

Alternative Compliance – 7 Story Building Height AC-25-02	210 W. Hutchison St. Building Height
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Summary

Request:	Alternative Compliance to increase from 5 to 7 story building height		
Applicant:	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd, Ste 100 Austin, TX 78746	Property Owner:	Donald Graham, 901 Highland Terrace, San Marcos, TX 78666; Carl Simek, 301 Main Plaza, New Braunfels, TX 78130; First United Methodist Church, 129 W. Hutchison St., San Marcos, TX 78666; NCSH SMTX LLC, 2516 Waukegan Rd., Ste. 343, Glenview, IL 60025; TWWG, LLC, 2516 Waukegan Rd., Ste. 343, Glenview, IL 60025

Notification

Posted:	N/A	Personal:	March 7, 2025
Response:	See attached comments in packet – 4 in favor, 1 opposed.		

Property Description

Legal Description:	Lot 1, Graham Subdivision, 0.33 acres; Lot 4A, Block 26, Original Town San Marcos Replat, 0.21 acres; Original Town San Marcos		
Location:	On the north side of W. Hutchison St. and the south side of Pat Garrison St. between N. Comanche St. and N. Fredericksburg St., omitting the property at the southwest corner of Pat Garrison St. and N. Fredericksburg St.		
Acreage:	2.2 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Professional office, rental homes, parking lot	Proposed Use:	Purpose Built Student Housing
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – Medium

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Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 - Downtown (CD-5D), Public (P), Multifamily 24 (MF-24)	Multifamily (Cypress Apartments, formerly Vistas), Texas State University	Mixed Use Medium, Commercial/ Employment Medium, Conservation/ Cluster
South of Property:	CD-5D, P	Grocery store (H-E-B), single family residential/ converted homes, church	Mixed Use Medium, Conservation/ Cluster
East of Property:	CD-5D	Parking lot/ kiosk	Mixed Use Medium
West of Property:	CD-5D	Funeral home, church fraternity house	Mixed Use Medium

Commission Recommendation

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

Shannon Mattingly (in favor)
Joshua Elledge (in favor)
Patrick Quinn (in favor)
Kelly Quinn (in favor)
Mike Dallas (in favor)
Ed Theriot (in favor)
Hayat Qurunful (opposed)
Lisa Marie Coppoletta (opposed)
Maxfield Baker (opposed)
Lisa Prewitt (opposed)
Nikkie Vargas (opposed)

Recommendation from the Planning and Zoning Commission Meeting held March 25, 2025.

A motion was made by Chair Case to recommend **approval with staff conditions**. The motion failed for lack of a second.

A motion was made by Commissioner Garber, second by Commissioner Agnew to recommend **denial** of the request.

The motion passed with an 8-1 vote.

For: 1 (Case)

Against: 8 (Agnew, Burleson, Costilla, Dunn, Garber, Meeks, Spell, van Oudekerke)

Absent: 0

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Discussion Topics

Parking/ Traffic – Commissioner Garber expressed concern that the additional floors will be used to accommodate cars in a part of town that has historically not been designed for auto traffic.

Ground Floor Retail – Commissioner Garber commented that ground floor retail has typically remained unoccupied in Downtown multifamily uses, and expressed concerns about filling the space.

San Marcos Design Manual – Commissioner Agnew directed a question to staff about the relationship between the standards of CD-5D zoning and Downtown Design Standards, asking if the conditions of the alternative compliance reinforce the San Marcos Design Manual. Staff replied that, yes, this is the case. Commissioner Agnew observed that a building height of 5 stories is only encouraged in the third layer according to the Design Manual. Staff clarified that a 5-story building height is allowed in all layers of the building, but in keeping with the Varied Massing standards of the Development Code, certain nuances and stepbacks must be incorporated into the front façade. Staff noted that under the Design Manual, this part of town is treated sensitively due to its historic character.

Infill Opportunity – Chair Case shared a positive attitude toward infill of underutilized properties that would be achieved by this project.

Ceiling Heights - Commissioner Meeks stated that the maximum 75-foot building height for 7 stories is concerning because it may lead to shorter ceilings for residents of the units.

Staff Recommendation

Approval as Submitted	Partial approval with Conditions	X	Denial
<p>Due to varying factors including conflict with the San Marcos Design Manual, staff is providing a <u>denial</u> recommendation.</p> <p>Should the Commission choose to recommend approval of AC-25-02, staff propose the following conditions:</p> <ol style="list-style-type: none"> 1. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code. 2. The development shall include an enhanced Pedestrian Gateway in the form of a publicly accessible plaza at the intersection of Pat Garrison St. and N. Comanche St. The plaza will incorporate amenities including: bike pump station, water bottle refill station, historic plaque in recognition of former San Marcos High School, benches, and shade canopy. 3. The building façade facing N. Comanche St. shall incorporate horizontal and vertical expression elements within the first three floors, including cornices, material changes, horizontal bands, vertical wall offsets, and recessed entrances, that are visually similar to the Perspective Views attached as Exhibit B. 4. The height of the building shall not exceed 75 feet. 5. The development shall include professional office or commercial space providing employment opportunities. The apartment lobby is not considered professional office or commercial space for the purposes of this requirement. 6. The development shall comply with all other Development Code regulations. Packet materials are provided for informational purposes only. 			
Staff: Lauren Clanton, AICP	Title : Chief Planner	Date: March 12, 2025	

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History

The application is being submitted as part of a series of requests for a redevelopment of an existing commercial and residential site to a 7-story purpose-built student housing complex south of the Texas State University campus.

Additional Analysis

Nearby zoning consists of Character District 5 - Downtown, Public, and Multifamily 24. To the north are the University-owned Cypress Apartments. Nearby uses to the west, south, and east, respectively, are Pennington's Funeral Home, H-E-B grocery, and a parking lot with drive-thru kiosk. Churches lie to the west across Comanche St. and to the southeast across Hutchison St., with the façade of First United Methodist Church reaching between 3 and 4 stories.

The funeral home and church west of Comanche St. are 1-story in height, and this continues south to the H-E-B and single family homes west of the grocery store. The former Sanctuary Lofts to the west are 5 stories; however, 2-story small multifamily is common in this area toward North St. The Cypress apartments are approximately 6 stories and represent the tallest structure adjacent the project site.

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 professional office/ commercial space and enhanced pedestrian amenities along Comanche St. with human-scale façade elements.

In addition to this Building Height request for 2 additional stories the following applications have also been submitted by the applicant for this site:

- Conditional Use Permit for Student Housing (CUP-25-02)
- Traffic Impact Analysis (2024-53317)
- Demolition Permit for 209 Pat Garrison St. (2024-52537) – ready to issue
- Demolition Permit for 213 and 215 Pat Garrison St. (2024-52540) – in process

The demolition permits were subject to a 90-day demolition delay. The demolition delay was not extended for 209 Pat Garrison St. or 213 and 215 Pat Garrison St. and expired in December 2024.

Comments from Other Departments

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

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
		<u>X</u>	<p>The project is consistent with the objectives and guidelines from the City's Comprehensive Plan and Downtown Master Plan where applicable. The Vision SMTX Comprehensive Plan envisions medium-to-high intensity uses ranging from 2 to 7 stories in the Mixed Use Medium Preferred Scenario Type. However, the Downtown Area Plan encourages infill development only where contextually appropriate for the surrounding neighborhood and proposes height stepbacks to avoid sharp contrast between building heights.</p> <p>The Downtown Plan highlights this part of town as 1) an opportunity area on the southeast edge of the designated "New Park Area" (p. 119) and 2) a Pedestrian Gateway at Pat Garrison St. and N. Comanche St. where enhanced streetscape, placemaking, and wayfinding are envisioned (p. 92). The developer will demonstrate compliance with one of these recommendations and will provide a pedestrian plaza. It should be noted that the Pedestrian Gateway is not accurately shown in the Perspective Views exhibit submitted by the applicant.</p>
	<u>X</u>		<p>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;</p> <p>The applicant has stated that they do not intend to provide affordable housing as defined in Section 4.3.1.1.</p>
	<u>X</u>		<p>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;</p> <p>While the applicant states that some residents may meet the income threshold for workforce housing under Section 4.3.1.1, no units are proposed specifically for that purpose.</p>

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Met	Not Met	Neutral / Partially Met	
<u>X</u>			The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; <i>The project will incorporate professional and commercial space. Please note that the Parking and Unit Layout submitted by the applicant does not reflect the incorporation of nonresidential uses in the building floor plan.</i>
	<u>X</u>		The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program; <i>The applicant has stated that the building will not be LEED certified.</i>
		<u>X</u>	The additional stories provide an opportunity to include childcare within the facility; <i>The applicant has stated that the professional/ commercial space to be made available in the building may contain a childcare facility. This is not confirmed and is contingent upon conversations with First United Methodist Church.</i>
		<u>X</u>	The additional stories provide an opportunity to add public parking in or adjacent to the downtown; <i>Public parking may be provided; however, the applicant has neither confirmed that there will be excess spaces nor specified whether those spaces will be paid parking.</i>
	<u>X</u>		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. <i>The applicant has stated that they do not intend to include open space within the site design.</i>

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
	<u>X</u>		<p>In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.</p> <p><i>The project site is identified within the “Downtown Core” Design Context in the San Marcos Design Manual. Per Table 1.1 of the Design Manual, Additional Height in the Third Layer/ Downtown Core, “Additional height may be considered where it will not obscure key views, but additional height above five stories is discouraged in this design context.” It is noted that building heights in this design context should be compatible with the historic nature of the Downtown District.</i></p> <p><i>The applicant is proposing residential opportunities within proximity to campus, and additional height is in the first, second, and third layer. The applicant is proposing 7 stories at the maximum height allowed by right in CD-5D zoning, 75 feet. However, the number of stories is regulated by the Development Code, and the two additional stories and additional density are not appropriate in this context. Note that the Perspective Views exhibit was submitted prior to the proposed height decrease and does not reflect this 75-foot height limit.</i></p> <p><i>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.</i></p>
<u>X</u>			<p>The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level.</p> <p><i>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. Additional visual details will be incorporated into the building façade along Comanche St. to mimic townhomes and emphasize the first two stories. This is represented in the Perspective Views exhibit.</i></p>