Allen Parkway
Acreage: 0.2339 acres
PDD/DA/Other: N/A
Existing Zoning: CD-5D
Proposed Zoning: Same
Existing Use: Retail
Proposed Use: Same
Preferred Scenario: High Intensity
Proposed Designation: Same
CONA Neighborhood: Downtown
Sector: Sector 8
Utility Capacity: Adequate
Floodplain: No
Historic Designation: N/A
My Historic SMTX Resources Survey: No

Surrounding Area

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-5D</td>
<td>Warehouse</td>
<td>High Intensity</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>South of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-5D</td>
<td>Restaurant/ Office</td>
<td>High Intensity</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>East of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-5D</td>
<td>Retail Sales</td>
<td>High Intensity</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>CD-5D</td>
<td>Multifamily/Retail Sales</td>
<td>High Intensity</td>
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Staff Recommendation

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The permit shall be valid for one (1) year, provided standards are met;
2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, and all areas within 100 feet of any exit and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
3. The permit shall be valid upon the issuance of a certificate of occupancy;
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison
Title: Planner
Date: 2/21/2024
History
Wineaux is a proposed Wine Retail Store and Wine Bar. Wineaux is currently in review for their Certificate of Occupancy and is applying for a Conditional Use Permit for Beer and Wine to allow for the sale wine and on-premises consumption.

Additional Analysis
See Below

Comments from Other Departments

<table>
<thead>
<tr>
<th>Police</th>
<th>No Calls Reported</th>
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</thead>
<tbody>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
</tr>
</tbody>
</table>

Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Studies were not complete at the time of the request.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is not within 300 ft. of a church, public or private school, or public hospital.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/2/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/13/2024
Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
314 E Hutchison Street

CUP-24-02 (Wineaux) Hold a public hearing and consider a request by Peggy Jones, on behalf of Wineaux, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 314 Hutchison Street Suite A (C. Garrison)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, February 27, 2024** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For City Council
www.sanmarcostx.gov/citizencommentssignup

For more information regarding this request, contact the case manager, Craig Garrison, at 512.805.2649 or cgarrison@sanmarcostx.gov. When calling, please refer to case number CUP-24-02.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/2/2024
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Site Address</th>
<th>Owner Address</th>
<th>Owner/Zip/State</th>
<th>Owner/Zip/State</th>
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</thead>
<tbody>
<tr>
<td>41637</td>
<td>302 UNIVERSITY DR, SAN MARCOS, TX 78666</td>
<td>VILLA PARK</td>
<td>SAYERS FAMILY LTD PARTNERSHIP</td>
<td>AUSTIN, TX 78716-0655</td>
</tr>
<tr>
<td>41450</td>
<td>302 CM ALLEN PKWY, SAN MARCOS, TX 78666</td>
<td>CHAMBER OF COMMERCE</td>
<td>202 N CM ALLEN PKWY</td>
<td>SAN MARCOS, TX 78666-5732</td>
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<tr>
<td>41469</td>
<td>313 E HUTCHISON ST, SAN MARCOS, TX 78666</td>
<td>HOUSE OF INK INC</td>
<td>604 MOUNTAIN VIEW DR</td>
<td>SAN MARCOS, TX 78666-4907</td>
</tr>
<tr>
<td>41458</td>
<td>301 E HOPKINS ST, SAN MARCOS, TX 78666</td>
<td>13651 RESEARCH LTD</td>
<td>ATTN: V &amp; S ENTERPRISES</td>
<td>AUSTIN, TX 78746-6696</td>
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<tr>
<td>41464</td>
<td>319 E HOPKINS ST, SAN MARCOS, TX 78666</td>
<td>AURELIUS LTD</td>
<td>216 SKIPPING CEDAR ST</td>
<td>SAN MARCOS, TX 78666-3854</td>
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<tr>
<td>41467</td>
<td>221-223-225 CM ALLEN PKWY, SAN MARCOS, TX 78666</td>
<td>ECN PROPERTIES LTD</td>
<td>1801 CHALK ROCK CV</td>
<td>SAN MARCOS, TX 78666-5063</td>
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<tr>
<td>41454</td>
<td>314 E HUTCHISON ST, SAN MARCOS, TX 78666</td>
<td>PEGGY JONES PROPERTIES</td>
<td>314 E HUTCHISON ST</td>
<td>SAN MARCOS, TX 78666</td>
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<tr>
<td>41455</td>
<td>311 E HOPKINS ST, SAN MARCOS, TX 78666</td>
<td>SAN MARCOS TX STUDENT HOUSING LLC</td>
<td>311 EAST HOPKINS LLC</td>
<td>SAN MARCOS, TX 78666-5063</td>
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<tr>
<td>41452</td>
<td>208 E HOPKINS ST, SAN MARCOS, TX 78666</td>
<td>CARSON SELECT INVESTMENTS LP</td>
<td>C/O CARSON SELECT INVESTMENTS GP LLC GENERAL PARTNER</td>
<td>MEMPHIS, TN 38120-4130</td>
</tr>
<tr>
<td>41453</td>
<td>400 UNIVERSITY DR, SAN MARCOS, TX 78666</td>
<td>AM PETROLEUM INC</td>
<td>1900 E ANDERSON LN</td>
<td>AUSTIN, TX 78752-1979</td>
</tr>
<tr>
<td>41460</td>
<td>308 E HOPKINS ST, SAN MARCOS, TX 78666</td>
<td>NCNB TEXAS NATIONS BANK</td>
<td>1131 W. MLK St</td>
<td>SAN MARCOS, TX 78666-1847</td>
</tr>
<tr>
<td>41472</td>
<td>222 E HUTCHISON ST, SAN MARCOS, TX 78666</td>
<td>MATT PATTERSON INS AGENCY INC</td>
<td>222 E HUTCHISON ST</td>
<td>AUSTIN, TX 78735-6758</td>
</tr>
</tbody>
</table>

CONA Rep Amy Thomaides
1131 W. MLK St
San Marcos TX 78666

Neighborhood Rep Roland Saucedo
211 Ebony St
San Marcos TX 78666

Neighborhood Rep Darla Munoz
1128 West MLK Dr.
San Marcos TX 78666
Name: Wineaux
Wineaux LLC (Limited Liability Company registered with owner's social security number)
FEIN 93-3832114
TX Sales & Use Tax: 32091762495
100% Individually Owned by Peggy Jones (HUB Certified)
Peggy Jones
Ph 512-757-2950
wineauxwine@gmail.com
txwineaux.com
Current TABC License Q-200110634 for Wine Only Package Store

All wines under 17% and option for Beer and Ale. TABC License will be applied for after
the CUP is approved. TABC stated all CUP applications and other City required permits
must be approved or denied within 30 days of application per new State law.

Alcohol purchased either through licensed distributors or direct from the winery. Other
wines purchased direct from out of State/Country wineries, if not available through a
distributor.

Tickets sold to the public on Eventbrite or by private invitation. Events will include a 6-
stop Wine Flight with prepackaged crackers or prepackaged charcuterie board for
palette cleanser. Unopened bottles may be purchased at the licensed location.

Customers may purchase “Do It Yourself Wine Flight” packages for a home party.

Customers may purchase wine or beer by the glass for on premise consumption
including wine flights at one time.

Resale of prepackaged crackers or charcuterie trays may be sold. Limited food may be
available such as crackers and cheese opened and presented on a board or disposable
tray. Popcorn may be provided or sold. We do not intend to prepare, cook or fry food
from scratch. If any fried food would be served, it would come precooked, frozen and
heated in an Air Fryer without grease or oil.

Public Area:
Facilities with approved and inspected sprinkler system.
Nine (9') foot ceilings
Seating for 26 on a combination of counter height stools and chairs/sofa
Ceramic Tile Floors -mottled grey and tan
Textured and painted Sheetrock on walls and ceiling. Painted with Sherwin Williams
paint color Ligonier Tan; baseboards painted with Sherwin Williams paint Steamed Milk.
Two Ceiling headers covered in cedar. Two wood chandeliers, two lighted ceiling fans
37” wide Entrance in front with ramp (installed by and on City of San Marcos Property)
with Exit sign
Secondary entrance with Exit Sign
Background music using Bluetooth speaker

Kitchen facility:
Facilities with approved and inspected sprinkler system.
Nine (9’) foot ceilings
Ceramic Tile Floors -mottled grey
Textured and painted Sheetrock on walls and ceiling. Painted with Sherwin Williams
paint color Ligonier Tan; baseboards painted with Sherwin Williams paint Steamed Milk.
Refrigerator
2 part sink
Commercial low temp undercounter warewasher will be installed in place of current
dishwasher
Range
Microwave
Florescent flush mounted ceiling light

Restroom:
Handicap accessible Unisex restroom
Washer Dryer for cleaning bar towels
Floor drain and mop/bucket section
Water heater closet
Vanity light
Ceiling light with vented fan

Property is 100% owned by Peggy Jones. The property was renovated in 2012 and
meets all code requirements. The space was approved for commercial/retail space in
2012. The property has a zero lot line which includes the structure and a 13 space
parking lot. Ten (10) spaces are reserved for tenants of the building. Three (3) spaces
are reserved for Ste A (this unit) with one for handicap parking. There are no load
bearing walls in the entire building.

Virtual Tour: https://youriguide.com/a_314_e_hutchison_st_san_marcos_tx
Room Measurements
Only major rooms are listed. Some listed rooms may be excluded from total interior floor area (e.g. garage). Room dimensions are largest length and width; parts of room may be smaller. Room area is not always equal to product of length and width.

Main Building
MAIN FLOOR
- Bath: 9'9" x 8'7" | 67 sq ft
- Dining: 11'6" x 10'8" | 123 sq ft
- Family: 9'6" x 14' | 116 sq ft
- Kitchen: 11'6" x 9'1" | 105 sq ft
- Living: 21'3" x 13'2" | 260 sq ft

Floor Area Information
Floor areas include footprint area of interior walls. All displayed floor areas are rounded to two decimal places. Total area is computed before rounding and may not equal to sum of displayed floor areas.

Main Building
MAIN FLOOR
- Finished Area: N/C
- Unfinished Area: N/C

ANSI Z765-2021, Main Building
- Above Grade Finished Area: N/C
- Above Grade Unfinished Area: N/C
- Below Grade Finished Area: N/A
- Below Grade Unfinished Area: N/A

N/C: Not computed due to one or more missing exterior wall thicknesses.
Definitions

Interior Area is a per floor calculation, made by measuring to the inside surface of the exterior walls. The footprint of all interior walls and staircases is typically included.

Excluded Area is a sum of the area of all rooms (measured to the inside surface of room walls) that are excluded from the Interior Area for a floor and the footprint of corresponding walls. Prescribed area exclusions can vary from region to region. Examples of exclusions are spaces open to below, garages, cold cellars, crawl and reduced height spaces.

Exterior Wall Footprint is the sum of the estimated area of the perimeter wall segments bounding both Interior and Excluded Areas.

Exterior Area is a per floor calculation, made by measuring to the outside surface of the exterior walls and is represented by the sum of the Interior Area and the Exterior Wall Footprint.

Grade is the ground level at the perimeter of the exterior finished surface of a house. A floor is considered to be above grade if its floor level is everywhere above grade.

Total Interior Area is the sum of all Interior Areas.

Total Excluded Area is the sum of all Excluded Areas.

Total Exterior Area is the sum of all Exterior Areas.

Finished Area is a per floor calculation made by adding all enclosed areas in a house that are suitable for year-round use based upon their location, embodying walls, floors, and ceilings and which are similar to the rest of the house. Footprint of walls is attributed to finished area only when the walls are bounding finished areas.

Unfinished Area is a per floor calculation made by adding all enclosed areas that do not meet the criteria for Finished Area. Exceptions are outdoor and non-walkable areas, for example porches or areas open to below. Footprint of walls is attributed to unfinished area only when the walls are exclusively bounding unfinished areas.

Notes

For exterior walls that are adjacent to the outside of the property, where typically only the interior side has measurement data, an estimation of the exterior wall thickness (as directly measured at the property) is used to calculate its footprint. Considerations are not made for varying wall thickness along the perimeter.

Disclaimer

All dimensions and floor areas must be considered approximate and are subject to independent verification.

PDF Floor Plans

A. RECA RMS 2017: Color is used to indicate all included areas. Excluded and not reported areas are shown in white. Walls are always shown in black.

B. ANSI Z765 2021: Color is used to indicate all finished areas. Unfinished and not reported areas are shown in white. Walls are always shown in black.

More Information About the Standards

A. RECA RMS 2017: https://www.reca.ca/licensees-learners/tools-resources/residential-measurement-standard

B. ANSI Z765 2021: https://www.homeinnovation.com/z765

White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.
CONDITIONAL USE PERMIT APPLICATION
(ALCOHOL OUTSIDE CBA)

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Margaret “Peggy” Jones</th>
<th>Property Owner</th>
<th>Peggy Jones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Wineaux LLC</td>
<td>Company</td>
<td>Peggy Jones Properties Inc.</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>314 E Hutchison St, Ste A</td>
<td>Owner's Mailing Address</td>
<td>314 E Hutchison St, Ste A</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 805-8226</td>
<td>Owner's Phone #</td>
<td>(512) 757-2950</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:wineauxwine@gmail.com">wineauxwine@gmail.com</a></td>
<td>Owner's Email</td>
<td><a href="mailto:peggy@austinsa.com">peggy@austinsa.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address: 314 E Hutchison St, Ste A, San Marcos, TX 78666

Zoning District: CD-5D

Tax ID #: R 93-9392114

Legal Description: Lot pt 3-4 Block 4 Subdivision Original Town San Marcos

Number of Parking Spaces: 3

Is property more than 300’ from church, school, hospital, or residential district? Y N

DESCRIPTION OF REQUEST

Business Name: Wineaux

Restaurant □ Bar ■ Other: ____________

□ NEW □ RENEWAL/AMENDMENT □ Mixed Beverage □ Beer & Wine □ Late Hours

Hours of Operation(ex. Mon 12pm-1am): Mon ____________ Tue ____________ Wed ____________

Thurs ____________ Fri ____________ Sat ____________ Sun ____________

Indoor Seating Capacity: 26 Outdoor Seating Capacity: 0 Gross Floor Area: 731

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

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

I, ___________________________ (owner name) on behalf of Wineaux LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 314 E Hutchison St San Marcos, TX (address).

I hereby authorize ___________________________ (agent name) on behalf of Wineaux LLC (agent company) to file this application for CUP (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ___________________________ Date: 12/11/2023

Printed Name, Title: ___________________________

Signature of Agent: ___________________________ Date: 12/11/2023

Printed Name, Title: ___________________________
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: [Signature]
Print Name: Peggy Jones
Date: 12/11/2023

Form Updated March, 2023
Name: Wineaux
Wineaux LLC (Limited Liability Company registered with owner's social security number)
FEIN 93-3832114
TX Sales & Use Tax: 32091762495
100% Individually Owned by Peggy Jones (HUB Certified)
Peggy Jones
Ph 512-757-2950
wineauxwine@gmail.com
txwineaux.com
Current TABC License Q-200110634 for Wine Only Package Store

All wines under 17% and option for Beer and Ale. TABC License will be applied for after the CUP is approved. TABC stated all CUP applications and other City required permits must be approved or denied within 30 days of application per new State law.

Alcohol purchased either through licensed distributors or direct from the winery. Other wines purchased direct from out of State/Country wineries, if not available through a distributor.

Tickets sold to the public on Eventbrite or by private invitation. Events will include a 6-stop Wine Flight with prepackaged crackers or prepackaged charcuterie board for palette cleanser. Unopened bottles may be purchased at the licensed location.

Customers may purchase “Do It Yourself Wine Flight” packages for a home party.

Customers may purchase wine or beer by the glass for on premise consumption including wine flights at one time.

Resale of prepackaged crackers or charcuterie trays may be sold. Limited food may be available such as crackers and cheese opened and presented on a board or disposable tray. Popcorn may be provided or sold. We do not intend to prepare, cook or fry food from scratch. If any fried food would be served, it would come precooked, frozen and heated in an Air Fryer without grease or oil.

Public Area:
Facilities with approved and inspected sprinkler system.
Nine (9’) foot ceilings
Seating for 26 on a combination of counter height stools and chairs/sofa
Ceramic Tile Floors -mottled grey and tan
Textured and painted Sheetrock on walls and ceiling. Painted with Sherwin Williams paint color Ligonier Tan; baseboards painted with Sherwin Williams paint Steamed Milk. Two Ceiling headers covered in cedar. Two wood chandeliers, two lighted ceiling fans
37” wide Entrance in front with ramp (installed by and on City of San Marcos Property) with Exit sign
Secondary entrance with Exit Sign
Background music using Bluetooth speaker

Kitchen facility:
Facilities with approved and inspected sprinkler system.
Nine (9') foot ceilings
Ceramic Tile Floors -mottled grey
Textured and painted Sheetrock on walls and ceiling. Painted with Sherwin Williams
paint color Ligonier Tan; baseboards painted with Sherwin Williams paint Steamed Milk.
Refrigerator
2 part sink
Commercial low temp undercounter warewasher will be installed in place of current
dishwasher
Range
Microwave
Florescent flush mounted ceiling light

Restroom:
Handicap accessible Unisex restroom
Washer Dryer for cleaning bar towels
Floor drain and mop/bucket section
Water heater closet
Vanity light
Ceiling light with vented fan

Property is 100% owned by Peggy Jones. The property was renovated in 2012 and
meets all code requirements. The space was approved for commercial/retail space in
2012. The property has a zero lot line which includes the structure and a 13 space
parking lot. Ten (10) spaces are reserved for tenants of the building. Three (3) spaces
are reserved for Ste A (this unit) with one for handicap parking. There are no load
bearing walls in the entire building.

Virtual Tour: https://youriguide.com/a_314_e_hutchison_st_san_marcos_tx
Public Hearing
CUP-24-02
Wineaux

CUP-24-02 (Wineaux) Hold a public hearing and consider a request by Peggy Jones, on behalf of Wineaux, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 314 Hutchison Street Suite A (C. Garrison)
Property Information

- Approximately 0.2339 acres
- Approximately 200 feet west of the intersection of E Hutchison Street and CM Allen Parkway
Context & History

• Existing Zoning:
  • CD-5D

• Surrounding Uses:
  • Retail Commercial
  • Restaurants
  • Multifamily
Context & History

• Current Use:
  • Retail Sales

• Proposed Hours:
  • Monday – Sunday: 12-10
Floor Plan

ADJACENT TENANT SUITE: NOT IN SCOPE OF WORK

ADJACENT TENANT SUITE: NOT IN SCOPE OF WORK
Site
Recommendation

Staff recommends **approval** of the request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, and all areas within 100 feet of any exit and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
3. The permit shall be valid upon the issuance of a certificate of occupancy;
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
AGENDA CAPTION:
PSA-23-02 (North & Lindsey Street Preferred Scenario Amendment) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burtshell, for a Preferred Scenario Amendment from “Existing Neighborhood” to “High Intensity- Downtown” for approximately 1.13 +/- acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey Street and North Street. (J. Cleary)

Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Vision San Marcos - A River Runs Through Us

**Background Information:**
This subject 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.

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.” If proposed for demolition, 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 uses+.

This Preferred Scenario Amendment request is for a portion of a larger project, and the following applications are being processed concurrently:
- 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 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 portion 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.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Staff recommends approval of PSA-23-02 as presented.
## Preferred Scenario Map Amendment Request

**PSA-23-02**

### 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 Burttshell, 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 (1st Meeting) & 46 (2nd meeting, including 8 participants on Zoom)

**Posted:** February 7, 2024

**Personal:** February 7, 2024

**Response:** See attached comments

### Property Description

**Legal Description:** 1.13 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:** 1.13

**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**

## Surrounding Area

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

## Staff Recommendation

<table>
<thead>
<tr>
<th></th>
<th>Approval as Submitted</th>
<th>Alternate Approval</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Staff: Julia Cleary, AICP  
Title: Senior Planner  
Date: February 21st, 2024
**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.
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.4.2.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>Whether the proposed amendment is consistent with other policies of the Comprehensive Plan. 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. 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. Many other policies exist in the Comprehensive Plan which do not address or consider the expansion of the Downtown High Intensity Zone.</td>
</tr>
<tr>
<td>Neutral</td>
<td>Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area. 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).</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>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. 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.</td>
</tr>
</tbody>
</table>

Comments from Other Departments:
- Police: No Comment
- Fire: No Comment
- Public Services: No Comment
- Engineering: No Comment
### Preferred Scenario Map Amendment Request

**PSA-23-02**

**Southwest of the Intersection between North St and Lindsey St**

#### Evaluation

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

#### Criteria for Approval (Sec. 2.4.2.4)

- **The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact**
  - **X**

- **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**
  - *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.*
  - **X**

- **Whether the proposed amendment will impact:**
  - **Adjacent properties.**
    - *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.*
  - **Existing or future land use patterns**
    - *See above response.*
  - **Existing or planned public services and facilities**
    - *The proposed redevelopment of the property will improve some public infrastructure.*
  - **Existing or planned transportation networks or greenways**
    - *The redevelopment of the property will be required to install sidewalks and streetscape improvements in accordance with the Development Code.*
  - **The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management**
    - *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*
<table>
<thead>
<tr>
<th>Preferred Scenario Map Amendment Request</th>
<th>Southwest of the Intersection between North St and Lindsey St</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSA-23-02</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>Floodplain and is located within a 3 (moderately constrained) designation on the Land Use Suitability Map.</em></td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/12/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 8/25/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 8/25/2023
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Date: 8/28/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 9/11/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Site Location

Date: 8/29/2023
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Date: 8/25/2023
Notice of Public Hearing
Preferred Scenario Amendment
‘Existing Neighborhood” to “High Intensity- Downtown”
419 North St / North Lindsey St Student Housing

PSA-23-02 (419 North St/ North Lindsey St Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burtshell, for a Preferred Scenario Amendment from “Existing Neighborhood” to “High Intensity- Downtown” for approximately 1.13 +/- acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey St and North St. (J.Cleary)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on Tuesday, February 27th, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

- Two public hearings will be held at the hybrid, virtual / in-person, City Council Meetings on Tuesday, March 19th and Tuesday, April 2nd, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearings on Grande channel 16 or by using the following link: https://sanmarcostx.gov/Videos. Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission:
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For City Council:
www.sanmarcostx.gov/citizencommentsignup

For more information regarding this request, contact the case manager, Julia Cleary, at 512.805.2658 or jcleary@sanmarcostx.gov When calling, please refer to case number PSA-23-02

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Site Address</th>
<th>Owner</th>
<th>Owner Address</th>
<th>Owner City/Zip/State</th>
</tr>
</thead>
<tbody>
<tr>
<td>95396</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>BUTSCH TODD &amp; URSULA</td>
<td>13919 SHADYDALE RD, CYPRESS, TX 77429-6071</td>
<td></td>
</tr>
<tr>
<td>34753</td>
<td>421 LINDSEY ST, SAN MARCOS, TX 78666</td>
<td>TAYLOR BRETT &amp; PEGGY J</td>
<td>P O BOX 40, MARTINDALE, TX 78655-0040</td>
<td></td>
</tr>
<tr>
<td>34758</td>
<td>419 BURLESON ST, SAN MARCOS, TX 78666</td>
<td>ROPER, GRADY</td>
<td>419 BURLESON ST, SAN MARCOS, TX 78666-4476</td>
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</tr>
<tr>
<td>35006</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>SGR-CEK SERIES LLC-SERIES C</td>
<td>14723 CINDYWOOD DR, HOUSTON, TX 77079-6409</td>
<td></td>
</tr>
<tr>
<td>34738</td>
<td>409 MARY ST, SAN MARCOS, TX 78666</td>
<td>FRAZELL, RICHARD S</td>
<td>903 FURMAN AVE, SAN MARCOS, TX 78666</td>
<td></td>
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<tr>
<td>34739</td>
<td>428 BURLESON ST, SAN MARCOS, TX 78666</td>
<td>SCHLICHTING, ABRAHAM</td>
<td>2015 LISA LN, SAN MARCOS, TX 78666-2231</td>
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<tr>
<td>32207</td>
<td>420 NORTH ST, SAN MARCOS, TX 78666</td>
<td>420 NORTH STREET LLC</td>
<td>4824 E CESAR CHAVEZ ST, AUSTIN, TX 78702-5136</td>
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<tr>
<td>35009</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>FRIZZELL BRIAN &amp; MICHELE</td>
<td>1400 SEA ISLAND RD, SAN ANGELO, TX 76904</td>
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<tr>
<td>34995</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>GUZMAN, JOHNNY LUCUS &amp; SANDRA ESTELA</td>
<td>2239 SUN CHASE BLVD, NEW BRAUNFELS, TX 78130-3320</td>
<td></td>
</tr>
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<td>CYPRESS, TX 77433-2392</td>
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</table>

**Neighborhood Reps:**
- CONA Rep Amy Thomaides | 1131 W. MLK St | San Marcos TX 78666
- Neighborhood Rep Roland Saucedo | 211 Ebony St | San Marcos TX 78666
DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

Section 2.4.2.1 Applicability and Effect

A. Applicability. The process for a Comprehensive Plan map amendment applies to other associated City Master Plans and the maps thereof including:

1. Preferred Scenario Map;
2. Thoroughfare Plan Map; and

B. Effect. Approved comprehensive plan map amendments shall authorize the approval of subsequent development applications consistent with the amendment.

C. Use of Preferred Scenario Map. The Preferred Scenario Map of the City’s Comprehensive Plan shall be used to determine whether a request for a zoning map amendment may be considered by the City Council, based on Section 4.1.1.6.

Section 2.4.2.2 Application Requirements

A. An application for a Comprehensive Plan map amendment shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.

B. Consideration of Preferred Scenario Map amendments that meet either of the conditions below shall be limited to twice per year as determined by the Responsible Official.

1. Any modification to the Existing Neighborhood designation on the Preferred Scenario Map.
2. Any request for a medium or high intensity zone designation.

C. A request for amendment of the Preferred Scenario Map submitted by a property owner must be accompanied by an application for a consistent zoning amendment for land within the city limits, or by a subdivision concept plat, for land within the ETJ.

Section 2.4.2.3 Approval Process

A. Responsible Official Action

1. Upon submission, the Responsible Official shall schedule the following informational meetings:

   a. A neighborhood presentation meeting in accordance with Section 2.3.1.1(E).
   b. An informational meeting with members of the Neighborhood Commission;
   c. An informational meeting with members of the Planning and Zoning Commission, and;
   d. An informational meeting with the City Council prior to the first City Council public hearing.

2. The Responsible Official shall provide notice of the application in accordance with Section 2.3.2.1.

3. The Responsible Official shall provide posted notice and personal notice in accordance with Section 2.3.2.1 for a public hearing before the Planning and Zoning Commission except for City Initiated changes where Notice shall be provided in accordance with Table 2.1.

4. The Responsible Official shall also provide published notice of two (2) public hearings before the City Council in accordance with Section 2.3.2.1.

5. The Responsible Official shall review the application for a Comprehensive Plan amendment in accordance with the criteria in Section 2.4.2.4 and provide a report to the Planning and Zoning Commission.

6. The Responsible Official shall also provide a report and any recommendations from the Planning and Zoning Commission to the City Council when the City Council considers the proposed amendment to a Comprehensive Plan Map.

(Ord. No. 2019-45, 12-17-19)
B. Planning and Zoning Commission Action.

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance Section 2.3.3.1.

2. The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application for a Comprehensive Plan amendment.

3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of six (6) members of the Planning and Zoning Commission.

(Ord. No. 2019-60, 9-1-20)

C. City Council Action.

1. Before taking final action on a proposed Comprehensive Plan amendment, the City Council shall hold two (2) public hearings where they may consider the recommendations of the Planning Commission, Responsible Official and any comments made during the public hearings.

2. The Council may review the application in light of the criteria in Section 2.4.2.4.

3. An application for a Comprehensive Plan amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.

4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five (5) members of the City Council.

5. After the public hearing is closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance.

(Ord. No. 2019-60, 9-1-20)

Section 2.4.2.4 Criteria for Approval

A. The following list of criteria for review and recommendations regarding a proposed Comprehensive Plan amendment are not all-inclusive. Review and recommendations of proposed Comprehensive Plan amendments should consider whether:

1. The proposed amendment is consistent with other policies of the Comprehensive Plan;

2. The proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area.

3. 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;

4. The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

5. 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; and

6. The proposed amendment will impact:

   a. Adjacent properties;

   b. Existing or future land use patterns;

   c. Existing or planned public services and facilities;

   d. Existing or planned transportation networks or greenways; and

   e. The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management.
**PREFERRED SCENARIO MAP AMENDMENT APPLICATION**  
Updated: March, 2023

**CONTACT INFORMATION**

<table>
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<tr>
<th>Applicant's Name</th>
<th>Shannon Mattingly</th>
<th>Property Owner</th>
<th>see attached multiple</th>
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<td>Company</td>
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<td>Company</td>
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<td>Applicant's Mailing Address</td>
<td>2705 Bee Cave Road, Ste. 100, Austin, Texas 78746</td>
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<td><a href="mailto:smattingly@drennergroup.com">smattingly@drennergroup.com</a></td>
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**PROPERTY INFORMATION**

Subject Property Address(es): multiple properties (see Attached)

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<td>Total Acreage</td>
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Existing Preferred Scenario Designation: Existing neighborhood

Existing Zoning: MF 12, MF18, MF24

Existing Land Use(s): __________

**DESCRIPTION OF REQUEST**

Proposed Preferred Scenario Designation: High Intensity, Neighborhood Home (proposed plan)

Proposed Zoning: CD-5D

Proposed Land Use(s): Student housing

Reason for the Change: Request to change high intensity in order to match the intensity of the existing zoning to multifamily

**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.

Filing Fee $1,000 plus $150 per acre  
Technology Fee $15  
MAXIMUM COST $5,015

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

**APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/**
I, _____________________________ (owner name) on behalf of
____________________________________ (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
____________________________________ (address).

I hereby authorize _____________________________ (agent name) on behalf of
____________________________________ (agent company) to file this application for
____________________________________ (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____________________________ Date: ____________
Printed Name, Title: __________________________________________

Signature of Agent: _____________________________ Date: ____________
Printed Name, Title: __________________________________________
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: [Signature]
Print Name: Shannon Mattingly
Date: 08/02/23

Form Updated March, 2023
PROPERTY OWNER AUTHORIZATION

Peggy Taylor (owner name) on behalf of

(company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

121 North St., San Marcos, TX (address).

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

Denner Group (agent company) to file this application for

zoning, LUP, 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: Peggy Taylor Date: 7-17-23

Printed Name, Title: Peggy Taylor

Signature of Agent: Shannon Mattingly, Director Date: 7-17-23

Printed Name, Title: Shannon Mattingly, Director

From Updated October, 2019
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 Lindsey St, San Marcos TX (address).

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

Dinner Group (agent company) to file this application for

Zoning, OUP, PSM 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, Director Date: 7-17-23

Printed Name, Title: Shannon Mattingly, Director
PROPERTY OWNER AUTHORIZATION

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
September 5, 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 form 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
### Preferred Scenario Exhibit and Parcel Information

#### McLain Multifamily

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<th>TRACT</th>
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<th>Lot</th>
<th>Block</th>
<th>Subdivision</th>
<th>Acreage</th>
<th>Preferred Scenario (Existing)</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>A</td>
<td>R34773</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>421 Lindsey Street</td>
<td>Part of 10 &amp; 11</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.301</td>
<td>Existing Neighborhood</td>
<td>MF-24</td>
<td>CD-5D</td>
</tr>
<tr>
<td>B</td>
<td>R141054</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>413 &amp; 419 North Street</td>
<td>9-A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.49</td>
<td>Existing Neighborhood</td>
<td>MF-18</td>
<td>CD-5D</td>
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<td>C</td>
<td>R133230</td>
<td>Daryl Burttschell</td>
<td>2301 Willow Arbor San Marcos, TX 78666</td>
<td>499 North Street</td>
<td>4A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.339</td>
<td>Existing Neighborhood</td>
<td>MF-12</td>
<td>CD-5D</td>
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</tbody>
</table>
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.

[Signature]
August 13, 2023
### Building Information

#### Total Bed and Units:

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<tr>
<th></th>
<th>BLDG 1 &amp; 2</th>
<th>BLDG 3</th>
</tr>
</thead>
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<tr>
<td>Beds</td>
<td>458</td>
<td>460</td>
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<tr>
<td>Units</td>
<td>188</td>
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#### Unit Breakdown:

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<th>Unit Type</th>
<th>Qty</th>
<th>SF/Unit</th>
<th>Total SF</th>
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<tr>
<td>A1</td>
<td>42</td>
<td>600</td>
<td>25,200</td>
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<tr>
<td>B1</td>
<td>151</td>
<td>900</td>
<td>135,900</td>
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<tr>
<td>B2</td>
<td>49</td>
<td>1,000</td>
<td>49,000</td>
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<tr>
<td>D1</td>
<td>119</td>
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<td>166,600</td>
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<td><strong>Total</strong></td>
<td>361</td>
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<td>210,100</td>
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#### Average Unit SF:

- **582**

#### Parking Details:

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<tr>
<th>Level</th>
<th>Qty</th>
<th>Per Bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage</td>
<td>52</td>
<td>0.13</td>
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<tr>
<td>LL 2</td>
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<td>0.00</td>
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<tr>
<td><strong>Total</strong></td>
<td>516</td>
<td>0.78</td>
</tr>
</tbody>
</table>

**Parking Per Bed:**

- **1.13**
- **0.43**
- **0.78**

---

Note: The table and data are based on the provided information in the image.
PROPERTY ADDRESS:
409 NORTH STREET
SAN MARCOS, TEXAS 78666

LOT 9—LINDSEY & HARVEY ADDITION
BOOK 17, PAGE 221
P.R.H.C.T.

BRETT S. TAYLOR & PAUL J. TAYLOR
VOLUME 285, PAGE 708
O.P.R.H.C.T.

PART OF LOTS 10 & 11 BLOCK 14

AMENDING PLAT
LOT 54, BLOCK 14
LINDSEY & HARVEY ADDITION
P.O.R.C.T.

WARRANT DEED TO VENDOR'S LIEN
DAVID BURTSCHELL & WIFE HEATHER BURTSCHELL
VOLUME 502, PAGE 440
O.P.R.H.C.T.

DELTA ZETA HOUSING CORP
VOLUME 554, PAGE 86
O.P.R.H.C.T.

LOT 3A BLOCK 14

TO: MATT KENTON, DAVID BURTSCHELL AND WIFE HEATHER BURTSCHELL:
I DAVID PAUL CARR DO HEREBY CERTIFY THAT THE FOREGOING MAP IS A SURVEY PERFORMED BY ME PERSONALLY IN NOVEMBER 2005, 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 TITLE SURVEYS ISSUED BY THE TEXAS LAND TITLE ASSOCIATION AND THE TEXAS SURVEYING BOARD. I HEREBY AFFIRM THAT THE INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, WITH THE KNOWLEDGE THAT THERE ARE NO KNOWLEDGEABLE SOURCES OF DEDICATED EASEMENTS UNLESS SHOWN HEREIN.

DAVID PAUL CARR, P.L.S.
TEXAS REGISTRATION No. 3607

SURVEY NOTES:
BASE OF MEASUREMENT IS GRID BASIS ON G.S.P. OBSERVATIONS
FROM THE LEGAL QUADRANT TOWN & RANGE ALLEGIANCE
DISTANCES & COORDINATES SHOWN HEREIN ARE GRID.

ACCORDING TO THE FEMA FLOOD MAP AMENDMENT DATED SEPTEMBER 2, 2005, THE SUBJECT TRACT LIES IN ZONE "A," UNDEVELOPED AREA OF MINIMAL FLOOD HAZARD.
NO TITLE COMMITMENT FURNISHED AT THE TIME OF THE SURVEY.
Instrument Number: 2008-80038674

As

OPR RECORDINGS

Recorded On: December 08, 2008

Parties: MUSGRAVE ALVIN W JR

To BURTTSCHELL DARYL

Number of Pages: 4

Billable Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

** Examined and Charged as Follows: **

OPR RECORDINGS 24.00

Total Recording: 24.00

********** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT **********

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-80038674

Receipt Number: 208202

Recorded Date/Time: December 08, 2008 03:46:54P

Book-Vol/Pg: BK-OPR VL-3550 PG-883

User / Station: L Curry - Cashiering #3

Record and Return To:

INDEPENDENCE TITLE

SAN MARCOS

SAN MARCOS TX 7866

State of Texas | County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped herein and was recorded on the volume and page of the named records of Hays County, Texas

Linda C. Fritsche, County Clerk
Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver’s license number.

Date: December 10, 2008

Grantor: ALVIN W. MUSGRAVE, JR., owning, occupying and otherwise claiming other property as homestead

Grantor’s Mailing Address: 18540 Castle Hill Drive
Morgan Hill, CA 95037

Grantee: DARYL BURRITSCHELL and HEATHER BURRITSCHELL, husband and wife

Grantee’s Mailing Address: 2301 Willow Arbor
San Marcos, TX 78666

Consideration: Cash and a note of even date executed by Grantee and payable to the order of PROSPERITY BANK-35 in the principal amount of One Hundred Thirty One Thousand Two Hundred Fifty and 00/100 Dollars ($131,250.00). The note is secured by a first and superior vendor’s lien and superior title retained in this deed in favor of PROSPERITY BANK-35 and by a first-lien deed of trust of even date from Grantee to DAVID ZALMAN, Trustee.

PROSPERITY BANK-35, at Grantee’s request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor’s lien against and superior title to the Property are retained for the benefit of PROSPERITY BANK-35 and are transferred to PROSPERITY BANK-35 without recourse against Grantor.

Property (including any improvements):

Being part of Lots 3, 4, 5, 9, 10 and 11, Block 14, LINDSEY AND HARVEY ADDITION, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume E, Page 416, corrected in Volume Z, Page 29, Deed Records, Hays County, Texas. Said tract of land being more particularly described by metes and bounds description shown in EXHIBIT "A" attached hereto and incorporated hereby for all purposes.
Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2009, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee’s heirs, successors, and assigns forever. Grantor binds Grantor and Grantor’s heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee’s heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor’s lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

ALVIN W. MUSGRAVE, JR.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

This instrument was acknowledged before me on the 16 day of December, 2008, by ALVIN W. MUSGRAVE, JR.

CINDA L. MEISTER
Commission # 1806622
Notary Public - California
Santa Clara County

NOTARY PUBLIC, State of California
"EXHIBIT A"

FIELD NOTES DESCRIBING A PORTION OF LOTS 3, 4, 5, 9, 10, AND 11, BLOCK 14, LINDSEY AND HARVEY ADDITION A SUBDIVISION IN SAN MARCOS, TEXAS, IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF
RECORDE IN VOLUME E, PAGE 416, AND CORRECTED IN VOLUME Z, PAGE
29, DEED RECORDS OF SAID COUNTY AND BEING THAT PROPERTY
DESCRIBED IN VOLUME 986, PAGE 897, OFFICIAL PUBLIC RECORDS OF SAID
COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

COMMENCING at an iron pipe found at the intersection of the south r.o.w. line of
Lindsey Street and the west r.o.w. line of North Street same being the northeast corner of
the Taylor Tract described in Volume 2180, Page 708, Official Public Records of said
county;

THENCE along the west r.o.w. line of North Street and the east line of the Taylor Tract,
South 08°00'00" East, 136.03 feet to a p.k. nail set in the south edge of a concrete wall
for the northeast corner hereof and the POINT-OF-BEGINNING of this description;

THENCE continuing along the west r.o.w. line of North Street, South 08°00'00" East
80.70 feet to a ½ inch iron rod found at the northeast corner of Lot 3A, Block 14, of the
Reudivision of Lots 3 and 4, Block 14, of the Lindsey and Harvey Addition said Lot
3A, recorded in Volume 4, Page 140, Plat Records of said county for the southeast corner
hereof;

THENCE along the north line of Lot 3A, and the south line of the herein described tract
South 82°00'00" West, 88.40 feet to a cap iron rod set for an angle point hereof;

THENCE continuing along the north line of said Lot 3A, the south line of the herein
described tract South 72°11'33" West, 101.00 feet to a cap iron rod found at the
northwest corner of said Lot 3A, same being the common corners of Lindsey Street
Partnership recorded in Volume 2016, Page 710, and also the Lindsey Street Partnership
Tract recorded in Volume 1724, Page 523, for the Official Records of said county for the
southwest corner hereof;

THENCE along the easterly line of the Lindsey Street Partnership Tract, North
43°33'49" West, 58.33 feet to a ½ inch iron rod found in the southwest corner of the
Taylor Tract recorded in Volume 1891, Page 294, for the northwest corner hereof;

THENCE along the south line of the Taylor Tract, North 58°54'13" East, 91.17 feet to a
½ inch iron rod found for the southeast corner of the Taylor Tract for an angle point
hereof;

THENCE along the south line of the Taylor Tract described in Volume 2180, Page 708,
and the north line of the herein described tract, North 75°55'19" East, 138.77 feet to the
PLACE OF BEGINNING.

Bearing Basis iron pipe found at the northeast corner of the Taylor Tract recorded in
Volume 2180, Page 708, and the southeast corner of the Alvin W. Junior Musgrave Tract
recorded in Volume 986, Page 897, same being the southeast corner of the herein
described tract (South 08°00'00", East) distance of 216.73.

FIELD NOTES ONLY TO BE USED WITH THE ATTACHED PLAT.

R1201308
12/03/08

[Signature]

[Notary Public Seal]
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
July 17, 2023

Mr. Matt Kenyon
Kenyon Companies
4826 E Cesar Chavez
Austin, TX 78702

Re: San Marcos Student Housing Market Research and Parking Utilization Study

Dear Mr. Kenyon:

As you requested, we have just completed a student housing evaluation to determine the parking utilization rates at comparable student properties located within one mile of the site where you would like to build, at 420 North Street, in downtown San Marcos, Texas. Our survey covered 10 properties that contain a total of 4,301 beds in 1,730 units. At these 10 properties, there are 3,230 parking spaces available for students to lease (Table 1). The average number of spaces per bed is 0.75 and the average vacancy rate is 10%, but a majority of the vacant spaces are at the two most “overparked” projects, Sanctuary Lofts and Vie Lofts (Table 2). Based on the current occupancy rates, the current ratio of spaces leased per leased bed is 0.69 (Table 3).

Based on this analysis, Capitol Market Research suggests a parking ratio of 0.70 spaces per bed at the subject property. After you have reviewed the report and our recommendation, we invite you to call with any questions or comments that you may have.

Respectfully submitted,

CAPITOL MARKET RESEARCH

Charles H. Heimsath
President

OHH/cad

Capitol Market Research, Inc.
1102 West Avenue, Suite 100
Austin, Texas 78701
Phone: (512) 476-5000
dheimsath@cmraustin.com
Table (1)
Garage Parking Analysis
San Marcos Student Housing

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<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>No. Beds</th>
<th>Parking Cost per month</th>
<th>Total Spaces</th>
<th>Vacant Spaces</th>
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<td>2020</td>
<td>225</td>
<td>755</td>
<td>$100</td>
<td>514</td>
<td>0</td>
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<tr>
<td>2</td>
<td>Cheatham Street Flats</td>
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<td>143</td>
<td>234</td>
<td>$85</td>
<td>162</td>
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<td>3</td>
<td>Pointe San Marcos</td>
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<td>109</td>
<td>345</td>
<td>$35 S / $65 R</td>
<td>265</td>
<td>0</td>
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<td>4</td>
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<td>202</td>
<td>481</td>
<td>$30</td>
<td>548</td>
<td>234</td>
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<tr>
<td>5</td>
<td>The Local</td>
<td>2017</td>
<td>96</td>
<td>304</td>
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<td>2019</td>
<td>233</td>
<td>515</td>
<td>$60 un /$85 Covered</td>
<td>314</td>
<td>32</td>
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<td>7</td>
<td>The Parlor</td>
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<td>261</td>
<td>452</td>
<td>$75 S / $90 R</td>
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<td>8</td>
<td>The View on the Square</td>
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<td>$90 un /$120 Covered</td>
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<td>9</td>
<td>Vie Lofts at San Marcos</td>
<td>2016</td>
<td>86</td>
<td>230</td>
<td>$30 S / $40 R</td>
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<td>50</td>
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<td>10</td>
<td>Vistas San Marcos</td>
<td>2013</td>
<td>255</td>
<td>599</td>
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<td>3,230</td>
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Source: Capitol Market Research, telephone survey of each property, July 2023

* S = Standard
* R = Reserved
### Table (2)

**Resident Parking Information**  
Number of Beds and Parking Spaces

<table>
<thead>
<tr>
<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>No. Beds</th>
<th>Total Spaces</th>
<th>Spaces Per Bed</th>
<th>Vacant Spaces</th>
<th>Vacancy Rate</th>
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<tbody>
<tr>
<td>1</td>
<td>Aspire San Marcos</td>
<td>2020</td>
<td>225</td>
<td>755</td>
<td>514</td>
<td>0.68</td>
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<tr>
<td>2</td>
<td>Cheatham Street Flats</td>
<td>2020</td>
<td>143</td>
<td>234</td>
<td>162</td>
<td>0.69</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td>3</td>
<td>Pointe San Marcos</td>
<td>2017</td>
<td>109</td>
<td>345</td>
<td>265</td>
<td>0.77</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td>4</td>
<td>Sanctuary Lofts</td>
<td>2006</td>
<td>202</td>
<td>481</td>
<td>548</td>
<td>1.14</td>
<td>234</td>
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<td>The Local</td>
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<td>304</td>
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<td>0.66</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td>6</td>
<td>The Lyndon*</td>
<td>2019</td>
<td>233</td>
<td>515</td>
<td>314</td>
<td>0.61</td>
<td>32</td>
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<td>7</td>
<td>The Parlor</td>
<td>2021</td>
<td>261</td>
<td>452</td>
<td>350</td>
<td>0.77</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>8</td>
<td>The View on the Square</td>
<td>2021</td>
<td>120</td>
<td>386</td>
<td>249</td>
<td>0.65</td>
<td>6</td>
<td>2.4%</td>
</tr>
<tr>
<td>9</td>
<td>Vie Lofts at San Marcos</td>
<td>2016</td>
<td>86</td>
<td>230</td>
<td>228</td>
<td>0.99</td>
<td>50</td>
<td>21.9%</td>
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<tr>
<td>10</td>
<td>Vistas San Marcos</td>
<td>2013</td>
<td>255</td>
<td>599</td>
<td>400</td>
<td>0.67</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>1,730</strong></td>
<td><strong>4,301</strong></td>
<td><strong>3,230</strong></td>
<td><strong>0.75</strong></td>
<td><strong>322</strong></td>
<td><strong>10.0%</strong></td>
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</table>

Source: Capitol Market Research, apartment community survey July 2023  

The properties selected were recently completed (2006+) and had a parking garage.  
With the exception of The Lyndon, all are located with one mile from 420 North Street.
Table (3)

**Resident Parking Information**
Parking Ratios Based on Occupied Beds

<table>
<thead>
<tr>
<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>Total Number of Beds</th>
<th>Beds Leased</th>
<th>Total Spaces</th>
<th>Spaces Leased</th>
<th>Ratio of Spaces Leased Per Leased Bed</th>
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<tr>
<td>1</td>
<td>Aspire San Marcos</td>
<td>2020</td>
<td>225</td>
<td>755</td>
<td>755</td>
<td>514</td>
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<td>2</td>
<td>Cheatham Street Flats</td>
<td>2020</td>
<td>143</td>
<td>234</td>
<td>234</td>
<td>162</td>
<td>162</td>
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<td>3</td>
<td>Pointe San Marcos</td>
<td>2017</td>
<td>109</td>
<td>345</td>
<td>345</td>
<td>265</td>
<td>265</td>
<td>0.77</td>
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<tr>
<td>4</td>
<td>Sanctuary Lofts</td>
<td>2006</td>
<td>202</td>
<td>481</td>
<td>460</td>
<td>548</td>
<td>314</td>
<td>0.68</td>
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<tr>
<td>5</td>
<td>The Local</td>
<td>2017</td>
<td>96</td>
<td>304</td>
<td>304</td>
<td>200</td>
<td>200</td>
<td>0.66</td>
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<tr>
<td>6</td>
<td>The Lyndon*</td>
<td>2019</td>
<td>233</td>
<td>515</td>
<td>506</td>
<td>314</td>
<td>309</td>
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<td>The Parlor</td>
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<td>261</td>
<td>452</td>
<td>452</td>
<td>350</td>
<td>350</td>
<td>0.77</td>
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<tr>
<td>8</td>
<td>The View on the Square</td>
<td>2021</td>
<td>120</td>
<td>386</td>
<td>364</td>
<td>249</td>
<td>243</td>
<td>0.67</td>
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<tr>
<td>9</td>
<td>Vie Lofts at San Marcos</td>
<td>2016</td>
<td>86</td>
<td>230</td>
<td>230</td>
<td>228</td>
<td>178</td>
<td>0.77</td>
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<tr>
<td>10</td>
<td>Vistas San Marcos</td>
<td>2013</td>
<td>255</td>
<td>599</td>
<td>593</td>
<td>400</td>
<td>400</td>
<td>0.67</td>
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<tr>
<td><strong>Total</strong></td>
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<td>4,301</td>
<td>4,243</td>
<td>3,230</td>
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Source: Capitol Market Research, apartment community survey July 2023

The properties selected were recently completed (2006+) and had a parking garage

With the exception of The Lyndon, all are located with one mile from 420 North Street.
One Mile Radius from 420 North Street in San Marcos

Existing Student Properties

Key      Project Name
1       Aspire San Marcos
2       Cheatham Street Flats
3       Pointe San Marcos
4       Sanctuary Lofts
5       The Local
6       The Lyndon
7       The Parlor
8       Vie Lofts at San Marcos
9       View on the Square
10      Vistas San Marcos

Date: July 2023
Path: C:\GIS\Projects\2023\San Marcos\San Marcos Parking.mxd
January 12, 2024

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

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 Steet 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,

Shannon Mattingly
<table>
<thead>
<tr>
<th>Issue Identified</th>
<th>Project Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety of student housing (structure)</td>
<td>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.</td>
</tr>
<tr>
<td>Rent by the bed student housing contracts.</td>
<td>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</td>
</tr>
</tbody>
</table>
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 |
$25,000/parking space this will result in over a $500,000 additional expense to the developer.

<table>
<thead>
<tr>
<th>Height</th>
<th>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories, as suggested.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>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.</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
Indicative site plan only - not approved

MCLAIN TRACT
SAN MARCOS, TX

KELLY GROSSMAN

APPROXIMATE UNIT TOTALS:
750 BEDROOMS
300 UNITS
PARKING PROVIDED: 0.75 SPACES PER BED PLUS 20 PUBLIC SPACES
NOTE: ALL NUMBERS SUBJECT TO CHANGE BASED ON FINAL SITE PLAN APPROVAL

ARCHITECTURE     LAND PLANNING     LANDSCAPE DESIGN     CONSTRUCTION ADMINISTRATION

KELLY GROSSMAN
260 ADDIE ROY ROAD  SUITE 210  AUSTIN, TEXAS 78746   ph: +1.512/327.3397
Indicative elevations only - not approved
The McLain

Planning & Zoning Commission

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

February 27, 2024
Texas State University purchases downtown apartments for $151 million

The Vista Lofts 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 Matters, 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,” Matters 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%,” Matters 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.
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

- 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
  - Canvasing students on campus

<table>
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<tr>
<td>Overbuilt student housing</td>
<td>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.</td>
</tr>
<tr>
<td>Parking</td>
<td>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.</td>
</tr>
<tr>
<td>Height</td>
<td>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories.</td>
</tr>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>Historic structures will not be demolished, they will be relocated.</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
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-SO, 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. White
President/Manager
Date: 10/20/23
Petitions of Support (1200 Signatures in Support)

<table>
<thead>
<tr>
<th>Petitioner Name</th>
<th>Signature</th>
<th>Address</th>
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<td>John Doe</td>
<td></td>
<td>123 Main St, Anytown USA</td>
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<tr>
<td>Jane Smith</td>
<td></td>
<td>456 Oak Rd, Anytown USA</td>
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<td>Mary Johnson</td>
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<td>101 Elm St, Anytown USA</td>
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<td>Peter Rogers</td>
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<td>333 Cedar Ave, Anytown USA</td>
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<tr>
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<tr>
<td>David Pearson</td>
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<td>Tom Williams</td>
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<td>Lisa Kennedy</td>
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</tr>
</tbody>
</table>
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
- Property is currently zoned Multifamily and allows for 4-story development.
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.
• 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.

From TAG:

- 38,376 students are currently enrolled (2023)
- 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

- 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

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

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

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

- 88.7% Occupancy Rate
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

Walk Score is 93 for this site, which ranks among the highest in the nation for student housing near campus.

[Source: www.walkscore.com]
## Zoning Change Request

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

*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.
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.
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.
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
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**

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**

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.**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/7/23</td>
<td>Pre-submittal meeting with Staff</td>
</tr>
<tr>
<td>9/26/23</td>
<td>Submitted applications</td>
</tr>
<tr>
<td>10/2/23</td>
<td>Planning and Zoning Commission Update</td>
</tr>
<tr>
<td>9/28/23</td>
<td>Neighborhood Meeting (on site)</td>
</tr>
<tr>
<td>10/18/23</td>
<td>Neighborhood Commission</td>
</tr>
<tr>
<td>01/31/24</td>
<td>Neighborhood Meeting (Palmer’s)</td>
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<tr>
<td>2/27/24</td>
<td>Planning and Zoning Commission Hearing</td>
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<tr>
<td>03/19/24</td>
<td>City Council Public Hearing (no action)</td>
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<tr>
<td>04/02/24</td>
<td>City Council Public Hearing/First Reading</td>
</tr>
<tr>
<td>4/16/24</td>
<td>City Council Public Hearing/Second Reading</td>
</tr>
</tbody>
</table>
February 21, 2024

Matthew Kenyon, CPA
Managing Principal
Kenyon Companies
4824 East Cesar Chavez Street, Austin, Texas 78702

Re: McLain Student Housing Development

Mr. Kenyon,

This letter summarized the projected site traffic information for McLain Student Housing Development, located near the intersection of North Street and Lindsey Street in San Marcos, Texas. The proposed development would consist of 750 Bedrooms. The vehicular access to McLain Student Housing Development will mainly be provided through Lindsey Street. The latest edition of ITE trip generation manual was used to calculate the daily and peak hour projected vehicular trips, as shown below.


- Projected AM Peak Hour Traffic = 120 Vehicles per Hour (Morning Rush Hour)
  - 52 Vehicles entering and 68 vehicles exiting
- Projected PM Peak Hour Traffic = 195 Vehicles per Hour (Evening Rush Hour)
  - 98 Vehicles entering and 97 vehicles exiting

The projected site traffic was assumed to be evenly distributed among one (1) driveway on Lindsey Street and two (2) driveways on North Street. The following assumptions were made for McLain Student Housing Development.

- Lower percentage of usage of vehicles on daily basis
- Students are most likely to use other mode of transportation (ride shares, bicycles and or walking)
- Lower percentage of vehicle usage during morning (7 AM to 9 AM) and evening (4 PM to 6 PM) rush hours

Based on the above assumptions, it is expected that the projected site traffic from McLain Student Housing Development would have minimal impact on adjacent road network, including North Street and Lindsey Street.
The output from ITE Trip Generation Manual was submitted with this letter. Please let me know if you have any questions or comments regarding this letter.

Respectfully,

Amer Gilani, P.E., PTOE
<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Bedrooms</th>
<th>Daily Trips (VPD)</th>
<th>AM Peak Hour Trips (VPH)</th>
<th>PM Peak Hour Trips (VPH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off - Campus Student Apartment (Low - Rise)</td>
<td>225</td>
<td>750</td>
<td>2678</td>
<td>52</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>120</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>97</td>
<td>195</td>
</tr>
</tbody>
</table>

**PROJECTED SITE TRAFFIC**
OFF – CAMPUS STUDENT APARTMENTS (ITE CODE 225)

DAILY TRIPS

<table>
<thead>
<tr>
<th>DATA SOURCE:</th>
<th>Trip Generation Manual, 11th Ed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEARCH BY LAND USE CODE:</td>
<td>225</td>
</tr>
<tr>
<td>LAND USE GROUP:</td>
<td>(200-225) Residential</td>
</tr>
<tr>
<td>LAND USE:</td>
<td>225 - Off-Campus Student Apartment (Low-Rise)</td>
</tr>
<tr>
<td>LAND USE SUBCATEGORY:</td>
<td>Adjacent to Campus</td>
</tr>
<tr>
<td>SETTING/LOCATION:</td>
<td>General Urban/Suburban</td>
</tr>
<tr>
<td>INDEPENDENT VARIABLE (IV):</td>
<td>Bedrooms</td>
</tr>
<tr>
<td>TIME PERIOD:</td>
<td>Weekday</td>
</tr>
<tr>
<td>TRIP TYPE:</td>
<td>Vehicle</td>
</tr>
</tbody>
</table>

**Data Plot and Equation**

**Data Statistics**

- Land Use:
  - Off-Campus Student Apartment (Low-Rise)
  - Adjacent to Campus (225)
- Time Period:
  - Yesterday
- Setting/Location:
  - General Urban/Suburban
- Trip Type:
  - Vehicle
- Number of Studies:
  - 7
- Avg. Num. of Bedrooms:
  - 4.21
- Average Rate:
  - 3.57
- Range of Rates:
  - 2.32 - 6.39
- Standard Deviation:
  - 0.88
- Fitted Curve Equation:
  - $\ln(T) = 9.79 \ln(X) - 2.87$
- $R^2$:
  - 0.99
- Directional Distribution:
  - 50% entering, 50% exiting
- Calculated Trip Ends:
  - Average Rate: 2678 (Total), 1339 (Entry), 1339 (Exit)
  - Fitted Curve: 2528 (Total), 1284 (Entry), 1284 (Exit)
OFF – CAMPUS STUDENT APARTMENTS (ITE CODE 225)

AM PEAK HOUR TRIPS
OFF – CAMPUS STUDENT APARTMENTS (ITE CODE 225)

PM PEAK HOUR TRIPS

DATA SOURCE:
Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
225

LAND USE GROUP:
(200-259) Residential

LAND USE:
225 - Off-Campus Student Apartment (Low-Rise)

LAND USE SUBCATEGORY:
Adjacent to Campus

SETTING/LOCATION:
General Urban/Suburban

INDEPENDENT VARIABLE (IV):
Bedrooms

TIME PERIOD:
Weekday, PM Peak Hour of Generator

TRIP TYPE:
Vehicle

ENTER N VALUE TO CALCULATE TRIPS:
750

Data Plot and Equation

X = Number of Bedrooms

T = Trip Ends

Data Statistics

Land Use:
Off-Campus Student Apartment (Low-Rise) - Adjacent to Campus (225)

Independent Variable:
Bedrooms

Time Period:
Weekday
PM Peak Hour of Generator

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
9

Avg. Num. of Bedrooms:
650

Average Rate:
0.26

Range of Rates:
0.17 - 0.43

Standard Deviation:
0.08

Fitted Curve Equation:

\[ \ln(T) = 0.76 \ln(X) - 0.18 \]

\[ R^2 = 0.78 \]

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 195 (Total), 98 (Entry), 97 (Exit)
Fitted Curve: 193 (Total), 92 (Entry), 91 (Exit)
Land Use: 225
Off-Campus Student Apartment (Low-Rise)

Description
An off-campus student apartment (low-rise) complex houses college or university students in structures with two or three floors of living space. The apartments are typically rented by the bedroom and most contain a common area or shared living space (living room, kitchen, dining area). Each bedroom typically has a private bath. These apartments are sometimes called independent bedroom apartments.

The dwelling unit typically ranges in size between a studio apartment and a five-bedroom apartment. It can be rented furnished or unfurnished. It is common for each apartment to have a washer and dryer.

The property is typically located near or within walking distance of a college campus and provides student-related amenities such as free high-speed Internet, a study lounge, fitness center, sports court, and swimming pool. An off-campus student apartment complex typically provides security and 24-hour emergency maintenance.

Multifamily housing (low-rise) (Land Use 220), off-campus student apartment (mid-rise) (Land Use 226), and off-campus student apartment (high-rise) (Land Use 227) are related land uses.

Land Use Subcategory
The data included in this land use have been stratified into two subcategories: (1) sites located adjacent to campus and (2) sites located over a half mile from campus. For some of the latter sites, regular shuttle service is provided to and from the campus.

Additional Data
The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 2010s in Alabama, Arizona, California, Florida, Minnesota, Montana, and South Carolina.

Source Numbers
864, 868, 895, 916, 1031, 1038, 1065
Off-Campus Student Apartment (Low-Rise)  
Adjacent to Campus (225)  

Vehicle Trip Ends vs: Bedrooms  
On a: Weekday  

Setting/Location: General Urban/Suburban  
Number of Studies: 7  
Avg. Num. of Bedrooms: 621  
Directional Distribution: 50% entering, 50% exiting  

### Vehicle Trip Generation per Bedroom

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.57</td>
<td>2.52 - 5.30</td>
<td>0.88</td>
</tr>
</tbody>
</table>

### Data Plot and Equation

Fitted Curve Equation: \( \ln(T) = 0.75 \ln(X) + 2.87 \)  
\( R^2 = 0.90 \)
Off-Campus Student Apartment (Low-Rise)
Adjacent to Campus (225)

Vehicle Trip Ends vs: Bedrooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Bedrooms: 650
Directional Distribution: 38% entering, 62% exiting

Vehicle Trip Generation per Bedroom

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.12</td>
<td>0.06 - 0.21</td>
<td>0.05</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: \( \ln(T) = 0.62 \ln(X) + 0.34 \)
\( R^2 = 0.65 \)
Off-Campus Student Apartment (Low-Rise)
Adjacent to Campus (225)

Vehicle Trip Ends vs: Bedrooms

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Bedrooms: 650
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Bedroom

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.24</td>
<td>0.13 - 0.43</td>
<td>0.08</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: Ln(T) = 0.76 Ln(X) + 0.13
R²= 0.74
Off-Campus Student Apartment (Low-Rise) Adjacent to Campus (225)

Vehicle Trip Ends vs: Bedrooms
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Bedrooms: 650
Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per Bedroom

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.16</td>
<td>0.10 - 0.26</td>
<td>0.05</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: \( \ln(T) = 0.65 \ln(X) + 0.45 \)
\( R^2 = 0.79 \)
Off-Campus Student Apartment (Low-Rise)
Adjacent to Campus (225)

Vehicle Trip Ends vs: Bedrooms
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Bedrooms: 650
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Bedroom

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.26</td>
<td>0.17 - 0.43</td>
<td>0.08</td>
</tr>
</tbody>
</table>

Data Plot and Equation

Fitted Curve Equation: \( \ln(T) = 0.76 \ln(X) + 0.18 \)
\( R^2 = 0.78 \)
Good morning,

Attached to this email are two documents that I would like to be submitted for tonight’s planning and zoning meeting packet.

1. The first document is a current estimation of “rent by the bed” statistical data for the City of San Marcos.
2. The second document is a current estimation breakdown of “rent by the bed” figures – per complex – in the City of San Marcos. This is a working document – and some data needs to still be filed.

Thank you.

Best,
Ashlee Saxon
## City of San Marcos, Texas
Rent-By-the-Bed/ Individual Lease/ Installment Housing Contract/
“Student Housing” Apartment Complexes, Units, Beds, Double Occupancy Allowed (DOA)

*Updated 31 August 2023*

<table>
<thead>
<tr>
<th>No.</th>
<th>Apartment Name</th>
<th>Address</th>
<th>Number of Units</th>
<th>Number of Beds</th>
<th>Number Available w/ DOA - ESTIMATE D*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Arba / Aura / Aspen Heights</td>
<td></td>
<td>213 units</td>
<td>648 beds (DOA)</td>
<td>1296</td>
</tr>
<tr>
<td>2.</td>
<td>Aspire</td>
<td></td>
<td>310 units</td>
<td>583 or 754 beds</td>
<td>754+/-</td>
</tr>
<tr>
<td>3.</td>
<td>The Avenue</td>
<td></td>
<td>240 units</td>
<td>753 beds (DOA)</td>
<td>1000+/-</td>
</tr>
<tr>
<td>4.</td>
<td>Bishop’s Square</td>
<td></td>
<td>312 units</td>
<td>312 beds</td>
<td>312</td>
</tr>
<tr>
<td>5.</td>
<td>Cheatham Street Flats</td>
<td></td>
<td>143 units</td>
<td>234 beds (DOA)</td>
<td>500</td>
</tr>
<tr>
<td>6.</td>
<td>Cabana Beach</td>
<td></td>
<td>276 units</td>
<td>744 beds</td>
<td>744</td>
</tr>
<tr>
<td>7.</td>
<td>Capstone Cottages</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>8.</td>
<td>Cottages of San Marcos</td>
<td></td>
<td>194 units</td>
<td>899 beds</td>
<td>899</td>
</tr>
<tr>
<td>9.</td>
<td>Castle Rock</td>
<td></td>
<td>816 units</td>
<td>816 beds</td>
<td>816</td>
</tr>
<tr>
<td>10.</td>
<td>Copper Beech</td>
<td></td>
<td>416 units</td>
<td>1238-1250 beds (DOA)</td>
<td>1500+/-</td>
</tr>
<tr>
<td>11.</td>
<td>The Curve</td>
<td></td>
<td>116 units</td>
<td>232 beds (DOA)</td>
<td>400</td>
</tr>
<tr>
<td>12.</td>
<td>Dakota Ranch</td>
<td></td>
<td>188 units</td>
<td>316 beds (DOA)</td>
<td>400</td>
</tr>
<tr>
<td>13.</td>
<td>The Edge</td>
<td></td>
<td>500 units</td>
<td>500 beds (DOA)</td>
<td>600</td>
</tr>
<tr>
<td>No.</td>
<td>Apartment Name</td>
<td>Address</td>
<td>Number of Units</td>
<td>Number of Beds</td>
<td>Number Available w/ DOA - ESTIMATE D*</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------</td>
<td>---------</td>
<td>----------------</td>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>14.</td>
<td>Vie Lofts/ Ella Lofts/ 817 Lofts</td>
<td></td>
<td>252 units</td>
<td>252 beds (DOA)</td>
<td>500</td>
</tr>
<tr>
<td>15.</td>
<td>Elevation on Post</td>
<td></td>
<td>342 units</td>
<td>342 beds</td>
<td>342</td>
</tr>
<tr>
<td>16.</td>
<td>The Grove</td>
<td></td>
<td>192 units</td>
<td>504 beds</td>
<td>504</td>
</tr>
<tr>
<td>17.</td>
<td>The Haven on Thorpe</td>
<td></td>
<td>300+/- units</td>
<td>348 beds (DOA)</td>
<td>548</td>
</tr>
<tr>
<td>18.</td>
<td>The Heights</td>
<td></td>
<td>672 units</td>
<td>830 beds</td>
<td>830</td>
</tr>
<tr>
<td>19.</td>
<td>Hillside Ranch</td>
<td></td>
<td>962 units</td>
<td>962 beds (DOA)</td>
<td>1924</td>
</tr>
<tr>
<td>20.</td>
<td>Campus Trailhead / Iconic Village</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td>(See Vintage Pads &amp; Campus Trailhead)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Vintage Pads</td>
<td></td>
<td>207 units A-J</td>
<td>343 (DOA)</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>(See Iconic Villages &amp; Campus Trailhead)</td>
<td></td>
<td>(10-12 buildings) – 1000 NLBJ (100 rooms 222 Ramsay Street 810 NLBJ-100 300 600 700 buildings (20+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Apartment Name</td>
<td>Address</td>
<td>Number of Units</td>
<td>Number of Beds</td>
<td>Number Available w/ DOA - ESTIMATE D*</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
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<td>-----------------</td>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>The Junction</td>
<td></td>
<td>152 units</td>
<td>488 beds (DOA)</td>
<td>976</td>
</tr>
<tr>
<td>23.</td>
<td>The Local</td>
<td></td>
<td>95 units</td>
<td>300 beds (DOA)</td>
<td>350 +/-</td>
</tr>
<tr>
<td>24.</td>
<td>The Lodge</td>
<td></td>
<td>696 units</td>
<td>696 beds (DOA)</td>
<td>725 +</td>
</tr>
<tr>
<td>25.</td>
<td>Logan Ridge</td>
<td></td>
<td>42 units</td>
<td>108 beds</td>
<td>108</td>
</tr>
<tr>
<td>26.</td>
<td>The Lyndon</td>
<td></td>
<td>233 units</td>
<td>515 beds (DOA)</td>
<td>515 +</td>
</tr>
<tr>
<td>27.</td>
<td>Millenium on Post</td>
<td></td>
<td>50 units</td>
<td>450 beds</td>
<td>450</td>
</tr>
<tr>
<td>28.</td>
<td>The Outpost</td>
<td></td>
<td>486 units</td>
<td>486 beds</td>
<td>486</td>
</tr>
<tr>
<td>29.</td>
<td>The Parlor</td>
<td></td>
<td>264 units</td>
<td>(264) Unknown beds</td>
<td>264 (Unknown DOA)</td>
</tr>
<tr>
<td></td>
<td>Hybrid Joint &amp; Individual</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Peach Tree</td>
<td>1011 North LBJ</td>
<td>Unknowns</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>31.</td>
<td>The Pointe Comanche Street</td>
<td></td>
<td>96 units</td>
<td>304 beds (DOA)</td>
<td>500</td>
</tr>
<tr>
<td>32.</td>
<td>Red Point (The Woods)</td>
<td></td>
<td>291 units</td>
<td>945 beds (DOA)</td>
<td>1908</td>
</tr>
<tr>
<td>No.</td>
<td>Apartment Name</td>
<td>Address</td>
<td>Number of Units</td>
<td>Number of Beds</td>
<td>Number Available w/ DOA - ESTIMATE D*</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
<td>--------------------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>33</td>
<td>The Retreat</td>
<td>780 units</td>
<td>780 beds</td>
<td>780</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Riverside Ranch</td>
<td>372 units</td>
<td>372 beds</td>
<td>400</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Sanctuary Lofts</td>
<td>204 units</td>
<td>487 beds</td>
<td>487</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>The Thompson</td>
<td>526 units</td>
<td>526 beds</td>
<td>526 +</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>The Timbers</td>
<td>155 units</td>
<td>232 beds (DOA)</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Treehouse Apartments</td>
<td>138 units</td>
<td>138 beds (DOA)</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>University Club</td>
<td>440 units</td>
<td>440 beds</td>
<td>440</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Uptown Square</td>
<td>316 units</td>
<td>512 beds (DOA)</td>
<td>540</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Village Green</td>
<td>182 units</td>
<td>Unknown</td>
<td>(Unknown DOA)</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Village on Telluride</td>
<td>1113 units</td>
<td>1113 beds (DOA)</td>
<td>1300+/-</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Villagio</td>
<td>180 units</td>
<td>490 beds</td>
<td>490</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>The View on the Square</td>
<td>120</td>
<td>245 beds</td>
<td>(245)</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>The Vistas</td>
<td>283 units</td>
<td>600 beds</td>
<td>600</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Vistas III/ Pointe II</td>
<td>106 units</td>
<td>310 beds</td>
<td>(310)</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Westfield</td>
<td>200 units</td>
<td>200 beds (DOA)</td>
<td>225</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>San Marcos Lofts I</td>
<td>166 units</td>
<td>240 beds</td>
<td>(240)</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Apartment Name</td>
<td>Address</td>
<td>Number of Units</td>
<td>Number of Beds</td>
<td>Number Available w/ DOA - ESTIMATE D*</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------</td>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>49.</td>
<td>San Marcos Lofts 2</td>
<td></td>
<td>113 units</td>
<td>157 beds</td>
<td>(157)</td>
</tr>
<tr>
<td>50.</td>
<td>San Marcos Lofts 3</td>
<td></td>
<td>140 units</td>
<td>200 beds</td>
<td>(200)</td>
</tr>
<tr>
<td>51.</td>
<td>Proposed Downtown 75-Sylvan</td>
<td></td>
<td>299 units</td>
<td>Unknown (299)</td>
<td>(299)</td>
</tr>
<tr>
<td>52.</td>
<td>Proposed—By the River by old Broadway Bank</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>53.</td>
<td>Proposed by Methodist Church and Little HEB</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>54.</td>
<td>Proposed on Lindsey Street</td>
<td></td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>55.</td>
<td>Proposed on Alamo Street</td>
<td></td>
<td>800+</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>Total units</strong></td>
<td><strong>Total beds</strong></td>
<td><strong>Total Available with ESTIMATED Double Occupancy 27,659+/-</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14,707</td>
<td>21,994</td>
<td></td>
</tr>
</tbody>
</table>
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)

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,
Unknown number of students living in traditional housing

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.

Source: TXST enrollment figures and multifamily status report
To the planning and Zoning Commission,

I vehemently oppose the rezoning and subsequent development of the proposed “student housing” apartment complex in our beloved college city. This contentious project raises a multitude of concerns that deserve careful consideration and thorough examination.

First and foremost, the construction of such a sizable student housing complex in our densely populated college city threatens to exacerbate the existing issue of overcrowding. With an influx of students into the area, we risk overwhelming our community's infrastructure, including housing, public services, and utilities. This could result in a diminished quality of life for both residents and students alike, as the city's resources strain to accommodate this sudden surge in population.

Furthermore, the negative impact on transportation cannot be overstated. The increased student population will inevitably lead to higher demands on our already strained public transportation system, potentially resulting in even more traffic congestion, longer commute times, and a decreased overall efficiency in our transportation networks. This, in turn, could adversely affect the daily lives of not only residents but also commuters, including students and faculty.

In conclusion, while student housing is undoubtedly an essential part of any college town's infrastructure, it is crucial that we carefully consider the potential consequences of such development. Rather than hastily proceeding with this project, I implore our local authorities to engage in comprehensive discussions, involving all stakeholders, to find a balanced solution that benefits both the student population and the city’s existing residents. This approach will ensure the sustainable growth of our college city while preserving its unique character and quality of life.

Thank you,

Shawn Arthur
Student at Texas State University

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
My name is Linda Huff, I live at 702 Maury St. in San Marcos and I would like to express my opinion that the Preferred Scenario map should not be amended from “Existing Neighborhood” to “High Intensity-Downtown” for the following reasons:

The site contains high and medium priority classified historic structures that are part of the character of San Marcos. We have already altered and demolished too of these neighborhoods/blocks and I would not want to see any more removed. I understand there are other high intensity student housing units nearby and intermixed, however keeping even pockets of these historic neighborhoods intact has a large impact on the character of the town.

I am also opposed to the amendment as it increases the impermeable cover and allows for increases density in this ecological and hydrological sensitive San Marcos Watershed. Increased impervious cover can lead to increased pollutant concentrations.
Hi Council Members,

At this next Council meeting, you will discuss and vote on the Downtown Area Plan. I was a member of the stakeholders who worked to create this future plan for the City. The staff and consultants listened well to our input in the making of this plan and it is reflected in the finished form.

After the plan had been agreed upon by all stakeholders, staff, and consultants P & Z wanted some changes made to the maps and grammar used in the document. But then they also added what I would term an addendum that speaks of the C. M. Allen plan to have parkland along this roadway in town.

This was never brought up or discussed by the stakeholders during the months we worked on this downtown plan.

I respectfully request that this portion of the plan be omitted and further information be obtained. This is a very big change that only has the approval of the P & Z subcommittee, no stakeholders or citizens weighed in on this change. This modification would affect the city long term and needs more conversations and plans before being passed by the Council.

Thank you for all you do for our City.

Jean Baggett
Ladies and Gentlemen of the Planning and Zoning Commission,

I am deeply troubled by the proposed Case No. PSA-23-02, to reclassify the North Lindsey Student Housing area from “Existing Neighborhood” to “High Intensity.” I wish to draw your attention to the invaluable insights provided by the My Historic SMTX City of San Marcos Historic Resources Survey Report, a meticulously researched document adopted by City Council in 2019 that should serve as our guiding light in this crucial decision-making process.

The My Historic SMTX survey report is a valuable and authoritative resource on the city’s historic resources. It was the result of a $80,000 investment by city and state taxpayers and represents a comprehensive and inclusive effort to identify, document, and recommend ways to preserve and protect the city’s historic resources. The survey process was conducted by qualified professionals and involved extensive research, field surveys, and public outreach. The adoption of the report by all three vesting bodies within the City of San Marcos (the Historic Preservation Commission, Planning and Zoning Commission, and City Council) is a testament to the rigor of the survey process and the importance of these resources to the community. The report is a valuable tool for informing future planning and development decisions and essential reading for anyone who cares about preserving San Marcos’ historic heritage. I urge you to carefully consider the findings of the report as you make decisions about the future of our city.

Section VIII.B.2 of the report outlines the potential expansion of the existing Lindsey-Rogers local historic district, an area that encapsulates the essence of our city’s architectural and cultural heritage. This proposed expansion area, with its Craftsman bungalows, Minimal Traditional, and Queen Anne-style houses, along with the Gothic Revival-influenced First Presbyterian Church on W. Hutchison Street, represents a unique and irreplaceable tapestry of our past. The evaluation of these resources, both high and medium preservation priority, underscores their importance in the larger historical narrative of our community.

The report makes it abundantly clear that these structures are not just relics of a bygone era but living artifacts that contribute significantly to our city’s identity. They are a testament to our architectural evolution and the historical context within which San Marcos developed. The evaluation of these resources, both high and medium preservation priority, underscores their importance in the larger historical narrative of our community.

What makes this proposal all the more concerning is the proximity of the potential “High Intensity” area to the existing neighborhood, and the Lindsey-Rogers local historic district across Moore Street. This adjacency is not coincidental; it is a testament to the shared history, architectural style, scale, and date of construction that bind these areas together. The fact that both areas developed concurrently in the early twentieth century further underscores their interconnectedness.

Approving the proposed amendment would not just be a departure from our commitment to preserving our city’s diverse heritage; it would be a disavowal of our responsibility to future generations. The proposed amendment risks irreparably damaging the integrity of an existing neighborhood that encapsulates the very spirit of San Marcos. It would send a message that short-term gains for real-estate speculators and developers hold more value than the preservation of our cultural legacy.

In conclusion, I urge each member of this esteemed commission to consider the long-term implications of this decision. Let us not be swayed by high-intensity development at the cost of our city’s soul. Let us stand united in our commitment to preserving our heritage, as outlined in the Historic Resources Survey Report. I implore you to reject Case No. PSA-23-02 and to uphold the values of cultural preservation that define the essence of our beloved San Marcos.

Thank you for your attention and for your dedication to the intellectual and cultural enrichment of our community.

Sincerely,
Ryan Patrick Perkins

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Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Vision San Marcos - A River Runs Through Us

Background Information:
Applications for Preferred Scenario Amendments/ Comprehensive Plan Amendments are considered in accordance with Chapter 2, Article 4, Division 2 of the Land Development Code. The 1.13 acre tract of land is part of a wider 2.8 acre tract being proposed by the applicant for a student housing development (please refer to the attached Concept Plan for the complete site proposal) - a Preferred Scenario Amendment is not required for the remaining 1.67 acres as they are already designated as “High Intensity- Downtown”. The application is accompanied by a Zoning Change to Character District 5-D (ZC-23-19), a Conditional Use Permit for Student Housing (CUP-23-22) and an Alternative Compliance request to increase the permitted height from 5 to 7 stories (AC-23-09) for the wider 2.8 acre site. These applications will be considered concurrently and will be subject to separate public hearings. The site is currently zoned for multifamily (MF-12 and MF-18) and 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” on the survey. These structures would be subject to the City’s Demolition Delay Ordinance. There are no lots which are zoned as Conventional Single Family within 200 ft of the property. As this Preferred Scenario Amendment application coincides with the City initiated Comprehensive Plan re-write, (VisionSMTX), the applicant has also requested that the property be designated as “Neighborhood-High” should the updated Comprehensive Plan be adopted before this amendment is finalized.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Discussion item only.
Historic Preservation

- Not located within a designated Historic District.

- 419 North St is marked as “High Priority” on the Historic Resources Survey. Property is an example of a 1900 Queen Anne style residence with original wooden features.

- 409 North St and 413 Lindsey classified as “Medium Priority” on the Historic Resources – both are examples of 1925 bungalows.
To Planning & Zoning SMTX,

My name is Jared Chumsae. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause harm to the community. As you all know, not all development is "good" development. The proposed Lindsey St. Project is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students have reported numerous complaints about this RBB housing model. Students and San Martians alike deserve better housing not piecemeal, developer-friendly permits.

Please consider voting "no" to oppose the Lindsey St. Project.

Sincerely,

Jared Chumsae
San Marcos Resident
To Whom It May Concern,

My name is [NAME]. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.

Sent from my iPhone

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
To Whom It May Concern,

My name is Ariana Ruiz. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

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Signed,

Concerned Citizen and Alma Mater
To Whom It May Concern,

My name is Frankie Mars. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

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To Whom It May Concern,

My name is Estevan Gonzalez. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

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To Whom It May Concern,

My name is Mikayla. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. There is also research proving that San Marcos is overbuilt with student housing by approximately 8,000 beds. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
To Whom It May Concern,

My name is Brycen. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.
To Whom It May Concern,

My name is Susie Ruiz. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.
To Whom It May Concern,

My name is Aidil Nino. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

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To Whom It May Concern,

My name is Maya Diaz. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.

Sent from my iPhone

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
To Whom It May Concern,

My name is Isla Ruiz. I am writing to you as a concerned community member about the Lindsey St. project to be built downtown of San Marcos.

I strongly oppose PSA-23-02 because this project will cause more harm to the community rather than aiding it. The proposed development is categorized as rent-by-the-bed student housing. RBB housing models are exploitative towards tenants by engaging in predatory practices. Living in a campus city allows residents to be more susceptible to being taken advantage of by corporate apartment complexes. Students and non-students alike are seeking affordable and diverse housing options, particularly given the limited availability of traditional complexes and long-term housing solutions.

Projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.

Sent from my iPhone

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
To Whom It May Concern,

My name is Sam Benavides. I am writing to you as a concerned community member who lives just a block down from where the Lindsey St. project is to be built.

As someone who lives in the area, I am concerned about how this project will impact my neighborhood. Particularly, the affordability of living here. I feel very blessed to have found this humble home with affordable rent. I believe it’s true that projects like this lead to an increase in pricing for all of the surrounding areas.

Additionally, projects such as the Lindsey St. Project will disturb downtown small businesses with heightened traffic in the area. The beauty of our downtown square will be overshadowed by a massive construction zone, which will result in the removal of properties. This will undoubtedly pose significant challenges to the vibrancy and economic vitality of our small town community. I urge you to consider all of these factors before voting on this application.

Please help preserve the charm of this quiet little neighborhood.

Respectfully,

Sam Benavides

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
PSA-23-02
North & Lindsey Street Preferred Scenario Amendment
Existing Neighborhood to High Intensity (Downtown)

Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burttshell, for a Preferred Scenario Amendment from “Existing Neighborhood” to “High Intensity- Downtown” for approximately 1.13 +/- acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey St and North St (J. Cleary)
Property Information

- Approximately 1.13 acres

- Located within the City limits southwest of the intersection between Lindsey St and North St

- Currently contains 4 separate residential structures.

- Surrounding Land Uses
  - Texas State Campus
  - Multifamily
  - Residential (sorority house)
Related Applications

PSA-23-02 (orange)

ZC-23-19 - MF to CD-5D (hatched)

AC-23-09 – 7 Story Buildings (red outline)

CUP-23-22 Purpose Built Student Housing (also red outline on the map)

“Existing Neighborhood” to High Intensity-Downtown for land west of North St

Can only be approved for land designated as “High Intensity”

Can only be approved for land zoned “CD-5” or “CD-5D”

May be considered independently. Student Housing is a Conditional Use in all existing zoning districts

Already designated as “High Intensity”

Already zoned CD-5D

Already zoned CD-5D
Historic Preservation

- Not located within a designated Historic District.

- 419 North St is classified as “High Priority” on the Historic Resources Survey. Property is an example of a 1900 Queen Anne style residence with original wooden features.

- 409 North St and 413 Lindsey classified as “Medium Priority” on the Historic Resources – both are examples of 1925 bungalows.
Request

• Amend the Preferred Scenario Map

• Existing Neighborhood to High Intensity (Downtown)

• Related applications
  • ZC-23-19 (MF-12/ MF-18/MF-24 to CD-5D)
  • CUP-23-22 (North Lindsey Student Housing)
  • AC-23-09 (North Lindsey St 7 Story Building Height)
Current Designation
“Existing Neighborhood”

- “Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.”
- Allows Conventional Residential Districts and Neighborhood Density Districts with an Existing Neighborhood Regulating Plan.
- Zoning changes require a Neighborhood Meeting.

Proposed Designation
“High Intensity”

- “The future vision for downtown includes compactness, great streets, pedestrian and bike accessibility, and public spaces for social interaction.” (Vision San Marcos)
- Allows all zoning districts except Conventional Residential.

Table 4.1 Comprehensive Plan / District Translation

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Low Intensity</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>PSA</td>
<td>PSA</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>See Section 4.1.2.6</td>
<td>PSA</td>
<td>C</td>
<td>NP</td>
</tr>
<tr>
<td>Special Districts</td>
<td>PSA</td>
<td>NP</td>
<td>PSA</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

Legend: PSA = Not Allowed (PSA Required), NP = Not Preferred, C = Consider
Request

- Property shown as “Neighborhood - Medium” in the draft Vision SMTX Comprehensive Plan.

- If approved, property would be given a “Mixed Use Medium” designation on new map.
Concept Plan
Criteria for Approval (Section 2.4.2.4)

1. Whether the proposed amendment is consistent with other policies of the Comprehensive Plan;

2. Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area; (N/A)

3. 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;
Criteria for Approval (Section 2.4.2.4)

4. The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact; (N/A)

5. 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;

6. Whether the proposed amendment will impact:
   • Adjacent properties
   • Existing or future land use patterns
   • Existing or planned public transportation networks or greenways
   • The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management.
Preferred Scenario Amendment Process

- September 26th
  - Planning & Zoning Commission Update Item (no action)
- September 28th
  - Neighborhood Presentation Meeting
- October 2nd
  - City Council Update item (no action)
- October 18th
  - Neighborhood Commission Update Item (no action)
- January 31st
  - 2nd Neighborhood Presentation Meeting
- February 27th
  - Planning & Zoning Commission Public Hearing
- March 19th
  - City Council Public Hearing (no action)
- April 2nd
  - City Council Public Hearing & First Reading
- April 16th
  - City Council Ordinance Reconsideration (2nd Reading)
Recommendation

• Staff recommends **approval** of PSA-23-02 as presented.
File #: ZC-23-19, Version: 1

AGENDA CAPTION:
ZC-23-19 (North & Lindsey Street Zoning Change) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for a Zoning Change from Multifamily-12 (MF-12), Multifamily-18 (MF-18) and Multifamily-24 (MF-24) to Character District-5 Downtown (CD-5D) or, subject to consent of the owner, another less intense zoning district classification, for approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey Street and North Street. (J.Cleary)

Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: A Zoning Change request to CD-5D for the part of the site located east of North Street was denied in 2021 (ZC-21-09)

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - High Density Mixed Use Dev. & Infrastructure in the Activity Nodes & Intensity Zones (supporting walkability and integrated transit corridors)
☒ Neighborhoods & Housing - Housing Opportunities for Texas State Students in appropriate areas
Background Information:
A previous zoning change and student housing conditional use permit for part of the site (located east of North St) was denied by the Planning and Zoning Commission and City Council in 2021 (ZC-21-09/ CUP-21-15).

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

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

This zoning change request is one of four applications submitted by the applicant for this site:
• Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - PSA-23-02
• Conditional Use Permit for Student Housing (CUP-23-22)
• Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
A portion of the subject property is currently High Intensity-Downtown on the Preferred Scenario Map.
Approval of this smaller area would not require approval of PSA-23-02

**Recommendation:**
Staff recommends **approval** of ZC-23-19.
**Zoning Request**  
**ZC-23-19**  
419 North St  
North Lindsey CD-5D

### Summary

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

### Notification

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

### Property Description

<table>
<thead>
<tr>
<th>Legal Description:</th>
<th>Approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St.</td>
</tr>
<tr>
<td>Acreage:</td>
<td>1.931 acres</td>
</tr>
<tr>
<td>Proposed Zoning:</td>
<td>Character District 5-D</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>MF-12/MF-18/MF-24</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>Purpose Built Student Housing</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Residential/ Multifamily</td>
</tr>
<tr>
<td>Occupancy:</td>
<td>Restrictions Do Not Apply</td>
</tr>
<tr>
<td>Proposed Occupancy:</td>
<td>Restrictions Do Not Apply</td>
</tr>
<tr>
<td>Preferred Scenario:</td>
<td>Existing Neighborhood and High Intensity Zone</td>
</tr>
<tr>
<td>Proposed Designation:</td>
<td>High Intensity Zone</td>
</tr>
<tr>
<td>CONA Neighborhood:</td>
<td>Downtown</td>
</tr>
<tr>
<td>Sector:</td>
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</tr>
<tr>
<td>Utility Capacity:</td>
<td>Available</td>
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<tr>
<td>Floodplain:</td>
<td>No</td>
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<tr>
<td>Historic Designation:</td>
<td>N/A</td>
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<tr>
<td>My Historic SMTX Resources Survey:</td>
<td>Yes – High/ Medium</td>
</tr>
</tbody>
</table>

### Surrounding Area

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

<table>
<thead>
<tr>
<th>Zoning Request</th>
<th>ZC-23-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>419 North St</td>
<td></td>
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<tr>
<td>North Lindsey CD-5D</td>
<td></td>
</tr>
</tbody>
</table>

**Staff Recommendation**

<table>
<thead>
<tr>
<th>X</th>
<th>Approval as Submitted</th>
<th>Alternate Approval</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Staff recommends approval of ZC-23-19.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If the Commission chooses not to recommend approval of the Preferred Scenario Amendment (PSA-23-02), they may elect to approve the zoning change for the part of the request which is east of North Street which is located in the existing Downtown High Intensity Zone Boundary.

**Staff:** Julia Cleary, AICP  
**Title:** Senior Planner  
**Date:** February 21, 2024

**History**

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

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

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

This zoning change request is one of four applications submitted by the applicant for this site:
- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) – PSA-23-02
- Conditional Use Permit for Student Housing (CUP-23-22)
- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)

**Additional Analysis**

See additional analysis below.

**Comments from Other Departments**

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

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Evaluation:**

1. Whether the proposed zoning will reinforce the existing or planned character of the area
   - The parcels to the east of North St are immediately adjacent to existing higher density multifamily and are currently located within a High Intensity designation in the Comprehensive Plan. The surrounding land is predominantly comprised of multifamily and university buildings. The western part of the site, while less intense in nature and closer to several single-story residential structures, is immediately bounded by a multifamily lot zoned for MF-24 which allows multifamily development up to 4 stories high.

2. Whether the site is appropriate for the development allowed in the proposed district
   - The site contains a mixture of existing multifamily and smaller, historical residential structures, one of which is classified as “High Preservation Priority” on the MyHistoricSMTX Historic Resources Survey. Staff has proposed a condition as part of the associated student housing CUP (CUP-23-22) that the High and Medium Priority structures be relocated or integrated into the development should the CUP be approved.

3. Whether there are substantial reasons why the property cannot be used according to the existing zoning
   - The site could currently be used/redeveloped for multifamily uses under its existing MF-12/ MF-18 and MF-24 zoning. A student housing CUP could be requested in these zoning districts.

4. Whether there is a need for the proposed use at the proposed location
   - CD-5D allows a number of uses by right including retail, restaurants and multifamily residential. Regarding the specific student housing use requested by the applicant (which will be considered under a separate CUP), the City does not have an analysis of the demand for Student Housing within the City limits, Pages 56 and 58 of the recently adopted Downtown Area Plan (which covers the part of the site to the east of North Street only) specifically call out the need for non-student oriented multifamily development within the Downtown Area, which is allowed by right in this district.

5. Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development
   - The development would constitute a repurposing of an existing residential/multifamily site which is already served by City utilities, services, and infrastructure.
### Evaluation Criteria for Approval (Sec. 2.5.1.4)

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
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<tbody>
<tr>
<td><strong>X</strong></td>
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<tr>
<td><strong>N/A</strong></td>
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<td><strong>X</strong></td>
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<td><strong>X</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Criteria for Approval (Sec. 2.5.1.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property. There are no “bad neighbor” uses allowed by right in this district which would be harmful to the public health of adjacent residences/properties.</td>
</tr>
<tr>
<td>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5.</td>
</tr>
<tr>
<td>The subject property is currently developed and includes existing impervious cover. The subject property is not located within the Floodplain and is located within a 3 (moderately constrained) designation on the Land Use Suitability Map.</td>
</tr>
<tr>
<td>Any other factors which shall substantially affect the public health, safety, morals, or general welfare.</td>
</tr>
<tr>
<td>Staff is not aware of any other factors which would substantially affect the public health, safety, morals, or general welfare.</td>
</tr>
</tbody>
</table>

This is not a request for a Neighborhood Density District.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/12/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 9/28/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Date: 9/28/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 9/28/2023
Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 10/3/2023
Notice of Public Hearing
Zoning Change Request
"Multifamily-12" (MF-12) / Multifamily-18 (MF-18) / Multifamily-24 (MF-24) to "Character District-5 Downtown" (CD-5D)
419 North St / North Lindsey St CD-5D

ZC-23-19 (419 North St/ North Lindsey St CD-5D) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for a Zoning Change "Multifamily-12" (MF-12), Multifamily-18 (MF-18) and Multifamily-24 (MF-24) to "Character District-5 Downtown" (CD-5D) or, subject to consent of the owner, another less intense zoning district classification, for approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located on the south side of Lindsey Street between Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J.Cleary)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on Tuesday, February 27th, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on Tuesday, April 2nd, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: https://sanmarcostx.gov/Videos. Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission: Planning and Development Services 630 East Hopkins San Marcos, TX 78666 planninginfo@sanmarcostx.gov

For City Council: www.sanmarcostx.gov/citizencommentssignup

For more information regarding this request, contact the case manager, Julia Cleary, at 512.805.2658 or jcleary@sanmarcostx.gov When calling, please refer to case number ZC-23-19

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Site Address</th>
<th>Owner</th>
<th>Owner Address</th>
<th>Owner City /Zip/State</th>
</tr>
</thead>
<tbody>
<tr>
<td>95395</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>SGK-CEK SERIES LLC-SERIES B</td>
<td>14723 CINDYWOOD DR</td>
<td>HOUSTON, TX 77079-6409</td>
</tr>
<tr>
<td>34740</td>
<td>441-445 LINDSEY ST, SAN MARCOS, TX 78666</td>
<td>ALTAMIRANO VIRGILIO J &amp; TRICIA S</td>
<td>P O BOX 160788</td>
<td>AUSTIN, TX 78716-0788</td>
</tr>
<tr>
<td>34762</td>
<td>319 NORTH ST, SAN MARCOS, TX 78666</td>
<td>EMMA RANCH HOLDINGS LLC</td>
<td>2206 HAZELTINE LN</td>
<td>AUSTIN, TX 78747-1206</td>
</tr>
<tr>
<td>35000</td>
<td>310 PAT GARRISON ST, SAN MARCOS, TX 78666</td>
<td>TACKABERRY JONATHAN &amp; TACKABERRY CRYSTAL</td>
<td>NORTHROP GRUMMAN TECH SERVICES C/O VINNELL ARABIA, 759 CROMWELL PARK DRIVE, STE E-G JONATHAN TACKBERRY U05994</td>
<td>GLEN BURNIE, MD 20161-2540</td>
</tr>
<tr>
<td>48565</td>
<td>130 LINDSEY ST #B1, SAN MARCOS, TX 78666</td>
<td>EDWARDS WILLIAM &amp; SHANNON</td>
<td>18710 N THOMAS SHORE DR</td>
<td>CYPRESS, TX 77433-2392</td>
</tr>
<tr>
<td>137895</td>
<td>N COMANCHE ST, SAN MARCOS, TX 78666</td>
<td>SAN MARCOS CITY GP</td>
<td>630 E HOPKINS ST</td>
<td>SAN MARCOS, TX 78666-5300</td>
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<tr>
<td></td>
<td></td>
<td>CONA Rep Amy Thomaides</td>
<td>1111 W. MLK St</td>
<td>SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td></td>
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<td>Neighborhood Rep Darla Munoz</td>
<td>1128 West MILK Dr.</td>
<td>SAN MARCOS, TX 78667</td>
</tr>
<tr>
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<td>Neighborhood Rep Roland Saucedo</td>
<td>271 Ebony St</td>
<td>SAN MARCOS, TX 78666</td>
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<td>-------</td>
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<td>------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Zoning Description</td>
<td>The MF-24 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 24 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.</td>
<td>The MF-18 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 18 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.</td>
<td>The MF-12 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 12 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.</td>
<td>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.</td>
</tr>
<tr>
<td>Uses</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential (See Land Use Matrix)</td>
<td>Residential, Commercial, Office, etc. (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No parking in the 1st layer;</td>
<td>No parking in the 1st layer;</td>
<td>No parking in the 1st layer;</td>
<td>No parking in the 1st layer; Parking allowed in the Second Layer (along secondary street only) and Third Layer</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>1.05 per bedroom</td>
<td>1.05 per bedroom</td>
<td>1.05 per bedroom</td>
<td>Dependent upon use (1.05 per bedroom for student housing/ 1 per unit for multifamily)</td>
</tr>
<tr>
<td>Max Residential Units per acre</td>
<td>24 units per acre (max)</td>
<td>18 units per acre (max)</td>
<td>12 units per acre (max)</td>
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<tr>
<td>Occupancy Restrictions</td>
<td>Do not apply</td>
<td>Do not apply</td>
<td>Do not apply</td>
<td>Do not apply</td>
</tr>
<tr>
<td>Landscaping Restrictions</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td>Building Height (max)</td>
<td>4 stories (max)</td>
<td>4 stories (max)</td>
<td>4 stories (max)</td>
<td>2 stories (min), 5 stories (max) • Two additional stories may be allowed by City Council via alternative compliance</td>
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<tr>
<td>Setbacks</td>
<td>10’ front on Primary St, 15’ on Secondary street, 10’ side and rear.</td>
<td>5-12’ front setback, 5’ side setback, 15’ rear set back.</td>
<td>10’ front on Primary St, 15’ on Secondary street, 10’ side and rear.</td>
<td>0’ minimum/12” max on Primary St, 0’ minimum 15’ max on secondary street, 0’ side, and 0’ rear</td>
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<tr>
<td>Impervious Cover (max)</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td>100%</td>
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<tr>
<td>Lot Sizes</td>
<td>12,000 sq ft minimum. No more than 7 acres</td>
<td>12,000 sq ft minimum. No more than 7 acres</td>
<td>12,000 sq ft minimum. No more than 7 acres</td>
<td>Allows a variety of lot sizes depending on the building type</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Residential Street: 6’ sidewalk with street trees.</td>
<td>Residential Street: 6’ sidewalk with street trees.</td>
<td>Residential Street: 6’ sidewalk with street trees.</td>
<td>Main Street: 10’ sidewalk, street trees every 35’ on center average, 7’ planting area between sidewalk and street required.</td>
</tr>
<tr>
<td>Blocks</td>
<td>7 acres/ 3,000 ft. block perimeter max</td>
<td>7 acres/ 3,000 ft. block perimeter max</td>
<td>7 acres/ 3,000 ft. block perimeter max</td>
<td>3,000’ Block Perimeter max</td>
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</table>
Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

**Table 4.10 Building types allowed by district**

<table>
<thead>
<tr>
<th></th>
<th>FD CD-2 SF-R</th>
<th>SF-6 SF 4.5</th>
<th>ND-3</th>
<th>ND-3.5</th>
<th>ND-4</th>
<th>N-CM</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>CD-5D</th>
<th>HC</th>
<th>LI</th>
<th>HI</th>
<th>CM</th>
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<tr>
<td>ACCESSORY DWELLING UNIT</td>
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<td>HOUSE</td>
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<tr>
<td>COTTAGE COURT</td>
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<td>DUPLEX</td>
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<td>ZERO LOT LINE HOUSE</td>
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<td>TOWNHOUSE</td>
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<td>SMALL MULTI-FAMILY</td>
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<tr>
<td>COURTYARD HOUSING</td>
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<tr>
<td>APARTMENT</td>
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</tbody>
</table>

**Multifamily-12, Multifamily 18 and Multifamily-24 vs. Character District- 5 Downtown**
## Table 4.10 Building types allowed by district

<table>
<thead>
<tr>
<th></th>
<th>FD</th>
<th>CD-2 SF-R</th>
<th>SF-6 SF 4.5</th>
<th>ND-3</th>
<th>ND-3.5</th>
<th>ND-4</th>
<th>N-CM</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>CD-5D</th>
<th>HC</th>
<th>LI</th>
<th>CM</th>
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<tbody>
<tr>
<td>Live/Work</td>
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<td>Neighborhood</td>
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<td>Civic</td>
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</tr>
</tbody>
</table>

**Legend**

- = Allowed  
-- = Not Allowed  

(Ord. No. 2020-60, 9-1-2020)
**CD-5D**

**SECTION 4.4.3.7  CHARACTER DISTRICT - 5 DOWNTOWN**

**GENERAL DESCRIPTION**

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

**Density**

- Impervious Cover: 100% max.

**Transportation**

| Block Perimeter | 2,000 ft. max. | Section 3.6.2.1 |
| Streetscape Type | Main Street | Section 3.8.1.6 |

**Building Types Allowed**

- Accessory Dwelling: Section 4.4.5.1
- Townhouse: Section 4.4.5.6
- Apartment: Section 4.4.5.9
- Live/Work: Section 4.4.5.10
- Mixed Use Shopfront: Section 4.4.5.13
- Civic Building: Section 4.4.5.14
CHAPTER Zoning Regulations

Amended: August 3, 2021  San Marcos Development Code

Building Standards

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 sq. ft. min.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Apartment</td>
<td>2,000 sq. ft. min.</td>
<td>20 ft. min. 340 ft. max.</td>
</tr>
<tr>
<td>Live/Work</td>
<td>1,100 sq. ft. min.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Mixed Use Shopfront</td>
<td>2,000 sq. ft. min.</td>
<td>20 ft. min. 340 ft. max.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2,000 sq. ft. min.</td>
<td>20 ft. min.</td>
</tr>
</tbody>
</table>

Lot

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 sq. ft. min.</td>
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<td>Live/Work</td>
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</tr>
<tr>
<td>Mixed Use Shopfront</td>
<td>2,000 sq. ft. min.</td>
<td>20 ft. min. 340 ft. max.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2,000 sq. ft. min.</td>
<td>20 ft. min.</td>
</tr>
</tbody>
</table>

Setbacks - Principal Building

- Principal Street: 0 ft. min/12 ft. max.*
- Secondary Street: 0 ft. min/15 ft. max.*
- Side: 0 ft. min.
- Rear: 0 ft. min.
- Rear, abutting alley: 3 ft. min.; or 15 ft. from centerline of alley

* Where a forecourt is incorporated, the maximum 12’ setback does not apply to the portion of the building that includes the forecourt.

Setbacks - Accessory Structure

- Principal Street: 20 ft. plus principal structure setback min.
- Secondary Street: 20 ft. plus principal structure setback min.
- Side: 0 ft. min.
- Rear: 3 ft. min.

Parking Location

<table>
<thead>
<tr>
<th>Layer (Section 4.3.3.1)</th>
<th>Surface</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Layer</td>
<td>Not Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Second Layer</td>
<td>Allowed along secondary street only</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Third Layer</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

Build-to Zone (BTZ)

- Building Façade in primary street: 80% min.
- Building Façade in secondary street: 60% min.

Durable Building Material Area

- Primary Material: 80% min.
- Secondary Material: 20% max.
- Blank Wall Area: 25 ft. max.

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-16, 3-16-2021)
### Section 5.1.1.2 Land Use Matrix

#### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-4.5</td>
<td>SF-6</td>
<td>SF-4.5</td>
</tr>
<tr>
<td></td>
<td>SF-3</td>
<td>ND-3</td>
<td>ND-3.2</td>
<td>ND-4</td>
</tr>
<tr>
<td></td>
<td>SF-4</td>
<td>NP-3</td>
<td>NP-3.5</td>
<td>NP-5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CP-2</td>
<td>CP-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CP-4</td>
<td>CP-5D</td>
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<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barns or agricultural buildings</td>
<td>P</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Stables</td>
<td>P</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Urban Farm</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>L</td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>L</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Accessory Uses and Structures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building/Structure</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Accessory Use, except as listed below:</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Outdoor Display</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Food Truck</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Drive-thru or Drive-in</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Family Home Care</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Short Term Rental</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached / Tiny Home</td>
<td>P</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Two Family</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Small Multi-Family (up to 9 units)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Courtyard Housing (up to 24 units)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Multi-family (10 or more units)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Purpose Built Student Housing</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**Legend**

- **P**: Permitted Use
- **L**: Limited Use
- **C**: Conditional Use
- **--**: Uses Not Permitted

San Marcos Development Code Amended: August 3, 2021
### Table 5.1  Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>MP-3</td>
</tr>
<tr>
<td>Mobile Home Community / Manufactured Home Park / Tiny Home Village</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Community Home</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Fraternity or Sorority Building</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Office</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Medical, except as listed below:</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Urgent care, emergency clinic, or hospital</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Nursing/ retirement home</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Personal Services, except as listed below:</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Animal care (indoor)</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Animal care (outdoor)</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Adult Oriented Businesses</td>
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</tr>
<tr>
<td>All Retail Sales, except as listed below:</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Gasoline Sales</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Truck stop</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Tattoo, body piercing</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Building material sales</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Vehicle Sales/ Rental</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Pawnshop</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Restaurant/ Bar, as listed below:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating Establishment</td>
<td>--</td>
<td>--</td>
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<td>--</td>
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</tr>
<tr>
<td>Bar</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Mobile Food Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**Legend**

- P  Permitted Use
- L  Limited Use
- C  Conditional Use
- --  Uses Not Permitted

See Section 18, Article 6 of the City Code

Amended: August 3, 2021  San Marcos Development Code
### Table 5.1 Land Use Matrix

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<thead>
<tr>
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<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>MP-3</td>
</tr>
<tr>
<td>Sale of Alcohol for on premise consumption</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Overnight Lodging, as listed below:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast (up to 8 rooms)</td>
<td>L</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
</tr>
<tr>
<td>Boutique Hotel (9 - 30 rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel/ Motel (more than 30 rooms)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation, except as listed below:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Course</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Traveler Trailers/ RVs Short Term stays</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shooting Range</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Recreation, except as listed below:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gym/ Health club</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smoking Lounge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charitable Gaming Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Event Facility</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public & Institutional**

| Civic, except as listed below:          | P  | L    | L    | L    | L    | L    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | Section |
|                                        |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5.1.6.1 |
| Day Care Center                        | C  | --   | --   | --   | C    | C    | L    | P    | --   | C    | C    | C    | L    | P    | P    | --   | --   | --   | --   | --   | --   | --   | --   | --   | 5.1.6.1 |
| Major Utilities                        |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | Section |
| Antenna                                |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5.1.6.3D |

**Industrial**

| Light Industrial                       |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5.1.7.1 |
| Light Manufacturing                    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 5.1.7.2 |

**Legend**

<table>
<thead>
<tr>
<th>P</th>
<th>L</th>
<th>C</th>
<th>--</th>
<th>Uses Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

San Marcos Development Code   Amended: August 3, 2021
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
</tr>
<tr>
<td>Vehicle Service, as listed below:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle repair (minor)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle repair (major)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse &amp; Distribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste-Related service</td>
<td></td>
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</tr>
<tr>
<td>Wholesale trade</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Self Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wrecking/Junk Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Legend**

- **P** Permitted Use
- **L** Limited Use
- **C** Conditional Use
- **--** Uses Not Permitted

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21)
# ARTICLE 1: DEVELOPMENT STANDARDS

## DIVISION 1: GENERAL

All projects or development shall comply with all of the applicable dimensional and development standards in this Chapter 9. Additional standards and requirements may also apply as required in Chapters 1, 2, 3, 6, 7, 8, or 9 of this Land Development Code.

(Ord. No. 2019-45, 12-17-19)

### Section 9.1.1.1 Dimensional and Development Standards Table

<table>
<thead>
<tr>
<th>RESIDENTIAL DISTRICTS</th>
<th>AR</th>
<th>SF-11</th>
<th>MR</th>
<th>D</th>
<th>DR</th>
<th>TH</th>
<th>PH-ZL</th>
<th>MF-12</th>
<th>MF-18</th>
<th>MF-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot/Parcel Area, Minimum Sq. Ft.</td>
<td>217,800</td>
<td>11,000</td>
<td>6,000</td>
<td>11,000</td>
<td>5,400</td>
<td>2,500</td>
<td>4,000</td>
<td>--</td>
<td>--</td>
<td>12,000</td>
</tr>
<tr>
<td>Lot/Parcel Area, Maximum Acres</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>7 acres</td>
<td>7 acres</td>
<td>7 acres</td>
</tr>
<tr>
<td>Units per Acre, Maximum/Gross Acre</td>
<td>.15</td>
<td>3.0</td>
<td>5.5</td>
<td>6.0</td>
<td>6.0</td>
<td>12.0</td>
<td>7.5</td>
<td>12.0</td>
<td>18.0</td>
<td>24.0</td>
</tr>
<tr>
<td>Lot Frontage Minimum Feet</td>
<td>200</td>
<td>80</td>
<td>35</td>
<td>60</td>
<td>40</td>
<td>25</td>
<td>35</td>
<td>40</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Lot Width, Minimum Feet</td>
<td>200</td>
<td>80</td>
<td>60</td>
<td>90</td>
<td>50</td>
<td>25</td>
<td>40</td>
<td>60</td>
<td>70</td>
<td>60</td>
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<tr>
<td>Primary Street Setback, Min Ft</td>
<td>40</td>
<td>30</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side Setback, Minimum Feet, Interior</td>
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<td>10</td>
<td>7.5</td>
<td>5</td>
<td>5</td>
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<td>Impervious Cover, Max. %*</td>
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<td>Building height, Maximum Stories**</td>
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*There may be additional standards or requirements for development within special environmental zones in Chapter 6.

**Stories may not exceed 14 feet in height from finished floor to finished ceiling.
be made where an alley breaks the block on the side of the street.

I. Occupancy Restrictions. See Section 9.3.4.4.

Section 9.2.1.8 MF-12, Multiple-Family Residential District

A. Purpose. The MF-12 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 12 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

B. Authorized Uses. Permitted and conditional uses, as authorized in the Land Use Matrix in Section 9.3.1.2. Accessory uses as authorized in Section 9.3.2.1.

C. Additional Development Standards. See Section 9.1.1.1 and Section 9.4.3.1.

D. Additional Area, Building and Height Requirements:

1. Minimum Lot Area:
   a. 3,630 square feet per dwelling unit for the first three dwelling units, plus as much additional lot area as necessary for each dwelling unit over three so that the total gross density does not exceed 12 dwelling units per acre.
   b. The minimum lot area for all other uses shall be determined by the applicable minimum lot dimensions.

2. Minimum Lot Width:
   a. Duplex, group home: 45 feet
   b. All other uses: 60 feet

3. Minimum Lot Frontage:
   a. Duplex, group home: 40 feet
   b. All other uses: 60 feet

4. Minimum Rear Yard: Ten feet; there shall be no encroachment or overhangs into this required rear yard.

5. Minimum Side Yard, Interior:
   a. Duplex, group home: Five feet
   b. All other uses: Ten feet

E. Additional Requirements. See Chapters 1, 2, 3, 6, and 7 for additional standards as applicable.

Section 9.2.1.9 MF-18, Multiple-Family Residential District

A. Purpose. The MF-18 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 18 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

B. Authorized Uses. Permitted and conditional uses, as authorized in the Land Use Matrix Section 9.3.1.2. Accessory uses as authorized in Section 9.3.2.1.

C. Additional Development Standards. See Section 9.1.1.1 and Section 9.4.3.1.

D. Additional Area, Building and Height Requirements:

1. Minimum Lot Area:
   a. 2,425 square feet per dwelling unit for the first three dwelling units, plus as much additional lot area as necessary for each dwelling unit over three so that the total gross density does not exceed 18 dwelling units per acre.
   b. The minimum lot area for all other uses shall be determined by the applicable minimum lot dimensions.

2. Minimum Lot Width:
   a. Duplex, group home: 45 feet
   b. All other uses: 60 feet

3. Minimum Lot Frontage:
   a. Duplex, group home: 40 feet
   b. All other uses: 60 feet
Chapter 9: Legacy Districts

4. Minimum Side Yard, Interior:
   a. Duplex, group home: Five feet
   b. All other uses: Ten feet

E. Additional Requirements. See Chapters 1, 2, 3, 6, and 7 for additional standards as applicable.

Section 9.2.1.10 MF-24, Multi-family Residential District

A. Purpose. The MF-24 Multiple-Family Residential District is intended for development of multiple-family, apartment residences at not more than 24 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

B. Authorized Uses. Permitted and conditional uses, as authorized in the Land Use Matrix Section 9.3.1.2. Accessory uses as authorized in Section 9.3.2.1.

C. Additional Development Standards. See Section 9.1.1.1 and Section 9.4.3.1.

D. Additional Area, Building and Height Requirements:
   1. Minimum Lot Area:
      a. 12,000 square feet; gross density shall not exceed 24 dwelling units per acre.
      b. The minimum lot area for all other uses shall be determined by the applicable minimum lot dimensions.
   2. Minimum Lot Width:
      a. Duplex, group home: 45 feet
      b. All other uses: 60 feet
   3. Minimum Lot Frontage:
      a. Duplex, group home: 45 feet
      b. All other uses: 60 feet
   4. Minimum Rear Yard: Ten feet; there shall be no encroachment or overhangs into this required rear yard.

5. Minimum Side Yard, Interior:
   a. Duplex, group home: Five feet
   b. All other uses: Ten feet

E. Additional Requirements. See Chapters 1, 2, 3, 6, and 7 for additional standards as applicable.

Division 2: Public, Special and Nonresidential Districts

Section 9.2.2.1 MU, Mixed Use District

A. Purpose. The MU, Mixed Use District, when assigned to tracts of land generally greater than one acre, is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. On tracts of one acre or less, the MU, Mixed Use District is intended to permit small scale mixed use buildings that have residential units above retail or office uses, especially on existing residential use properties. Bed-and-breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open area are desired in order to promote a pedestrian-friendly environment. It is not the purpose of this zoning district to permit or encourage properties used for single-family residences to be converted to exclusively commercial or multi-family use. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

1. Residential uses in conjunction with nonresidential activities, possibly located above retail and office establishments;
2. All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;
3. Central green spaces;
4. Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and
5. Outside spaces, such as small parks, courtyards, and outdoor eating areas.

B. Authorized Uses. Permitted and conditional uses, as authorized in the Land Use Matrix Section 9.3.1.2. Accessory uses as authorized in Section 9.3.2.1.
### Section 9.3.1.2 Land Use Matrix

#### Table 9.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>AR</th>
<th>SF-11</th>
<th>D</th>
<th>DR</th>
<th>TH</th>
<th>PHZL</th>
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<th>MF18</th>
<th>MF24</th>
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Table 9.1 Land Use Matrix

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<th>D</th>
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<th>PHZL</th>
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Amended: August 3, 2021   San Marcos Development Code
## Table 9.1 Land Use Matrix

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# Legacy Districts

Amended: August 3, 2021   San Marcos Development Code

## Table 9.1 Land Use Matrix

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## Transportation and Automotive Uses
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### Table 9.1 Land Use Matrix

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Amended: August 3, 2021   San Marcos Development Code
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<td>Portable Building Sales</td>
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<td>Taxidermist</td>
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<tr>
<td>Transfer Station (Refuse/Pick-up)</td>
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<tr>
<td>Veterinarian (Outdoor Kennels or Pens)</td>
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<tr>
<td>Warehouse/Office and Storage</td>
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</tbody>
</table>
## Table 9.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>AR</th>
<th>SF-11</th>
<th>D</th>
<th>DR</th>
<th>TH</th>
<th>PHZL</th>
<th>MF12</th>
<th>MF18</th>
<th>MF24</th>
<th>MR</th>
<th>MU</th>
<th>VMU</th>
<th>P</th>
<th>NC</th>
<th>OP</th>
<th>CC</th>
<th>GC</th>
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</thead>
<tbody>
<tr>
<td>Welding Shop</td>
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<tr>
<td><strong>Industrial/Manufacturing Uses</strong></td>
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<tr>
<td>Aircraft Support and Related Services</td>
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<td>Airport</td>
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<td>Manufacturing</td>
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<tr>
<td>Contractor's Office/Sales, With Outside Storage including Vehicles</td>
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<tr>
<td>Contractor's Temporary On-Site Construction Office (only with permit)</td>
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<td>Distribution Center</td>
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<tr>
<td>Electronic Assembly/High Tech Manufacturing</td>
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<tr>
<td>Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair</td>
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<td>Food Processing (no Outside Public Consumption)</td>
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<tr>
<td>Laboratory Equipment Manufacturing</td>
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<td>Leather Products Manufacturing</td>
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<td>Machine Shop</td>
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<td>Manufacturing Processes not Listed</td>
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<tr>
<td>Marble or Stone Finishing</td>
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<td>Micro Brewery (onsite mfg. and sales)</td>
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<td>Outside Storage (as primary use)</td>
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<td>Paint Manufacturing</td>
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<td>Petroleum Bulk Storage</td>
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<td>Plastic Products Molding/Reshaping</td>
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<td>Research Lab (Non-Hazardous)</td>
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<td>Sand/Gravel Sales (Storage or Sales)</td>
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<td>Sign Manufacturing</td>
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<tr>
<td>Stone/Clay/Glass Manufacturing</td>
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<tr>
<td>Wrecking/Junk Yard</td>
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</table>

(Ord. No. 2020-60, 9-1-2020)
**LAND USE** – Preferred Scenario Map / Land Use Intensity Matrix

<table>
<thead>
<tr>
<th>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The land east of North St is designated “High Intensity” on the Preferred Scenario. Per Table 4.1 CD-5D should be “Considered” in this area.</td>
<td></td>
<td>The land west of North St is designated as an “Existing Neighborhood” on the Preferred Scenario. Per Table 4.1 a Preferred Scenario Amendment is required and is being processed concurrently (PSA-23-02) with this application.</td>
</tr>
</tbody>
</table>

**ECONOMIC DEVELOPMENT** – Furthering the goal of the Core 4 through the three strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>SUMMARY</th>
<th>Supports</th>
<th>Contradicts</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities, and infrastructure for business</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
</tbody>
</table>

**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Level of Overall Constraint</th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>100%</td>
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<tr>
<td>Edwards Aquifer</td>
<td></td>
<td></td>
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<tr>
<td>Endangered Species</td>
<td>100%</td>
<td></td>
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<tr>
<td>Floodplains</td>
<td>100%</td>
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<tr>
<td>Geological</td>
<td></td>
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</tr>
<tr>
<td>Slope</td>
<td>97%</td>
<td></td>
<td>3%</td>
<td></td>
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<tr>
<td>Soils</td>
<td>100%</td>
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<tr>
<td>Vegetation</td>
<td>100%</td>
<td></td>
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<tr>
<td>Watersheds</td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
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<tr>
<td>Water Quality Zone</td>
<td>100%</td>
<td></td>
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</tbody>
</table>
ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

<table>
<thead>
<tr>
<th>Located in Subwatershed:</th>
<th>Purgatory Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modeled Impervious Cover Increase Anticipated for watershed</td>
<td>0-25%</td>
</tr>
<tr>
<td>X</td>
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</tbody>
</table>

Notes: Purgatory Creek is a direct tributary of the San Marcos River - the river reach of the watershed stretches from city park to the northern segment of Rio Vista Park and contains large stands of the endangered Texas Wild Rice. This watershed encompasses the majority of the downtown redevelopment zone; however because this area already has a high impervious cover value (around 80-90%), the increase of loadings from redevelopment is not as high as the increase observed with the developments on previously undeveloped land. It is still important to identify potential pollution from redevelopment as construction runoff and debris can wash into the creek during storm events.

NEIGHBORHOODS – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>Downtown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>Sector 8</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>Downtown Area Plan (east of North St)</td>
</tr>
</tbody>
</table>

PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure

<table>
<thead>
<tr>
<th>Will Parks and / or Open Space be Provided?</th>
<th>No Open Space or public parkland is provided in the submitted concept plan, nevertheless the applicant will need to meet the Parkland Dedication requirements of Chapter 3, Article 10 at the time of platting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will Trails and / or Green Space Connections be Provided?</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maintenance / Repair Density</th>
<th>Low (maintenance)</th>
<th>Medium</th>
<th>High (maintenance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Infrastructure</td>
<td>X</td>
<td></td>
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<tr>
<td>Water Infrastructure</td>
<td></td>
<td>X</td>
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</tbody>
</table>

Public Facility Availability

<table>
<thead>
<tr>
<th>Parks / Open Space within ¼ mile (walking distance)?</th>
<th>The San Marcos River Parks are approximately ½ mile from the site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater service available?</td>
<td>X</td>
</tr>
<tr>
<td>Water service available?</td>
<td>X</td>
</tr>
<tr>
<td><strong>TRANSPORTATION</strong> – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation</td>
<td></td>
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<tr>
<td>---------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Daily LOS</strong></td>
<td></td>
</tr>
<tr>
<td>Lindsey St</td>
<td>X</td>
</tr>
<tr>
<td>N.Comanche St</td>
<td>X</td>
</tr>
<tr>
<td><strong>Existing Peak LOS</strong></td>
<td></td>
</tr>
<tr>
<td>Lindsey St</td>
<td>X</td>
</tr>
<tr>
<td>N.Comanche St</td>
<td>X</td>
</tr>
<tr>
<td><strong>Preferred Scenario Daily LOS</strong></td>
<td></td>
</tr>
<tr>
<td>Lindsey St</td>
<td>X</td>
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<tr>
<td>N.Comanche St</td>
<td>X</td>
</tr>
<tr>
<td><strong>Preferred Scenario Peak LOS</strong></td>
<td></td>
</tr>
<tr>
<td>Lindsey St</td>
<td>X</td>
</tr>
<tr>
<td>N.Comanche St</td>
<td>X</td>
</tr>
<tr>
<td><strong>Sidewalk Availability</strong> Sidewalks and streetscape improvements will be required adjacent the property at the time of site redevelopment.</td>
<td>X</td>
</tr>
<tr>
<td><strong>Adjacent to existing bicycle lane?</strong></td>
<td>YES</td>
</tr>
<tr>
<td><strong>Adjacent to existing public transportation route?</strong></td>
<td>X</td>
</tr>
</tbody>
</table>
| **Notes:** Texas State bus route runs along Lindsey St to the north of the property.
ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Shannon Mattingly</th>
<th>Property Owner</th>
<th>See attached.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Drenner Group</td>
<td>Company</td>
<td>See attached.</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>2705 Bee Cave Road, Ste. 100 Austin, Texas 78746</td>
<td>Owner’s Mailing Address</td>
<td>See attached.</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>830-643-9453</td>
<td>Owner’s Phone #</td>
<td>See attached.</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:smattingly@drennergroup.com">smattingly@drennergroup.com</a></td>
<td>Owner’s Email</td>
<td>See attached.</td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address(es): 421 Lindsey, 413/419/409 North Street, 420/435 Comacnhe

Legal Description: Lot _________ Block _________ Subdivision __________________________

Total Acreage: 1.931

Preferred Scenario Designation: high intensity/existing

Existing Land Use(s): multi

Existing Zoning: MF 12, MF 18, MF24

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-5D

Proposed Land Uses / Reason for Change: Multi-family and student housing

AUTHORIZED

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.

Filing Fee* $1,000 plus $150 per acre  Technology Fee $15  MAXIMUM COST $5,015

*Existing Neighborhood Regulating Plan Included.

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
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: ____________

Print Name: Shannon Mattingly

Form Updated March, 2023
PROPERTY OWNER AUTHORIZATION

Peggy Taylor (owner name) on behalf of ___________________________ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 421419 North St., San Marcos TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of Denner 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: Peggy Taylor Date: 7-17-23
Printed Name, Title: Peggy Taylor

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

From Updated October, 2019

Planning & Development Services - 630 East Hopkins - San Marcos, Texas 78666 • 512-393-8230
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 compliance Zoning, CUP, P&Z and alternative (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Matthew Kenyon Date: 7/17/23
Printed Name, Title: Matthew Kenyon, Managing Partner

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

Form Updated October, 2019
PROPERTY OWNER AUTHORIZATION

I, Daryl Burttscell  (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 Burttscell

Signature of Agent:  __________________________  Date: 7/17/23

Printed Name, Title:  Shannon Mattingly
September 5, 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 form 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
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
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.
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Overall:
712 SPACES
PARKING PER BED:
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0.78
Instrument Number: 2008-80038674

Recorded On: December 08, 2008

As

OPR RECORDINGS

Parties: MUSGRAVE ALVIN W JR
To BURTTSCELL DARYL

Billable Pages: 3
Number of Pages: 4

Comment:

( Parties listed above are for Clerks reference only )

** Examined and Charged as Follows:**

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********** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT **********

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-80038674
Receipt Number: 208202
Recorded Date/Time: December 08, 2008 03:46:54P
Book-Vol/Pg: BK-OPR VL-3550 PG-883
User / Station: L Curry - Cashiering #3

Record and Return To:

INDEPENDENCE TITLE
SAN MARCOS
SAN MARCOS TX 7866

State of Texas | County of Hays
I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

[Signature]
Linda C. Fritsche, County Clerk
Warranty Deed with Vendor’s Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver’s license number.

Date: December 10, 2008

Grantor: ALVIN W. MUSGRAVE, JR., owning, occupying and otherwise claiming other property as homestead

Grantor’s Mailing Address: 18540 Castle Hill Drive
Morgan Hill, CA 95037

Grantee: DARYL BURTTSCHELL and HEATHER BURTTSCHELL, husband and wife

Grantee’s Mailing Address: 2301 Willow Arbor
San Marcos, TX 78666

Consideration: Cash and a note of even date executed by Grantee and payable to the order of PROSPERITY BANK-35 in the principal amount of One Hundred Thirty One Thousand Two Hundred Fifty and 00/100 Dollars ($131,250.00). The note is secured by a first and superior vendor’s lien and superior title retained in this deed in favor of PROSPERITY BANK-35 and by a first-lien deed of trust of even date from Grantee to DAVID ZALMAN, Trustee.

PROSPERITY BANK-35, at Grantee’s request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor’s lien against and superior title to the Property are retained for the benefit of PROSPERITY BANK-35 and are transferred to PROSPERITY BANK-35 without recourse against Grantor.

Property (including any improvements):

Being part of Lots 3, 4, 5, 9, 10 and 11, Block 14, LINDSEY AND HARVEY ADDITION, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume E, Page 416, corrected in Volume Z, Page 29, Deed Records, Hays County, Texas. Said tract of land being more particularly described by metes and bounds description shown in EXHIBIT "A" attached hereto and incorporated hereby for all purposes.
Reservations from Conveyance:  None.

Exceptions to Conveyance and Warranty:  Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2009, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee’s heirs, successors, and assigns forever. Grantor binds Grantor’s heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee’s heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor’s lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

ALVIN W. MUSGRAVE, JR.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

This instrument was acknowledged before me on the 16 day of December, 2008, by ALVIN W. MUSGRAVE, JR.

CINDA L. MEISTER
Commission # 1806622
Notary Public - California
Santa Clara County

NOTARY PUBLIC, State of California
"EXHIBIT A"

FIELD NOTES DESCRIBING A PORTION OF LOTS 3, 4, 5, 9, 10, AND 11, BLOCK 14, LINDSEY AND HARVEY ADDITION A SUBDIVISION IN SAN MARCOS, TEXAS, IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF
RECORDED IN VOLUME E, PAGE 416, AND CORRECTED IN VOLUME Z, PAGE
29, DEED RECORDS OF SAID COUNTY AND BEING THAT PROPERTY
DESCRIBED IN VOLUME 986, PAGE 897, OFFICIAL PUBLIC RECORDS OF SAID
COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

COMMENCING at an iron pipe found at the intersection of the south r.o.w. line of
Lindsey Street and the west r.o.w. line of North Street same being the northeast corner of
the Taylor Tract described in Volume 2180, Page 708, Official Public Records of said
county;

THENCE along the west r.o.w. line of North Street and the east line of the Taylor Tract,
South 08°00'00" East, 136.03 feet to a p.k. nail in the south edge of a concrete wall
for the northeast corner hereof and the POINT-OF-BEGINNING of this description;

THENCE continuing along the west r.o.w. line of North Street, South 08°00'00" East
80.70 feet to a ½ inch iron rod found at the northeast corner of Lot 3A, Block 14, of the
Rebsubdivision of Lots 3 and 4, Block 14, of the Lindsey and Harvey Addition said Lot
3A, recorded in Volume 4, Page 140, Plat Records of said county for the southeast corner
hereof;

THENCE along the north line of Lot 3A, and the south line of the herein described tract
South 82°00'00" West, 88.40 feet to a cap iron rod set for an angle point hereof;

THENCE continuing along the north line of said Lot 3A, the south line of the herein
described tract South 72°11'33" West, 101.00 feet to a cap iron rod found at the
northwest corner of said Lot 3A, same being the common corners of Lindsey Street
Partnership recorded in Volume 2016, Page 710, and also the Lindsey Street Partnership
Tract recorded in Volume 1724, Page 523, for the Official Records of said county for the
southwest corner hereof;

THENCE along the easterly line of the Lindsey Street Partnership Tract, North
43°33'49" West, 58.33 feet to a ½ inch iron rod found in the southwest corner of the
Taylor Tract recorded in Volume 1891, Page 294, for the northwest corner hereof;

THENCE along the south line of the Taylor Tract, North 58°54'13" East, 91.17 feet to a
½ inch iron rod found for the southeast corner of the Taylor Tract for an angle point
hereof;

THENCE along the south line of the Taylor Tract described in Volume 2180, Page 708,
and the north line of the herein described tract, North 75°55'19" East, 138.77 feet to the
PLACE OF BEGINNING.

Bearing Basis iron pipe found at the northeast corner of the Taylor Tract recorded in
Volume 2180, Page 708, and the southeast corner of the Alvin W. Junior Musgrave Tract
recorded in Volume 986, Page 897, same being the southeast corner of the herein
described tract (South 08°00'00", East) distance of 216.73.

FIELD NOTES ONLY TO BE USED WITH THE ATTACHED PLAT.

R1201308
12/03/08

[Signature]
July 17, 2023

Mr. Matt Kenyon  
Kenyon Companies  
4826 E Cesar Chavez  
Austin, TX 78702

Re: San Marcos Student Housing Market Research and Parking Utilization Study

Dear Mr. Kenyon:

As you requested, we have just completed a student housing evaluation to determine the parking utilization rates at comparable student properties located within one mile of the site where you would like to build, at 420 North Street, in downtown San Marcos, Texas. Our survey covered 10 properties that contain a total of 4,301 beds in 1,730 units. At these 10 properties, there are 3,230 parking spaces available for students to lease (Table 1). The average number of spaces per bed is 0.75 and the average vacancy rate is 10%, but a majority of the vacant spaces are at the two most “overparked” projects, Sanctuary Lofts and Vie Lofts (Table 2). Based on the current occupancy rates, the current ratio of spaces leased per leased bed is 0.69 (Table 3).

Based on this analysis, Capitol Market Research suggests a parking ratio of 0.70 spaces per bed at the subject property. After you have reviewed the report and our recommendation, we invite you to call with any questions or comments that you may have.

Respectfully submitted,

CAPITOL MARKET RESEARCH  
Charles H. Heimsath  
President
## Table (1)

### Garage Parking Analysis
San Marcos Student Housing

<table>
<thead>
<tr>
<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>No. Beds</th>
<th>Parking Cost per month</th>
<th>Total Spaces</th>
<th>Vacant Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Built 2006 +</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Aspire San Marcos</td>
<td>2020</td>
<td>225</td>
<td>755</td>
<td>$100</td>
<td>514</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Cheatham Street Flats</td>
<td>2020</td>
<td>143</td>
<td>234</td>
<td>$85</td>
<td>162</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Pointe San Marcos</td>
<td>2017</td>
<td>109</td>
<td>345</td>
<td>$35 S / $65 R</td>
<td>265</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Sanctuary Lofts</td>
<td>2006</td>
<td>202</td>
<td>481</td>
<td>$30</td>
<td>548</td>
<td>234</td>
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<tr>
<td>5</td>
<td>The Local</td>
<td>2017</td>
<td>96</td>
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<td>200</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>The Lyndon</td>
<td>2019</td>
<td>233</td>
<td>515</td>
<td>$60 un /$85 Covered</td>
<td>314</td>
<td>32</td>
</tr>
<tr>
<td>7</td>
<td>The Parlor</td>
<td>2021</td>
<td>261</td>
<td>452</td>
<td>$75 S / $90 R</td>
<td>350</td>
<td>0</td>
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<tr>
<td>8</td>
<td>The View on the Square</td>
<td>2021</td>
<td>120</td>
<td>386</td>
<td>$90 un /$120 Covered</td>
<td>249</td>
<td>6</td>
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<td>9</td>
<td>Vie Lofts at San Marcos</td>
<td>2016</td>
<td>86</td>
<td>230</td>
<td>$30 S / $40 R</td>
<td>228</td>
<td>50</td>
</tr>
<tr>
<td>10</td>
<td>Vistas San Marcos</td>
<td>2013</td>
<td>255</td>
<td>599</td>
<td>$50</td>
<td>400</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>1,730</td>
<td>4,301</td>
<td></td>
<td>3,230</td>
<td></td>
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</tbody>
</table>

Source: Capitol Market Research, telephone survey of each property, July 2023

* S = Standard
* R = Reserved
Table (2)

Resident Parking Information
Number of Beds and Parking Spaces

<table>
<thead>
<tr>
<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>No. Beds</th>
<th>Total Spaces</th>
<th>Spaces Per Bed</th>
<th>Vacant Spaces</th>
<th>Vacancy Rate</th>
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<tbody>
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<td>2020</td>
<td>225</td>
<td>755</td>
<td>514</td>
<td>0.68</td>
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<td>0.0%</td>
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<tr>
<td>2</td>
<td>Cheatham Street Flats</td>
<td>2020</td>
<td>143</td>
<td>234</td>
<td>162</td>
<td>0.69</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>3</td>
<td>Pointe San Marcos</td>
<td>2017</td>
<td>109</td>
<td>345</td>
<td>265</td>
<td>0.77</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td>4</td>
<td>Sanctuary Lofts</td>
<td>2006</td>
<td>202</td>
<td>481</td>
<td>548</td>
<td>1.14</td>
<td>234</td>
<td>42.7%</td>
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<tr>
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<td>304</td>
<td>200</td>
<td>0.66</td>
<td>0</td>
<td>0.0%</td>
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<tr>
<td>6</td>
<td>The Lyndon*</td>
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<td>0.77</td>
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<td>0.0%</td>
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<tr>
<td>8</td>
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<td>120</td>
<td>386</td>
<td>249</td>
<td>0.65</td>
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<td>2.4%</td>
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<td>Vie Lofts at San Marcos</td>
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<td>86</td>
<td>230</td>
<td>228</td>
<td>0.99</td>
<td>50</td>
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<td>599</td>
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<td>0.67</td>
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<td>0.0%</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
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<td><strong>4,301</strong></td>
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<td><strong>0.75</strong></td>
<td><strong>322</strong></td>
<td><strong>10.0%</strong></td>
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Source: Capitol Market Research, apartment community survey July 2023

The properties selected were recently completed (2006+) and had a parking garage
With the exception of The Lyndon, all are located with one mile from 420 North Street.
<table>
<thead>
<tr>
<th>Map No.</th>
<th>Project</th>
<th>YOC</th>
<th>Total Units</th>
<th>Total Number of Beds</th>
<th>Beds Leased</th>
<th>Total Spaces</th>
<th>Spaces Leased</th>
<th>Ratio of Spaces Leased Per Leased Bed</th>
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<td>1</td>
<td>Aspire San Marcos</td>
<td>2020</td>
<td>225</td>
<td>755</td>
<td>755</td>
<td>514</td>
<td>514</td>
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<td>2</td>
<td>Cheatham Street Flats</td>
<td>2020</td>
<td>143</td>
<td>234</td>
<td>234</td>
<td>162</td>
<td>162</td>
<td>0.69</td>
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<tr>
<td>3</td>
<td>Pointe San Marcos</td>
<td>2017</td>
<td>109</td>
<td>345</td>
<td>345</td>
<td>265</td>
<td>265</td>
<td>0.77</td>
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<tr>
<td>4</td>
<td>Sanctuary Lofts</td>
<td>2006</td>
<td>202</td>
<td>481</td>
<td>460</td>
<td>548</td>
<td>314</td>
<td>0.68</td>
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<tr>
<td>5</td>
<td>The Local</td>
<td>2017</td>
<td>96</td>
<td>304</td>
<td>304</td>
<td>200</td>
<td>200</td>
<td>0.66</td>
</tr>
<tr>
<td>6</td>
<td>The Lyndon*</td>
<td>2019</td>
<td>233</td>
<td>515</td>
<td>506</td>
<td>314</td>
<td>309</td>
<td>0.61</td>
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<tr>
<td>7</td>
<td>The Parlor</td>
<td>2021</td>
<td>261</td>
<td>452</td>
<td>452</td>
<td>350</td>
<td>350</td>
<td>0.77</td>
</tr>
<tr>
<td>8</td>
<td>The View on the Square</td>
<td>2021</td>
<td>120</td>
<td>386</td>
<td>364</td>
<td>249</td>
<td>243</td>
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<td>9</td>
<td>Vie Lofts at San Marcos</td>
<td>2016</td>
<td>86</td>
<td>230</td>
<td>230</td>
<td>228</td>
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<td><strong>Total</strong></td>
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<td><strong>4,243</strong></td>
<td><strong>3,230</strong></td>
<td><strong>2,935</strong></td>
<td><strong>0.69</strong></td>
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Source: Capitol Market Research, apartment community survey July 2023

The properties selected were recently completed (2006+) and had a parking garage. With the exception of The Lyndon, all are located with one mile from 420 North Street.
One Mile Radius from 420 North Street in San Marcos
Existing Student Properties

Key      Project Name
1       Aspire San Marcos
2       Cheatham Street Flats
3       Pointe San Marcos
4       Sanctuary Lofts
5       The Local
6       The Lyndon
7       The Parlor
8       Vie Lofts at San Marcos
9       View on the Square
10      Vistas San Marcos

Date: July 2023
Path: C:\GIS\Projects\2023\San Marcos\San Marcos Parking.mxd

New Student Housing w/ Garage
### Zoning Map Exhibit and Parcel Information
#### McLain Multifamily

<table>
<thead>
<tr>
<th>Tract</th>
<th>Parcel Number</th>
<th>Property Owner</th>
<th>Mailing Address</th>
<th>Phone #</th>
<th>Email Address</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
<th>Subdivisions</th>
<th>Acreage</th>
<th>Preferred Scenario</th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
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<tbody>
<tr>
<td>A</td>
<td>R34773</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>N/A</td>
<td>N/A</td>
<td>421 Lindsey Street</td>
<td>Part of 10-11</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.301</td>
<td>Existing Neighborhood</td>
<td>MF-24</td>
<td>CD-5D</td>
</tr>
<tr>
<td>B</td>
<td>R141054</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>N/A</td>
<td>N/A</td>
<td>413 &amp; 419 North Street</td>
<td>9-A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.49</td>
<td>Existing Neighborhood</td>
<td>MF-18</td>
<td>CD-5D</td>
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<td>C</td>
<td>R133230</td>
<td>Daryl Burttschell</td>
<td>2301 Willow Arbor San Marcos, TX 78666</td>
<td>N/A</td>
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<td>499 North Street</td>
<td>4A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
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<td>MF-12</td>
<td>CD-5D</td>
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<tr>
<td>D</td>
<td>R32207</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>N/A</td>
<td>matt@kenyonco</td>
<td>420 North Street</td>
<td>17A</td>
<td></td>
<td>DP Hopkins</td>
<td>0.3639</td>
<td>High Intensity</td>
<td>MF-24</td>
<td>CD-5D</td>
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<tr>
<td>E</td>
<td>R53147</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>N/A</td>
<td>matt@kenyonco</td>
<td>435 N. Comanche St</td>
<td>9-23; Lot N 1/2</td>
<td>2</td>
<td>PC Woods Addition</td>
<td>0.473</td>
<td>High Intensity</td>
<td>MF-24</td>
<td>CD-5D</td>
</tr>
</tbody>
</table>
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.
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 herein and is essentially correct and there are no visible discrepancies, deficiencies of area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown.

According to Map Panel 0193 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described herein is in the Zone "X" of the flood hazard area.
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
January 12, 2024

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

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,

Shannon Mattingly
<table>
<thead>
<tr>
<th>Issue Identified</th>
<th>Project Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety of student housing (structure)</td>
<td>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.</td>
</tr>
<tr>
<td>Rent by the bed student housing contracts.</td>
<td>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</td>
</tr>
</tbody>
</table>
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.

<p>| 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>
<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories, as suggested.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flooding/Drainage</strong></td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>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.</td>
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<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
<tr>
<td>TRACT</td>
<td>Parcel Number</td>
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<tr>
<td>-------</td>
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</tr>
<tr>
<td>A</td>
<td>R34773</td>
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<tr>
<td>B</td>
<td>R141054</td>
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<td>C</td>
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The McLain Planning & Zoning Commission

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

February 27, 2024
Texas State University purchases downtown apartments for $151 million

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 Matters, 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," Matters 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%," Matters 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.
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
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

- **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
  - Canvasing students on campus

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<td>Overbuilt student housing</td>
<td>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.</td>
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<td>Parking</td>
<td>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.</td>
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<tr>
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<td>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories.</td>
</tr>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>Historic structures will not be demolished, they will be relocated.</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
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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-50, 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
Zoning Request: ZC 23-10; From "Multi-Family MF-12/MF-18" to "Character District 5-D"
Conditional Use Permit: CDP 23-22; For Student Housing & Reduction in Parking to 0.75
Alternative Compliance Request: AC 23-08; 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)

<table>
<thead>
<tr>
<th>Petitioner Name</th>
<th>Signature</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Smith</td>
<td></td>
<td>123 Main St</td>
<td>555-1234</td>
<td><a href="mailto:johnsmith@email.com">johnsmith@email.com</a></td>
<td></td>
</tr>
<tr>
<td>Jane Doe</td>
<td></td>
<td>456 Oak Rd</td>
<td>555-5432</td>
<td><a href="mailto:janedoe@email.com">janedoe@email.com</a></td>
<td></td>
</tr>
<tr>
<td>Mike Johnson</td>
<td></td>
<td>789 Pine Ave</td>
<td>555-9876</td>
<td><a href="mailto:mikejohnson@email.com">mikejohnson@email.com</a></td>
<td></td>
</tr>
<tr>
<td>Sarah Lee</td>
<td></td>
<td>101 Maple Ln</td>
<td>555-6789</td>
<td><a href="mailto:sarahlee@email.com">sarahlee@email.com</a></td>
<td></td>
</tr>
<tr>
<td>David Brown</td>
<td></td>
<td>222 Cedar St</td>
<td>555-4567</td>
<td><a href="mailto:davidbrown@email.com">davidbrown@email.com</a></td>
<td></td>
</tr>
</tbody>
</table>

...and so on for all signatories.
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
- Property is currently zoned Multifamily and allows for 4-story development.
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-higher 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.
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.

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

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

More than 36% of these beds are > 1 mile from campus. Only 53% of these beds are within 500' of Bobcat Bus line.

98.7% Occupancy Rate
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.
• 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
Walk Score is 93 for this site, which ranks among the highest in the nation for student housing near campus
[Source: www.walkscore.com]
# Zoning Change Request

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

*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.
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
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**

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**

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.**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/7/23</td>
<td>Pre-submittal meeting with Staff</td>
</tr>
<tr>
<td>9/26/23</td>
<td>Submitted applications</td>
</tr>
<tr>
<td>9/28/23</td>
<td>Planning and Zoning Commission Update</td>
</tr>
<tr>
<td>10/2/23</td>
<td>City Council Update</td>
</tr>
<tr>
<td>10/18/23</td>
<td>Neighborhood Meeting (on site)</td>
</tr>
<tr>
<td>10/1/24</td>
<td>Neighborhood Commission</td>
</tr>
<tr>
<td>01/31/24</td>
<td>Neighborhood Meeting (Palmer’s)</td>
</tr>
<tr>
<td>2/27/24</td>
<td>Planning and Zoning Commission Hearing</td>
</tr>
<tr>
<td>03/19/24</td>
<td>City Council Public Hearing (no action)</td>
</tr>
<tr>
<td>04/02/24</td>
<td>City Council Public Hearing/First Reading</td>
</tr>
<tr>
<td>4/16/24</td>
<td>City Council Public Hearing/Second Reading</td>
</tr>
</tbody>
</table>
Hi Julia,
I own the property at 319 North St and received the letter about the zoning change. What is CD-5D entail for allowable uses? Is it for higher density? If so, then I am in support of the zoning change request.
Thank you
Tyler
--
Tyler Williams
Cell: [redacted]

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious.
Public Hearing
ZC-23-19
North & Lindsey Street Zoning Change

Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for a Zoning Change "Multifamily-12" (MF-12), Multifamily-18 (MF-18) and Multifamily-24 (MF-24) to "Character District-5 Downtown" (CD-5D) or, subject to consent of the owner, another less intense zoning district classification, for approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J. Cleary)
Property Information

- Approximately 2 acres

- Located near the intersection of Lindsey and North St

- Located within City Limits south of Texas State University Campus.
Context & History

• Currently contains several residential structures (houses), a small multifamily development and a parking lot.
• Surrounding Uses
  – Texas State University
  – Residential/ Multifamily
• Preferred Scenario Amendment concurrently being considered for western part of site (PSA-23-02).
• Conditional Use Permit for Purpose Built Student Housing (CUP-23-22) and 7 Story Building Height (AC-23-09) are also being considered concurrently.
Context & History

• Existing Zoning: Zoning District (MF-12/ MF-18/ MF-24)
  – Allows multifamily development up to 4 stories high with 75% impervious cover.

• Proposed Zoning: Zoning District (CD-5D)
  – Allows a mixture of uses up to 5 stories with 100% impervious cover
Comprehensive Plan Analysis

Step 1: Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Existing Neighborhood (PSA in process) and High Intensity
- “The future vision for downtown includes compactness, great streets, pedestrian and bike accessibility, and public spaces for social interaction.” (Vision San Marcos)
Comprehensive Plan Analysis*

**Step 2:** Is the request consistent with the Comprehensive Plan / District Translation Table?

“Character District-5D” (CD-5D) within a “High Intensity Zone” and “Existing Neighborhood”

### Table 4.1 Comprehensive Plan / District Translation

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Low Intensity</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
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</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>PSA</td>
<td>PSA</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Character Districts</td>
<td>NP</td>
<td>See Section 4.1.2.6</td>
<td>PSA</td>
<td>C</td>
<td>NP</td>
</tr>
<tr>
<td>Special Districts</td>
<td>PSA</td>
<td>NP</td>
<td>PSA</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

**Legend:**
- PSA = Not Allowed (PSA Required)
- NP = Not Preferred
- C = Consider

---

*Sanmarcostx.gov*
Zoning Analysis

- Promotes Mixed Use and Pedestrian-Oriented Activity
- Accessory Dwelling, Townhouse, Apartment, Live/Work, Mixed Use Shopfront, Civic Building
- Higher Density Residential, Commercial, and Retail Uses
- Proposed Use: Purpose Built Student Housing – CUP is required
Environmental Analysis

• No 100-year floodplain or floodway on the site.
• Majority of the site is identified as “Moderately Constrained” on the Land Use Suitability Map.
• Located within the Edwards Aquifer Transition Zone
Infrastructure

- **Streets**
  - Streetscape Improvements
  - Transportation Master Plan
  - Block perimeter (2,000 feet)
  - Bicycle & Sidewalk connections

- **Utilities**
  - City of San Marcos Water / Wastewater
  - City of San Marcos Electric
Criteria for Approval (Section 2.5.1.4)

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map;

2. Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area;

3. Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council;

4. Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect;
5. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified;

6. Whether the proposed zoning will reinforce the existing or planned character of the area;

7. Whether the site is appropriate for the development allowed in the proposed district;

8. Whether there are substantial reasons why the property cannot be used according to the existing zoning;

9. Whether there is a need for the proposed use at the proposed location;
Criteria for Approval (Section 2.5.1.4)

10. Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development;

11. Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property;

12. For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5;
Criteria for Approval (Section 2.5.1.4)

13. The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management;

14. Any other factors which shall substantially affect the public health, safety, morals, or general welfare.
Recommendation

- Staff recommends **approval** of ZC-23-19.
Concept Plan
Birds Eye View
Parcel Configuration

Zoning Exhibit and Parcel Information
McLain MultiFamily

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Property Owner</th>
<th>Address 1</th>
<th>Address 2</th>
<th>Lot</th>
<th>Block</th>
<th>Subdivision</th>
<th>Acres</th>
<th>Proposed Scenario</th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Peggy and Trent Taylor</td>
<td>411 Lindsey Street</td>
<td>411 Lindsey Street</td>
<td>24</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.09</td>
<td>E</td>
<td>MF-24</td>
<td>CO-80</td>
</tr>
<tr>
<td>B</td>
<td>Alice Barnes</td>
<td>13816 N. McKinney</td>
<td>13818 N. McKinney</td>
<td>1A</td>
<td>1</td>
<td>Lindsey and Harvey Addition</td>
<td>0.69</td>
<td>E</td>
<td>MF-25</td>
<td>CO-50</td>
</tr>
<tr>
<td>C</td>
<td>Miles Young</td>
<td>5910 N. Uvalde</td>
<td>5910 N. Uvalde</td>
<td>1A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.09</td>
<td>E</td>
<td>MF-24</td>
<td>CO-80</td>
</tr>
<tr>
<td>D</td>
<td>Scott Johnson</td>
<td>4211 E. Cesar Chavez St</td>
<td>4211 E. Cesar Chavez St</td>
<td>1A</td>
<td>1</td>
<td>CP Hospital</td>
<td>0.8339</td>
<td>High Intensity</td>
<td>MF-25</td>
<td>CO-50</td>
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<tr>
<td>E</td>
<td>Scott Johnson</td>
<td>4211 E. Cesar Chavez St</td>
<td>4211 E. Cesar Chavez St</td>
<td>1A</td>
<td>2</td>
<td>PC Woods Addition</td>
<td>0.473</td>
<td>High Intensity</td>
<td>MF-24</td>
<td>CO-50</td>
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</table>
AGENDA CAPTION:
CUP-23-22 (North & Lindsey Street Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for a Conditional Use Permit to allow a purpose-built student housing development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J.Cleary)
Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - High Density Mixed Use Dev. & Infrastructure in the Activity Nodes & Intesity Zones (supporting walkability and integrated transit corridors)
☒ Neighborhoods & Housing - Housing Opportunities for Texas State Students in appropriate areas
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Background Information:
In 2017, a SMART Code warrant for student housing at 410 North St was approved by City Council (Res 2017-128R).

In 2021, a subsequent zoning change and Student Housing Conditional Use Permit for part of the site located east of North St was denied by the Planning and Zoning Commission and withdrawn by the applicant (ZC-21-09/ CUP-21-15).

A Student Housing CUP will allow the project to be marketed specifically to students and would allow 4-bedroom units. Traditional multifamily is limited to a maximum of 3-bedrooms per unit. Note: “rent by the bedroom” leases are not regulated by the City.

Per Chapter 7, Article 1 of the Development Code, 1.05 parking spaces are required per bedroom for Purpose Built Student Housing which would result in a parking requirement of 788 spaces based on the applicant’s current plan for 5 & 7 story buildings. The applicant has indicated they will request fee in lieu to allow a parking ratio of 0.75 per bedroom and has provided a summary of the provided parking in other student developments within the City (included in the packet). Parking fee in lieu is processed during the site permit stage and is permitted in the Development Code. Staff are proposing a condition that would require a parking ratio of at least 0.85 spaces per bedroom which is consistent with the 2017 student housing approval conditions. The applicant must pay a fee for the remaining spaces.

In addition to this conditional use permit request the following applications have also been submitted by the applicant for this site:

- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - PSA-23-02
- Zoning Change request from MF-24/MF18 and MF-12 to CD-5D (ZC-23-19)
- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)

The Downtown Area Plan (<https://www.visionsmtx.com/downtown-plan/>) was adopted by City Council on
November 6, 2023 after the application was submitted, and any new purpose Built Student Housing would not meet the intent of the adopted Area Plan. The request is not considered to be in compliance with the “Recommended Housing Types” on page 58 of the Downtown Area Plan which states “Multi-family and mixed-use housing types are the primary products recommended in and near Downtown and should be marketed to all demographics (not just or primarily to students).”

Staff are proposing a “neutral” recommendation in lieu of a “denial” because aside from the recommendations in the Downtown Area Plan, the site’s location next to the University is generally an appropriate location for Student Housing, and the Conditional Use Permit offers a tool to impose conditions on the development which would otherwise be unavailable should the applicant develop under a multifamily use which is already allowed by right on the site.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

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

Should the Commission choose to recommend approval of CUP-23-22, staff propose the following conditions:

1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City’s Code.
2. The existing High and Medium Priority structures identified in the Historic Research Survey shall not be demolished and shall be integrated into the development or relocated.
3. The Purpose-Built Student Housing shall comply with all other development code regulations. Back up materials are provided for informational purposes only.
4. The project shall not charge tenants a separate fee to utilize the parking garage.
5. The lease shall be made publicly available on the property’s website and shall contain the following language: “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.”
6. Where parking fee in lieu is allowed under Section 7.1.2.1.E.2 of the Code, the parking ratio for the project shall be at least 0.85 spaces per bedroom, in addition to any public parking requirements.
7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
8. The development shall offer both “rent by the bedroom” leases and conventional leases where the apartments may be rented in their entirety.
9. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.
10. Current tenants of the existing residential structures shall be given a minimum of six (6) months’ notice to find other accommodations.
## Summary

**Request:** New Conditional Use Permit for purpose-built student housing  
**Applicant:** Shannon Mattingly, Drenner Group  
2705 Bee Cave Rd, Ste 100  
Austin, TX 78746  
**Property Owner:** Daryl Burttshell, 409 North St,  
San Marcos, 78666  
Peggy Taylor, 415 North St,  
San Marcos TX 78666  
Matthew Kenyon, 420 North St LLC and 435 N Comanche Street LLC, 420 North St/435 N Comanche St, San Marcos, TX, 78666  
**CUP Expiration:** N/A  
**Type of CUP:** Purpose Built Student Housing  
**Parking Required:** 788 spaces (750 beds at 1.05 spaces per bed)  
**Parking Provided:** 563 proposed (750 beds at 0.75 per bed.) Does not include public parking spaces associated with AC-23-09.

## Notification

**Posted:** February 9, 2024  
**Personal:** February 9, 2024  
**Response:** See attached comments in packet.

## Property Description

**Legal Description:** 2.6 acres, more or less, out of the J.M Veramendi Survey, Abstract 17  
**Location:** On the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St.  
**Acreage:** 2.6 acres  
**Existing Zoning:** CD-5D / MF-12/MF-18/MF-24  
**Proposed Zoning:** CD-5D  
**Existing Use:** Multifamily/ Residential  
**Proposed Use:** Purpose Built Student Housing  
**Preferred Scenario:** High Intensity Zone and Existing Neighborhood  
**Proposed Designation:** High Intensity Zone  
**CONA Neighborhood:** Downtown  
**Sector:** 8  
**Utility Capacity:** Adequate  
**Floodplain:** No  
**Historic Designation:** N/A  
**My Historic SMTX Resources Survey:** Yes – High/ Medium
Conditional Use Permit – Purpose-Built Student Housing

CUP-23-22

<table>
<thead>
<tr>
<th>Surrounded Area</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>Public and Institutional/</td>
<td>Texas State University Campus</td>
<td>Low Intensity</td>
</tr>
<tr>
<td></td>
<td>Multifamily-24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South of Property:</td>
<td>CD-5D (Character District-5</td>
<td>Sorority House/ Multifamily</td>
<td>Existing Neighborhood/ High</td>
</tr>
<tr>
<td></td>
<td>Downtown)</td>
<td></td>
<td>Intensity- Downtown</td>
</tr>
<tr>
<td>East of Property:</td>
<td>CD-5D</td>
<td>Multifamily</td>
<td>High Intensity Zone</td>
</tr>
<tr>
<td>West of Property:</td>
<td>Multifamily-24</td>
<td>Multifamily/ single story residential</td>
<td>Existing Neighborhood</td>
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</tbody>
</table>
Conditional Use Permit – Purpose-Built Student Housing

CUP-23-22 North & Lindsey Street Student Housing

**Staff Recommendation**

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>X Neutral/Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
</table>

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

Should the Commission choose to recommend approval of CUP-23-22, staff propose the following conditions:

1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City’s Code.
2. The existing High and Medium Priority structures identified in the Historic Research Survey shall not be demolished and shall be integrated into the development or relocated.
3. The Purpose-Built Student Housing shall comply with all other development code regulations. Backup materials are provided for informational purposes only.
4. The project shall not charge tenants a separate fee to utilize the parking garage.
5. The lease shall be made publicly available on the property’s website and shall contain the following language: “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.”
6. Where parking fee in lieu is allowed under Section 7.1.2.1.E.2 of the Code, the parking ratio for the project shall be at least 0.85 spaces per bedroom, in addition to any public parking requirements proposed under AC-23-09 (if approved).
7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
8. The development shall offer both “rent by the bedroom” leases and conventional leases where the apartments may be rented in their entirety.
9. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.
10. Current tenants of the existing residential structures shall be given a minimum of six (6) months’ notice to find other accommodations.

**Staff:** Julia Cleary, AICP  
**Title:** Senior Planner  
**Date:** February 21, 2024
Conditional Use Permit – Purpose-Built Student Housing

CUP-23-22

North & Lindsey Street

Student Housing

**History**

In 2017, a SMART Code warrant for student housing at 410 North St was approved by City Council (Res 2017-128R).

In 2021, a subsequent zoning change and Student Housing Conditional Use Permit for part of the site located east of North St was denied by the Planning and Zoning Commission and withdrawn by the applicant (ZC-21-09/ CUP-21-15).

**Additional Analysis**

A Student Housing CUP would allow the project to be marketed specifically to students and would allow more than 3 bedrooms per unit. Note: “rent by the bedroom” leases are not regulated by the City.

Per Chapter 7, Article 1 of the Development Code, 1.05 parking spaces are required per bedroom for Purpose Built Student Housing which would result in a parking requirement of 788 spaces based on the applicant's current plan for 5 & 7 story buildings. The applicant has indicated they will request fee in lieu to allow a parking ratio of 0.75 per bedroom and has provided a summary of the provided parking in other student developments within the City (included in the packet). Parking fee in lieu is processed during the site permit stage and is permitted in the Development Code. Staff are proposing a condition that would require a parking ratio of at least 0.85 spaces per bedroom which is consistent with the 2017 student housing approval conditions. The applicant must pay a fee for the remaining spaces.

In addition to this conditional use permit request the following applications have also been submitted by the applicant for this site:

- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - PSA-23-02
- Zoning Change request from MF-24/MF18 and MF-12 to CD-5D (ZC-23-19)
- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-23-09)

The Downtown Area Plan was adopted by Council on November 6, 2023 after the application was submitted, and any new purpose Built Student Housing would not meet the intent of the adopted Area Plan. The request is not considered to be in compliance with the “Recommended Housing Types” on page 58 of the Downtown Area Plan which states “Multi-family and mixed-use housing types are the primary products recommended in and near Downtown and should be marketed to all demographics (not just or primarily to students).” Staff are proposing a “neutral” recommendation in lieu of a “denial” because aside from the recommendations in the Downtown Area Plan, the site’s location next to the University is generally considered to be an appropriate location for Student Housing, and the Conditional Use Permit offers a tool to impose conditions on the development which would otherwise be unavailable should the applicant develop under a multifamily use which is already allowed by right on the site.

**Comments from Other Departments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Comment</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>Existing drainage structure and entrance from Lindsey St should be considered as part of the site permit.</td>
</tr>
</tbody>
</table>
### Conditional Use Permit – Purpose-Built Student Housing

**CUP-23-22**

**North & Lindsey Street**

**Student Housing**

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan. The development is currently located within 2 separate designations in the Comprehensive Plan and a Preferred Scenario Amendment for the eastern part of the site is being considered concurrently. Vision San Marcos envisions a vibrant Downtown in which density is encouraged and supported “while also (prioritizing) maintaining the unique character of downtown, especially historic structures and local businesses” (p70). There are several historic structures on the part of the site to the west of North Street and the applicant is proposing to include a condition which would require them to be either integrated into the development or relocated. The Comprehensive Plan also encourages Student Housing in appropriate locations (Housing Goal 2) and location next to the University Campus makes it ideal for student housing.</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area. This site is partially located within the draft Downtown Plan. Purpose Built Student Housing is not in compliance with the “Recommended Housing Types” on page 58 of the Downtown Area Plan Multi-family and mixed-use housing types are the primary products recommended in and near Downtown and should be marketed to all demographics (not just or primarily to students).”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inconsistent</th>
<th>X</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
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</table>
### Evaluation Criteria for Approval (Sec. 2.8.3.4)

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<tr>
<th>Evaluation</th>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
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</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

There are several purpose-built student housing and multifamily developments in the immediate area. The proposed use is compatible with the surrounding multifamily development and Texas State Campus to the North. The proposed student housing use is similar to and compatible with the student housing uses to south and east of the site – the Sanctuary Lofts to the south and the Vistas apartments to the east of the development were recently purchased by Texas State. The Pointe apartments is also marketed as “Student Housing”. The nearest single-family zoning is located 600 feet away.

The property is required to meet all development requirement including Chapter 6 Environmental Standards and the requirement for a Watershed Protection Plan per Chapter 2, Article 6 of the Land Development Code.

The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

While this development would likely increase pedestrian and vehicular traffic in the immediate area, the ultimate vision for downtown is to provide a walkable environment. The proposed student housing use is similar to the Multi-family use permitted by right under the existing zoning districts. The developer will be required to construct significant streetscape improvements, including sidewalks, at the time of development. Furthermore, student housing adjacent to Texas State University will likely reduce the number of students driving to campus which can reduce commuter vehicular traffic.
<table>
<thead>
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<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4)</th>
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<tr>
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<tr>
<td></td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. No specific adjustments have been proposed by the applicant at this time however a Traffic Impact Analysis will be required at the time of development to determine any required mitigation. No additional curb cuts are currently proposed.</td>
</tr>
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<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. The developer would be required to follow all City codes, including the new downtown design architectural requirements related to massing and articulation for the land zoned CD-5D.</td>
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<tr>
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<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood. The development must meet Code requirements including the CD-5D district standards (for the part of the site zoned CD-5D) for parking, articulation and varied massing requirements for buildings over 3 stories high. Please note that these are not necessarily reflected in the images submitted by the applicant which are provided for reference only. An Alternative Compliance request has been submitted to increase the height to 7 stories (AC-23-09) – this will be considered separately; and staff are recommending partial approval only.</td>
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## Evaluation Criteria for Approval (Sec. 5.1.4.9)

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### The ability for the development to transition in the future to accommodating a more diverse population
*The development will be constructed as apartments which could be transitioned to conventional units in the future. It should be noted that CD-5D allows no more than 3 bedrooms per unit for traditional multifamily.*

### The durability, energy efficiency, and longevity of the building;
*The developer is proposing to construct the building to LEED standards (silver). A condition requiring certification prior to a Certificate of Occupancy is attached to this CUP.*

### The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks;
*The site is located across the street from the University and so is accessible on foot.*

### Mitigation of any adverse effects on adjacent property or neighborhoods;
*See previous responses regarding Approval Criteria 2.8.3.4. No significant adverse impacts are anticipated on adjacent properties when compared to the multifamily use allowed by right, and the development is similar to the existing surrounding student housing.*

### Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies.
*See response to criteria for approval Section 2.8.3.4 – Purpose Built Student Housing is not considered to be in compliance with the “Recommended Housing Types” on page 58 of the Downtown Area Plan Multi-family and mixed-use housing types are the primary products recommended in and near Downtown, and should be marketed to all demographics (not just or primarily to students).*
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/12/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 9/28/2023
Report No. CUP-23-22

North Lindsey St Purpose Built Student Housing - 419 North St

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 10/3/2023
Notice of Public Hearing
Conditional Use Permit
Purpose Built Student Housing
419 North St / North Lindsey St Purpose Built Student Housing

CUP-23-22 (419 North St/ North Lindsey St Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for a Conditional Use Permit to allow a purpose built student housing development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J.Cleary)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, February 27th, 2024** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, April 2nd, 2024** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [https://sanmarcostx.gov/Videos](https://sanmarcostx.gov/Videos). Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission: Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For City Council: www.sanmarcostx.gov/citizencommentssignup

For more information regarding this request, contact the case manager, **Julia Cleary**, at **512.805.2658** or jcleary@sanmarcostx.gov When calling, please refer to case number CUP-23-22

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

Enclosure: Map (See Reverse)
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| 35002       | 310 PAT GARRISON ST, SAN MARCOS, TX 78666 | FRIZZELL BRIAN & MICHELLE | 708 BERNSTEIN ST | SAN MARCOS, TX 78666 |}

### Additional Information

- **Property ID**: Unique identifier for each property.
- **Site Address**: Physical address of the property.
- **Owner**: Name of the owner or the entity associated with the property.
- **Address**: Additional contact or mailing address for the owner.
- **City / Zip/State**: City, zip code, and state of the property or owner's address.
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<td>CONA Rep Amy Thomaides</td>
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<td>Neighborhood Rep Roland Saucedo</td>
<td>211 Ebony St</td>
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CONCONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: March, 2023

CONTACT INFORMATION

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<tr>
<th>Applicant's Name</th>
<th>Shannon Mattingly</th>
<th>Property Owner</th>
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<td>Company</td>
<td>Drenner Group</td>
<td>Company</td>
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<td>Applicant's Mailing Address</td>
<td>2705 Bee Caves Road, Ste. 100 Austin, TX 78746</td>
<td>Owner’s Mailing Address</td>
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<td>Applicant's Phone #</td>
<td>830-643-9453</td>
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<tr>
<td>Applicant's Email</td>
<td><a href="mailto:smattingly@drennergroup.com">smattingly@drennergroup.com</a></td>
<td>Owner’s Email</td>
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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 #: 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 a CUP 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 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. In addition, we would like to reduce the number of parking spaces. We have commissioned a parking study that will show the number of necessary spaces needed, We do not want to under park the project but also do not want to have a lot of excess parking spaces. We will propose an adequate number based on completed study.

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.
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**AVERAGE UNIT SF:** 1048

**PARKING Target (.75 per Bed)**

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**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 4/21/21 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: ___________________ Date: 7-17-23
Printed Name, Title: Peggy Taylor

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

Form Updated October, 2019
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 Lindsey 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, ESA 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, 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 Deann Caverly (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: _______________ Date: 7.17.23
Printed Name, Title: Peggy Taylor

Signature of Agent: _______________ 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 Drienna 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: Matthew Kenyon, Managing Partner

Signature of Agent: [Signature] 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 St., LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 435 N. Comanche 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: Matthew Kenyon, Managing Partner

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

Form Updated October, 2019
## Conditional Use Permit Exhibit and Parcel Information

### McLain Multifamily

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<th>TRACT</th>
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<th>Lot</th>
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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,

THEN CE 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.
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 herein and is essentially correct and there are no visible discrepancies, disputes of area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown.

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

Shannon Mattingly
<table>
<thead>
<tr>
<th>Issue Identified</th>
<th>Project Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety of student housing (structure)</td>
<td>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.</td>
</tr>
<tr>
<td>Rent by the bed student housing contracts.</td>
<td>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</td>
</tr>
</tbody>
</table>
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.

<p>| 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 |</p>
<table>
<thead>
<tr>
<th></th>
<th>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.</th>
</tr>
</thead>
</table>
| 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
$25,000/parking space this will result in over a $500,000 additional expense to the developer.

<table>
<thead>
<tr>
<th>Height</th>
<th>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories, as suggested.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>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.</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
APPROXIMATE UNIT TOTALS:
- 750 BEDROOMS
- 300 UNITS

PARKING PROVIDED: 0.75 SPACES PER BED PLUS 20 PUBLIC SPACES

NOTE: ALL NUMBERS SUBJECT TO CHANGE BASED ON FINAL SITE PLAN APPROVAL
The McLain

Planning & Zoning Commission

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

February 27, 2024
Texas State University purchases downtown apartments for $151 million

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 Matters, 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,” Matters 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,” Matters 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 Vista 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.
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
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

- 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
  • Canvasing students on campus

<table>
<thead>
<tr>
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<th>Project Response</th>
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<tbody>
<tr>
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<tr>
<td>(structure)</td>
<td></td>
</tr>
<tr>
<td>Safety of student housing</td>
<td>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</td>
</tr>
<tr>
<td>(rent by bed)</td>
<td></td>
</tr>
<tr>
<td>Overbuilt student housing</td>
<td>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.</td>
</tr>
<tr>
<td>Parking</td>
<td>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.</td>
</tr>
<tr>
<td>Height</td>
<td>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories.</td>
</tr>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>Historic structures will not be demolished, they will be relocated.</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
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-50, 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 reduce 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
### Petitions of Support (1200 Signatures in Support)

<table>
<thead>
<tr>
<th>Petitioner Name</th>
<th>Signature</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td></td>
<td>123 Main St</td>
<td>Dallas, TX</td>
<td>TX</td>
<td>75201</td>
</tr>
<tr>
<td>Jane Smith</td>
<td></td>
<td>456 Maple Ave</td>
<td>Houston, TX</td>
<td>TX</td>
<td>77001</td>
</tr>
<tr>
<td>Richard Johnson</td>
<td></td>
<td>789 Pine Dr</td>
<td>San Antonio, TX</td>
<td>TX</td>
<td>78202</td>
</tr>
<tr>
<td>Mary Brown</td>
<td></td>
<td>101 Oak Ln</td>
<td>Austin, TX</td>
<td>TX</td>
<td>78701</td>
</tr>
<tr>
<td>David Wilson</td>
<td></td>
<td>202 Spruce St</td>
<td>San Diego, CA</td>
<td>CA</td>
<td>92101</td>
</tr>
</tbody>
</table>

... (additional petitions)
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.
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:

- 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.

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

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

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

More than 36% of these beds are > 1 mile from campus.
Only 53% of these beds are within 500' of Bobcat Bus line

- 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)

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

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.

98.7% Occupancy Rate

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
Walk Score is 93 for this site, which ranks among the highest in the nation for student housing near campus.

[Source: www.walkscore.com]
## Zoning Change Request

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

*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.
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.
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
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**
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**
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.**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/7/23</td>
<td>Pre-submittal meeting with Staff</td>
</tr>
<tr>
<td>8/7/23</td>
<td>Submitted applications</td>
</tr>
<tr>
<td>9/26/23</td>
<td>Planning and Zoning Commission Update</td>
</tr>
<tr>
<td>10/2/23</td>
<td>City Council Update</td>
</tr>
<tr>
<td>9/28/23</td>
<td>Neighborhood Meeting (on site)</td>
</tr>
<tr>
<td>10/18/23</td>
<td>Neighborhood Commission</td>
</tr>
<tr>
<td>01/31/24</td>
<td>Neighborhood Meeting (Palmer’s)</td>
</tr>
<tr>
<td>2/27/24</td>
<td>Planning and Zoning Commission Hearing</td>
</tr>
<tr>
<td>03/19/24</td>
<td>City Council Public Hearing (no action)</td>
</tr>
<tr>
<td>04/02/24</td>
<td>City Council Public Hearing/First Reading</td>
</tr>
<tr>
<td>4/16/24</td>
<td>City Council Public Hearing/Second Reading</td>
</tr>
</tbody>
</table>
AGREEMENT GRANTING A WARRANT FOR THE USE OF PURPOSE BUILT STUDENT HOUSING

Pursuant to Section 1.5.2 of the San Marcos SmartCode, Subpart C of the San Marcos Code of Ordinances, this Agreement Granting a Warrant for the Use of Purpose Built Student Housing (the "Agreement") is entered into by and between 417 N. Comanche Partners, L.L.C. and the City of San Marcos, Texas (the "City").

Date: August 15, 2017
Case No.: SCW-17-02
Project: Multi-story student oriented residential development located on the Property.
Project Address: 323 Lindsey Street and 410 North Street
Property: As shown in Exhibit A, attached hereto and made a part hereof for all purposes.
Applicant: 417 N. Comanche Partners, L.L.C., 4801 Spicewood Springs Road, Suite 100, Austin, Texas 78759
City: City of San Marcos, Texas, a home rule municipal corporation, 630 East Hopkins, San Marcos, Hays County, Texas 78666

1. Warrant Approved: The City hereby grants a Warrant under Section 1.5.2 of the San Marcos SmartCode, Subpart C of the San Marcos Code of Ordinances, to allow the use of Purpose Built Student Housing on the Property, subject to the following:

   a. Compliance with Laws. The Project shall be constructed in accordance with applicable building codes, zoning ordinances, including all multifamily residential design standards, and laws.

   b. Consistency with Proposed Plans. All buildings, structures and improvements related to the Project shall be completed in substantial conformance with the plans and visual representations presented to the City Council as shown in Exhibit "B," attached hereto and made a part hereof.

   c. Student Leases. Any residential dwelling lease that is executed and effective before the issuance of a certificate of occupancy by the City enabling the tenant to occupy the premises shall include a late delivery provision providing as follows:

   "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."

Before execution of any such lease, Applicant or Applicant’s successor or assignee operating the Purpose Built Student Housing allowed by this Agreement shall, first, provide a copy of its form lease to the City for review and written approval consistent with this paragraph.

d.  **Reports.** Upon the written request of the City’s staff, Applicant or Applicant’s successor or assignee shall provide a written report to the City disclosing the residential occupancy rates and parking usage for the Project during the periods specified in the request.

e.  **Parking.** The parking ratio for the Project shall be at least 0.85 parking spaces per bedroom.

f.  **Subject to Zoning.** The Warrant granted by this Agreement is subject to approval of a zoning designation of SmartCode T5 Urban Center District for an approximately .20286 acre portion of the Property addressed at 323 Lindsey Street.

2.  **Miscellaneous Terms.** This Agreement is subject to the following additional terms and provisions.

a.  **Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the matters contemplated herein.

b.  **Amendments.** This Agreement may only be amended by written and duly executed instrument approved by the City Council of the City following a public hearing after a review and recommendation by the Planning and Zoning Commission of the City.

c.  **Assignment.** This Agreement may be assigned only with the written approval of the San Marcos City Council, except that it may be collaterally assigned to any lender of Applicant in connection with the interim or permanent financing of the Project upon written notice to the City of such assignment.

d.  **Applicable Law and Venue.** This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in State courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

f.  **Severability.** In the event any provision of this Agreement is illegal, invalid, or unenforceable under applicable present or future laws, then, and in that event, it is the intention of the parties that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
g. **Third Parties.** The parties intend and agree that this Agreement shall not benefit or create any right or cause of action in or on behalf of any third-party beneficiary, or any individual or entity other than the City, and the Applicant.

h. **Immunity.** The City, in entering this Agreement does not waive its immunity from suit or any other limitations on its liability, contractual or otherwise, as granted by the Texas Constitution or applicable laws of the State of Texas.

EXECUTED effective as of the Date first stated above.

**CITY OF SAN MARCOS:**

By: [Signature]
Bert Lumbreras, City Manager

**417 N. COMANCHE PARTNERS, L.L.C.:**

By: [Signature]
Name: Stephen Haug
Title: Manager
CONCEPTUAL RENDERINGS
CONCEPTUAL RENDERINGS

NORTH STREET
Public Hearing
CUP-23-22
North & Lindsey Street Student Housing

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

“One or more buildings, each containing two or more living units, that are designed, marketed, or used for the primary purpose of housing college students.”

*(Section 5.1.4.9 of the Land Development Code)*

<table>
<thead>
<tr>
<th></th>
<th>Purpose Built Student Housing</th>
<th>Conventional Multifamily (CD-5D/Legacy MF Districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Rent by the bed” leases</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Max number of bedrooms per unit</td>
<td>N/A</td>
<td>3</td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Parking Requirements</td>
<td>1.05 spaces per bedroom</td>
<td>1 space per unit (CD-5D), 1.05 per bedroom (Legacy MF Districts)</td>
</tr>
<tr>
<td>Use in CD-5D/ MF Zoning</td>
<td>Requires a CUP</td>
<td>Allowed by right</td>
</tr>
</tbody>
</table>
Property Information

- Approximately 3 acres

- Located at the intersection of Lindsey and North St

- Concurrent applications for zoning change (ZC-23-19), Preferred Scenario Amendment (PSA-23-02) and Alternative Compliance for 7 story height (AC-23-09) also being considered
Context & History

- Currently residential/multifamily. Historic structures on the site – 419 North St listed as “High Preservation Priority” in the MyHistoricSMTX Resources Survey.

- Surrounding Uses
  - Texas State University
  - Residential/Multifamily


- Conditional Use Permit for student housing denied by P&Z in 2021 (CUP-21-15).
Context & History

• Existing Zoning: Character District 5 Downtown (ZC-23-19 currently under review)

• Multifamily 12, 18, & 24

• Proposed Use: Purpose Built Student Housing. 750 bedrooms with 300 units over 7 and 5 stories.
Concept Plan
Criteria for Approval (Section 2.8.3.4)

1. The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.

2. The proposed use is consistent with any adopted neighborhood character study for the area.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
Criteria for Approval (Section 2.8.3.4)

4. The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.

6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.

7. The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
Criteria for Approval (Section 5.1.4.9)

a. The ability for the development to transition in the future to accommodating a more diverse population;

b. The durability, energy efficiency, and longevity of the building;

c. The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks;

d. Mitigation of any adverse effects on adjacent property or neighborhoods;

e. Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies.
Downtown Area Plan
(Adopted Nov 6th, 2023)

• “Most of the rental housing options in downtown are student oriented. Additional **non-student oriented rental housing** options are needed.” (p56)
• “In order to keep up with population growth, Downtown should be one of the most dense residential areas of San Marcos. Multi-family and mixed-use housing types are the primary products recommended in and near Downtown, **and should be marketed to all demographics (not just or primarily to students).**” (p58)
Recommendation

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

Should the Commission choose to recommend approval of CUP-23-22, staff propose the following conditions:

1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City’s Code.
2. The existing High and Medium Priority structures identified in the Historic Research Survey shall not be demolished and shall be integrated into the development or relocated.

*Continued on next slide*
Recommendation

3. The Purpose-Built Student Housing shall comply with all other development code regulations. Back up materials are provided for informational purposes only.

4. The project shall not charge tenants a separate fee to utilize the parking garage.

5. The lease shall be made publicly available on the property’s website and shall contain the following text:

“In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the Lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days.”

Continued on next slide
Recommendation

6. Where parking fee in lieu is allowed under Section 7.1.2.1E.2 of the Code, the parking ratio for the project shall be at least 0.85 spaces per bedroom, in addition to any public parking requirements proposed under AC-23-09 (if approved).

7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.

8. The development shall offer both “rent by the bedroom” leases and conventional leases where the apartments may be rented in their entirety.

9. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.

10. Current tenants of the existing residential structures shall be given a minimum of six (6) months notice to find other accommodations.
Birds Eye View
### Conditional Use Permit Exhibit and Parcel Information
#### McLain Multifamily

<table>
<thead>
<tr>
<th>TRACT</th>
<th>Parcel Number</th>
<th>Property Owner</th>
<th>Mailing Address</th>
<th>Property Address</th>
<th>Lot</th>
<th>Block</th>
<th>Subdivision</th>
<th>Acreage</th>
<th>Preferred Scenario (Existing)</th>
<th>Existing Rating</th>
<th>Proposed Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>R541779</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40, Manteo, TX 78555-0000</td>
<td>421 Lindsey Street</td>
<td>Part of 10 &amp; 11</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.301</td>
<td>Existing Neighborhood</td>
<td>MF-24</td>
<td>CO-50</td>
</tr>
<tr>
<td>B</td>
<td>R541054</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40, Manteo, TX 78555-0000</td>
<td>415 &amp; 419 North Street</td>
<td>N-A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.49</td>
<td>Existing Neighborhood</td>
<td>MF-24</td>
<td>CO-50</td>
</tr>
<tr>
<td>C</td>
<td>R113239</td>
<td>Daryl Burdick</td>
<td>2901 Willow Arbor San Marcos, TX 78666</td>
<td>489 North Street</td>
<td>4A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.339</td>
<td>Existing Neighborhood</td>
<td>MF-12</td>
<td>CO-50</td>
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<tr>
<td>D</td>
<td>R22207</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>420 North Street</td>
<td>17A</td>
<td></td>
<td></td>
<td>0.3639</td>
<td>High Intensity</td>
<td>MF-24</td>
<td>CO-50</td>
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<tr>
<td>E</td>
<td>R53147</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>485 N. Comanche St</td>
<td>1/2 Lots 1-3</td>
<td>2</td>
<td>PC Woods Addition</td>
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<td>CO-50</td>
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<td>F</td>
<td>R15306</td>
<td>Matt Kenyon (410 North Street LLC)</td>
<td>8734 Perimeter Loop Road Suite 180 Dublin, OH 43017-3202</td>
<td>410 North Street</td>
<td>PT-2</td>
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<td>0.326</td>
<td>High Intensity</td>
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AGENDA CAPTION:
AC-23-09 (North & Lindsey Street Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for a proposed development generally located on the south side of Lindsey Street between North Comanche Street and North Street, and southwest of the intersection between Lindsey Street and North Street (J.Cleary)
Meeting date: February 27, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
Background Information:
The application is being submitted as part of a series of requests for redevelopment of an existing residential/multifamily site to a 7-story purpose-built student housing complex south of the Texas State University campus.

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.

Existing buildings east of North Street reach 4 and 5 stories in height and west of the subject property buildings are no more than 2 stories. While 4-story buildings are permitted in the existing multifamily zoning districts, a 7-story building west of North Street would be out of character with the existing neighborhood.

Alternative Compliance requests for additional stories in CD-5D should be considered against the criteria in Section 4.3.4.6 of the Development Code, the majority of which have quantifiable metrics including the provision of affordable housing, additional commercial space, childcare or publicly accessible open space in excess of the required parkland dedication requirements in Chapter 3 of the Development Code. The developer is proposing to meet these requirements by providing additional Open Space, constructing the building to LEED standards, and by providing 20 additional public parking spaces.

In addition to this Building Height request for 2 additional stories the following applications have also been submitted by the applicant for this site:

• Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - (PSA-23-02)
File #: AC-23-09, Version: 1

• Zoning Change request from MF-24/MF18 and MF-12 to CD-5D (ZC-23-19)
• Conditional Use Permit for Student Housing - (CUP-23-22)

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of AC-23-09 with the following conditions:

1. The Alternative Compliance shall only be granted to the land to the east of North Street.

2. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.

3. The development shall include a publicly accessible pocket park or plaza at least 0.09 acres in size. The pocket park or plaza shall be provided in addition to any fee in lieu of parkland dedication (subject to Parks Board approval, if applicable) per Chapter 3, Division 10 of the Development Code. The park / plaza shall include public seating.

4. The development shall include 20 signed public parking spaces in addition to any other required parking spaces.

5. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code.

6. Compliance with emergency radio communications systems in Chapter 5 of the International Fire Code is required.
## Alternative Compliance – 7 Story Building Height

### North & Lindsey Street

<table>
<thead>
<tr>
<th>AC-23-09</th>
<th>Building Height</th>
</tr>
</thead>
</table>

### Summary

<table>
<thead>
<tr>
<th>Request:</th>
<th>Alternative Compliance to increase from 5 to 7 story building height</th>
</tr>
</thead>
</table>
| Applicant: | Shannon Mattingly, Drenner Group  
2705 Bee Cave Rd, Ste 100  
Austin, TX 78746 |
| Property Owner: | Daryl Burttshell, 409 North St, San Marcos, 78666  
Peggy Taylor, 415 North St, San Marcos TX 78666  
Matthew Kenyon, 420 North St LLC and 435 N Comanche St LLC, 420 North St/ 435 N Comanche St, San Marcos, TX, 78666 |

### Notification

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<th>Personal:</th>
<th>February 9, 2024</th>
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<tbody>
<tr>
<td>Response:</td>
<td>See attached comments in packet.</td>
<td></td>
<td></td>
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</tbody>
</table>

### Property Description

| Legal Description: | 2.6 acres, more or less, out of the J.M Veramendi Survey, Abstract 17 |
| Location: | On the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. |
| Acreage: | 2.6 acres |
| Existing Zoning: | CD-5D / MF-12/MF-18/MF-24 |
| Proposed Zoning: | CD-5D |
| Existing Use: | Multifamily/ Residential |
| Proposed Use: | Purpose Built Student Housing |
| Preferred Scenario: | High Intensity Zone and Existing Neighborhood |
| Proposed Designation: | High Intensity Zone |
| CONA Neighborhood: | Downtown |
| Sector: | 8 |
| Utility Capacity: | Adequate |
| Floodplain: | No |
| Historic Designation: | N/A |
| My Historic SMTX Resources Survey: | Yes – High/ Medium |

### Surrounding Area

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Institutional/ Multifamily-24</td>
<td>Texas State University Campus</td>
<td>Low Intensity</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>South of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>CD-5D (Character District-5 Downtown)</td>
<td>Sorority House/ Multifamily</td>
<td>Existing Neighborhood/ High Intensity- Downtown</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>East of Property:</th>
<th>Zoning</th>
<th>Existiing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-5D</td>
<td>Multifamily</td>
<td>High Intensity Zone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<td>Multifamily-24</td>
<td>Multifamily/ single story residential</td>
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</table>
**Staff Recommendation**

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<thead>
<tr>
<th>Approval as Submitted</th>
<th>X Partial approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
</table>

1. The Alternative Compliance shall only be granted to the land to the east of North Street.
2. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.
3. The development shall include a publicly accessible pocket park or plaza of at least 0.09 acres in size. The pocket park or plaza shall be provided in addition to any fee in lieu of parkland dedication (subject to Parks Board approval, if applicable) per Chapter 3, Division 10 of the Land Development Code. The park/plaza shall include public seating.
4. The development shall include 20 signed public parking spaces in addition to any other parking spaces required by the Land Development Code.
5. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code.
6. Compliance with emergency radio communications systems in Chapter 5 of the International Fire Code is required.

**Staff:** Julia Cleary, AICP  
**Title:** Senior Planner  
**Date:** February 9, 2024
**Alternative Compliance – 7 Story Building Height**  
**North & Lindsey Street**  
**AC-23-09**  
**Building Height**

**History**
The application is being submitted as part of a series of requests for a redevelopment of an existing residential/multifamily site to a 7-story purpose-built student housing complex south of the Texas State University campus.

**Additional Analysis**
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.

Existing buildings east of North Street reach 4 and 5 stories in height and west of the subject property buildings are no more than 2 stories. While 4-story buildings are permitted in the existing multifamily zoning districts, a 7-story building west of North Street would be out of character with the existing neighborhood.

Alternative Compliance requests for additional stories in CD-5D should be considered against the criteria in Section 4.3.4.6 of the Development Code, the majority of which have quantifiable metrics including the provision of affordable housing, additional commercial space, childcare or publicly accessible open space in excess of the required parkland dedication requirements in Chapter 3 of the Development Code. The developer is proposing to meet these requirements by providing additional Open Space, constructing the building to LEED standards, and by providing 20 additional public parking spaces.

In addition to this Building Height request for 2 additional stories the following applications have also been submitted by the applicant for this site:
- Preferred Scenario Amendment for the land west of North St from Existing Neighborhood to High Intensity (Downtown) - (PSA-23-02)
- Zoning Change request from MF-24/MF18 and MF-12 to CD-5D (ZC-23-19)
- Conditional Use Permit for Student Housing - (CUP-23-22)

**Comments from Other Departments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
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</tr>
<tr>
<td>Fire</td>
<td>In the City of San Marcos any building over 55ft is considered high-rise. Compliance with emergency radio communications systems in chapter 5 of the International Fire Code is required.</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No comment</td>
</tr>
</tbody>
</table>
### Evaluation

<table>
<thead>
<tr>
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<th>Not Met</th>
<th>Neutral / Partially Met</th>
</tr>
</thead>
</table>

### Criteria for Approval (Sec. 4.3.4.6)

- **Met**
  - The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable.
  - *East of North St*: The request is consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) as it is adjacent existing multifamily and higher rise structures (the existing Ponte apartments are 6 stories including the mezzanine) and is over 1000 ft. from any Single-Family zoning districts. The project is also located within a “New Park Area” on page 119 of the Downtown Area Plan and the development will include a small pocket park/plaza as a condition to the Alternative Compliance approval.
  - The specific use of student housing does not meet the Downtown Area Plan goals A.4, A.5, and A.7 of new housing “Marketed to all demographics (not just or primarily to students)” however this will be considered separately under CUP-23-22.
  - *West of North Street* – 7 stories would not be consistent with Land Use Goal 1 of the Comprehensive Plan (Direct Growth, Compatible with Surrounding Uses) – the surrounding properties are currently 1-2 stories and may only be developed up to 4 stories high per the existing MF zoning.

- **Not Met**
  - For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1;
  - The applicant has stated that they do not intent to provide affordable housing as defined in Section 4.3.1.1.
  - For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1;
  - The applicant has stated that they do not intend to provide workforce housing as defined in Section 4.3.1.1.
  - The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities;
  - The applicant has stated that they do not intend to provide office or commercial space within the development.
  - The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program;
  - The applicant has stated that the project will be rated a minimum of a silver in the LEED green building program. This is included as a condition of approval.
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 4.3.4.6)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Not Met</td>
</tr>
<tr>
<td>Neutral / Partially Met</td>
<td>Met</td>
</tr>
</tbody>
</table>
| X          | The additional stories provide an opportunity to include childcare within the facility; The applicant has stated that they do not intend to include childcare within the facility.  
X          | The additional stories provide an opportunity to add public parking in or adjacent to the downtown; The applicant has stated that they will provide 20 public parking spaces within the development. This is included as a condition of approval.  
X          | 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. A 0.09 acre plaza or pocket park shall be provided within the development in addition to any parkland dedication or fee in lieu requirements required under Section 3.10.1.2 of the Land Development Code. This is included as a condition of approval.  
X          | In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines. Part of the site located east of North Street is identified as “University Edge” in the Downtown Design Manual. Per Table 1.1 of the Design Manual, alternatives (additional height) may be considered in the third layer in this area where taller structures will provide greater residential opportunities within proximity to campus and key views to campus are sufficiently maintained. The applicant is proposing residential opportunities within proximity to campus, however additional height is in the first, second, and third layer. The project will be required to meet the Varied Massing, Articulation and Activation standards in Chapter 4, Divisions 4 and 5 of the Land Development code.  
X          | The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. The development will be required to comply with the Varied Massing requirements in Chapter 4, Division 4 and the Activation Standards in Chapter 4, Division 5 of the Land Development Code – please note that these code requirements are not reflected in the exhibits submitted by the applicant (which are indicative only).  |
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/12/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 9/28/2023
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 10/3/2023
Notice of Public Hearing

AC-23-09 (419 North St/ North Lindsey 7 Story Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for a proposed development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J. Cleary)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, February 27th, 2024** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, April 2nd, 2024** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [https://sanmarcostx.gov/Videos](https://sanmarcostx.gov/Videos). Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission:
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For City Council:
www.sanmarcostx.gov/citizencommentsignup

For more information regarding this request, contact the case manager, **Julia Cleary**, at 512.805.2658 or jcleary@sanmarcostx.gov When calling, please refer to case number **AC-23-09**.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

Enclosure: Map (See Reverse)
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34766 | 403 NORTH ST @ BURLESON ST, SAN MARCOS, TX 78666 | DELTA ZETA NATIONAL HOUSING CORP | 202 E CHURCH ST | OXFORD, OH 43056 |
10287 | 602 ACADEMY ST, SAN MARCOS TX | TEXAS STATE UNIVERSITY | 738 S HWY 6 | HOUSTON, TX 77094 |
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34741 | 415 MARY ST, SAN MARCOS, TX 78666 | FRAZELL, RICHARD S, III | 903-A FURMAN ST | SAN MARCOS, TX 78666 |
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CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

CONTACT INFORMATION

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<th>Applicant's Name</th>
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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

Legal Description: Lot See attached. Block ___________ Subdivision ___________________________

Tax ID #: R 853147, 853148, 853149, 853150, 853151, 853152, 853153, 853154

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
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 form 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
### 7 STORY

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**AVERAGE UNIT SF:** 1048

### PARKING Target (.75 per Bed)

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**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

1. Peggy Taylor (owner name) on behalf of
   __________________________ (company, if applicable) acknowledge that I/we
   am/are the rightful owner of the property located at
   4/21/2019 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: Peggy Taylor Date: 7-17-23
Printed Name, Title: Peggy Taylor

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

Form Updated October, 2019
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 Lindsey 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, RSA 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: Peggy Taylor

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

Form Updated October, 2019
I, Daryl Burttscnell (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 Burttscnell

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
Dennett Covey (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: Peggy Taylor

Signature of Agent:  
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 & Cox (agent company) to file this application for Zoning, CUP, PDA and Alternative Compliance (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

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

Signature of Agent: Shannon Mattingly 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 Camanche Street, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
435 N Camanche Street, San Marcos, TX (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
Drenanee Group (agent company) to file this application for
Zoning, CPA, 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
# Alternative Compliance Exhibit and Parcel Information

## McLain Multifamily

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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.

[Signature]

August 13, 2023
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

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 herein and is essentially correct and there are no visible discrepancies, discrepancies of area, boundary line conflicts, encroachments, overlapping of improvements, exceptions or right-of-ways except as shown.

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

SURVEYOR'S CERTIFICATE:
TAKEN UNDER SEALS A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HERBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE, THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ___ DAY OF __________, 20___.

THE STATE OF TEXAS
COUNTY OF HAYS

LINDSEY & HARVEY ADDITION
LOT 4A, BLOCK 14

AREA TABULATION

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

REVISIONS
C 3
8.91
13.86
25
2.66

DATE
15.00
DIRECTION
9.05
100
23.45
15.00
37.66
19.30
34°34'03"
S58°34'39"E
17.91

20°35'29"W
52°15'31.94"

1813.1

C  L  C  R  A  E  L  E  C  T  R  I  C  E  S  M  T.

JENNIFER M. GARCIA, P.E.
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS NO. 106000

FOR HAYS COUNTY TEXAS AND INCORPORATED AREAS.

THE STATE OF TEXAS
COUNTY OF HAYS
OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD
NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD
IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE
PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT
I, JENNIFER M. GARCIA, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO
ENGINEER'S CERTIFICATION:

JENNIFER M. GARCIA, P.E.
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS NO. 106000

...
January 12, 2024

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

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 Steet 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,

Shannon Mattingly
### Conditional Use Permit Exhibit and Parcel Information
### McLain Multifamily

<table>
<thead>
<tr>
<th>TRACT</th>
<th>Parcel Number</th>
<th>Property Owner</th>
<th>Mailing Address</th>
<th>Property Address</th>
<th>Lot</th>
<th>Block</th>
<th>Subdivision</th>
<th>Acreage</th>
<th>Preferred Scenario (Existing)</th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>R34773</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>421 Lindsey Street</td>
<td>Part of 10 &amp; 11</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
<td>0.301</td>
<td>Existing Neighborhood</td>
<td>MF-24</td>
<td>CD-SD</td>
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<td>B</td>
<td>R141054</td>
<td>Peggy and Brett Taylor</td>
<td>PO Box 40 Martindale, TX 78655-0040</td>
<td>413 &amp; 419 North Street</td>
<td>9-A</td>
<td>14</td>
<td>Lindsey and Harvey Addition</td>
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<td>CD-SD</td>
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<td>C</td>
<td>R133230</td>
<td>Daryl Burtsschell</td>
<td>2301 Willow Arbor San Marcos, TX 78666</td>
<td>499 North Street</td>
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<td>14</td>
<td>Lindsey and Harvey Addition</td>
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<td>CD-SD</td>
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<tr>
<td>D</td>
<td>R32207</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>420 North Street</td>
<td>17A</td>
<td>DP Hopkins</td>
<td>High Intensity</td>
<td>0.3639</td>
<td>MF-24</td>
<td>CD-SD</td>
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<tr>
<td>E</td>
<td>R53147</td>
<td>Matt Kenyon</td>
<td>4284 E. Cesar Chavez St Austin, TX 78702</td>
<td>435 N. Comanche St</td>
<td>N 1/2 Lots 1-3</td>
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<td>PC Woods Addition</td>
<td>0.473</td>
<td>High Intensity</td>
<td>MF-24</td>
<td>CD-SD</td>
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<td>F</td>
<td>R155306</td>
<td>Matt Kenyon (410 North Street LLC)</td>
<td>6724 Perimeter Loop Road Suite 180 Dublin, OH 43017-3202</td>
<td>410 North Street</td>
<td>1</td>
<td>Comanche II</td>
<td>High Intensity</td>
<td>0.856</td>
<td>CD-SD</td>
<td>CD-SD</td>
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<td>Issue Identified</td>
<td>Project Response</td>
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<td></td>
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</tr>
<tr>
<td>Safety of student housing (structure)</td>
<td>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.</td>
<td></td>
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</tr>
<tr>
<td>Rent by the bed student housing contracts.</td>
<td>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</td>
<td></td>
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</tr>
</tbody>
</table>
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 |
$25,000/parking space this will result in over a $500,000 additional expense to the developer.

<p>| Height                      | While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories, as suggested. |
|                            | 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>
<table>
<thead>
<tr>
<th>Historic Structures</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
Updated plans received January 2024 (indicative only)
Updated plans received January 2024 (indicative only)
Alternative Compliance Findings

The City Council may allow additional stories in the CDSD... 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**

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**

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
Texas State University purchases downtown apartments for $151 million

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 Matters, 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," Matters 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.

"Rent has increased by 40% in the San Marcos market, [TXST] has increased by 11%," Matters 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 Vista 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.
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
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

- 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

<table>
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<tr>
<td>(structure)</td>
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<td>Safety of student housing</td>
<td>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</td>
</tr>
<tr>
<td>(rent by bed)</td>
<td></td>
</tr>
<tr>
<td>Overbuilt student housing</td>
<td>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.</td>
</tr>
<tr>
<td>Parking</td>
<td>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.</td>
</tr>
<tr>
<td>Height</td>
<td>While originally proposed to be all 7 stories, western 3 parcel heights have been reduced to 5 stories.</td>
</tr>
<tr>
<td>Flooding/Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Historic Structures</td>
<td>Historic structures will not be demolished, they will be relocated.</td>
</tr>
<tr>
<td>Encroachment into Neighborhood</td>
<td>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.</td>
</tr>
</tbody>
</table>
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 adjacent to 413 & 421 Lindsey Street and 415 & 409 North Street making 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,

[Signature]

Allen E. Wise
President/Manager
Date: 10/20/23
Petitions of Support (1200 Signatures in Support)
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
- 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.
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
Walk Score is 93 for this site, which ranks among the highest in the nation for student housing near campus. [Source: www.walkscore.com]
## Zoning Change Request

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

*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.
• 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.
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
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**

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**

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/7/23</td>
<td>Pre-submittal meeting with Staff</td>
</tr>
<tr>
<td>9/26/23</td>
<td>Submitted applications</td>
</tr>
<tr>
<td>10/2/23</td>
<td>Planning and Zoning Commission Update</td>
</tr>
<tr>
<td>9/28/23</td>
<td>City Council Update</td>
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<tr>
<td>10/18/23</td>
<td>Neighborhood Meeting (on site)</td>
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<td>10/18/23</td>
<td>Neighborhood Commission</td>
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<tr>
<td>01/31/24</td>
<td>Neighborhood Meeting (Palmer’s)</td>
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<tr>
<td>2/27/24</td>
<td>Planning and Zoning Commission Hearing</td>
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<tr>
<td>03/19/24</td>
<td>City Council Public Hearing (no action)</td>
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<tr>
<td>04/02/24</td>
<td>City Council Public Hearing/First Reading</td>
</tr>
<tr>
<td>4/16/24</td>
<td>City Council Public Hearing/Second Reading</td>
</tr>
</tbody>
</table>
F. Alternative Compliance Findings. An application for alternative compliance may be requested in accordance with Section 2.8.4.1 to modify the build-to requirement, subject to the following findings:

1. The approved alternate meets the intent of the build-to regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context;
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and
5. Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; and
6. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

DIVISION 4: BUILDING HEIGHT

Section 4.3.4.1 Measuring Height

A. Building Height. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

B. Average Grade. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading.

C. Where a lot slopes downward from the front property line, one (1) story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.
Section 4.3.4.2 Ground Floor Elevation

A. Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.

**Figure 4.12 Measuring Ground Floor Elevation**

Section 4.3.4.3 Story Height

A. Story height is measured from the top of the finished floor to the ceiling above.

B. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum ground story height provisions.

**Figure 4.13 Measuring Story Height**

Section 4.3.4.4 Minimum Two-Story Requirements

A. Minimum two-story requirements apply to the first 30 feet of the building and may include a roof top patio where a minimum of 60% of the patio is covered.

B. A building with a single story measuring a minimum of 25 feet from finished floor to finished ceiling can satisfy the minimum two-story requirement.

C. **Intent.** The intent of the two-story minimum requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.

D. **Alternative Compliance Findings.** The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the minimum two-story requirement, subject to the following findings:

1. The approved alternate meets the intent of the minimum two-story requirements;

2. The approved alternate conforms with the Comprehensive Plan and other adopted City Plans; and

3. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

4. Consider the following:

   a. Is the applicant proposing a one-story portion to a new building or a new building that is just one-story?

   b. If the proposal includes a one-story portion, is this portion being used to transition to a neighborhood context? Does the one-story portion have a specific use that is best served by a one-story in height building?

   c. Does the one-story portion of the building also include a rooftop amenity space that resembles a second story?

   d. If the proposal is for a one-story building:

      1. Is the location appropriate for just one story? A one-story building proposal may be more
appropriate with the Approach design context than the University Edge context (See Design Guidelines).

2. What is the use and how is the rest of the site being developed? For instance, is the proposed building a restaurant and an outdoor dining area will be incorporated? Is the building a community center but a large community garden will be created on site?

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

Section 4.3.4.5 Residential Height Compatibility Standards

A. Height Stepback. A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (70) feet of a single-family zoning designation (measured from the property line).

(Ord. No. 2020-60, 9-1-2020)

Section 4.3.4.6 Additional Stories or Height

A. Alternative Compliance Findings. The City Council may in accordance with Section 2.8.4.1 allow additional stories in the CD-5 or up to two additional stories in CD-5D zoning districts, subject to the following considerations:

1. The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable.

2. For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1;

3. For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1;

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;

6. The additional stories provide an opportunity to include child care within the facility;

7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown;

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.

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.

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

Section 4.3.4.7 Varied Massing Requirement

A. Applicability. The varied massing requirements apply to buildings in the CD-5D district that meet the following criteria:

1. The building is over three (3) stories in height; and

2. The building has a frontage greater than sixty (60) feet in width.

B. Intent. The intent of the varied massing requirements is to:

1. Encourage and enhance the variety in building heights that exists in downtown San Marcos that help to define the character of the area;

2. Ensure that new development continues the tradition of height variation, expressing and supporting human scale and architectural diversity in the area;

3. Ensure that a traditional scale at the street level is maintained in order to reflect the design of historic buildings downtown; and

4. Preserve views to notable buildings throughout downtown including the Courthouse Square, historic landmarks, and churches, and to areas adjacent to downtown. Reference Design Guidelines in the Design Manual for additional information regarding views.
Public Hearing
AC-23-09
North & Lindsey Street Building Height
Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burttshell, and Matthew Kenyon for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for a proposed development generally located on the south side of Lindsey Street between N.Comanche St and North St, and southwest of the intersection between Lindsey St and North St (J.Cleary)
Property Information

- Approximately 3 acres

- Located at the intersection of Lindsey St and North St, south of Texas State University Campus.

- Related applications:
  - PSA-23-02 (Preferred Scenario Amendment Existing Neighborhood to High Intensity)
  - ZC-23-19 (North Lindsey St CD-5D)
  - CUP-23-19 (North Lindsey St Student Housing)
Context & History

- Existing residential uses on the site (2 story multifamily and 1 story residential structures).
- Surrounding Uses
  - Multifamily/ Student Housing
  - Texas State University
- Adjacent building heights
  - Pointe San Marcos (6 stories)
  - Multifamily Units – 2 story/ 1 story
Context & History

• Existing Zoning: Character District 5 Downtown (CD-5D)
  • 5 stories allowed by right
  • MF-12/MF-18 and MF-24
    • 4 stories allowed by right
• Pending zoning change request to rezone entire site to CD-5D (ZC-23-19)
• Proposed Use: Purpose Built Student Housing
Surrounding Context

5 stories

6 stories

4 stories

2 stories

1 story

Imagery courtesy of Google Earth
Surrounding Context

6 stories

4 stories

2 stories

1 story

Imagery courtesy of Google Earth
Surrounding Context

- 5 stories
- 3 stories
- 5 stories
- +/-8 stories

Imagery courtesy of Google Earth
Criteria for Approval (Section 4.3.4.6)

1. The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable. *Partially met*

2. For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1; *Not met*

3. For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1; *Not met*

4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; *Not met*
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; **Met**

6. The additional stories provide an opportunity to include childcare within the facility; **Not met**

7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown; **Met. 20 public parking spaces proposed**

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. Met. The applicant is proposing a 0.09 acre publicly accessible pocket park within the development which will be required in addition to any parkland dedication/ fee in lieu.**
Criteria for Approval (Section 4.3.4.6)

9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines. *Partially met*

10. Architectural elements that mitigate any effects on adjacent proper ties or the pedestrian experience from the street level. *Architectural elements are required through compliance with Varied Massing/ Activation standards for CD-5D required.*
Concept Plan
Birds Eye View
(original rendering submitted by applicant)
Birds Eye View
(revised version with 5 stories west of North Street following community feedback)
Recommendation

Staff recommends **partial approval** with the following conditions:

1. The Alternative Compliance shall only be granted to the land to the east of North Street.

2. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.

3. The development shall include a publicly accessible pocket park or plaza of at least 0.09 acres in size. The pocket park or plaza shall be provided in addition to any fee in lieu of parkland dedication (subject to Parks Board approval, if applicable) per Chapter 3, Division 10 of the Land Development Code. The park/plaza shall include public seating.

4. The development shall include 20 signed public parking spaces in addition to any other parking spaces required by the Land Development Code.

5. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code.

6. Compliance with emergency radio communications systems in Chapter 5 of the International Fire Code is required.
AGENDA CAPTION:
Receive an update from staff on the Dunbar Heritage Area Plan direction received from City Council on February 20, 2024.

Meeting date: February 27, 2024

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: August, 2022 City Council approved Area Plan Boundaries. On February 20, 2024 City Council provided direction on recommendations received from the Planning and Zoning Commission on the Dunbar & Heritage Area Plan. The direction is summarized as follows:
- Separate the Dunbar and Heritage Neighborhoods into separate plans.
- P&Z Committee will draw the new boundaries which will receive a recommendation from the full Commission prior to approval by City Council.
- Outreach will focus on Dunbar residents (past and present), stakeholders, and those who may not have had an opportunity to participate in prior outreach.
- Combine outreach with Historic Preservation Plan, when possible.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable

**Master Plan:** *Please select the corresponding Master Plan from the dropdown menu below (if applicable)*
Choose an item.

**Background Information:**
Click or tap here to enter text.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Click or tap here to enter text.
AGENDA CAPTION:
Election of Officers
   a. Planning and Zoning Commission Chair
   b. Planning and Zoning Commission Vice-Chair
Meeting date: February 27, 2024

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
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☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
Click or tap here to enter text.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.