



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, May 12, 2026

6:00 PM

City Council Chambers

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 a quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, May 12, 2026 via hybrid meeting.

II. Roll Call

Present 8 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner David Case, Commissioner Rodney Van Oudekerke, Commissioner Lucy Johnson, Commissioner Randy Bryan, Commissioner Michele Burleson, and Commissioner Allison Hardy

Absent 1 - Commissioner Maraya Dunn

III. Chairperson's Opening Remarks

Chair Case welcomed the audience and gave opening remarks detailing the meeting rules and guidelines.

Chair Case recognized Assistant Director of Planning, Andrea Villalobos, for receiving the City of San Marcos, Employee of the Year, and thanked her for all her hard work.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

There were no speakers.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on April 28, 2026

A motion was made by Commissioner Burleson, seconded by Commissioner Johnson to approve the consent agenda.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 1 - Commissioner Dunn

PUBLIC HEARINGS

2. CUP-26-21 (Archies) Hold a public hearing and consider a request by Ryan Bunger, on behalf of Archies, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 301 N LBJ Dr, Ste 119. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-21.

Commissioner Maraya Dunn arrived to the meeting at 6:06 p.m.

Staff recommended approval of the request with the following conditions;

1. **The permit shall be valid for three (3) years, and shall expire on December 31, 2028, provided standards are met;**
2. **No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday – Thursday.**
3. **No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday.**
4. **The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);**
5. **The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;**

- 6. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;**
- 7. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;**
- 8. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and**
- 9. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

- 1) Zach Perez, 301 N LBJ Drive, in favor**
- 2) Daphne Bendel - 301 N LBJ Drive, in favor**

Chair Case closed the Public Hearings.

A motion was made by Commissioner Costilla, seconded by Commissioner Bryan to approve the request with staff conditions.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

- 3. CUP-26-24 (Southbound Social) Hold a public hearing and consider a request by Dylan Wild, on behalf of Southbound Social, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 119 E Hutchison St. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-24.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for one (1) year, and shall expire on May 12, 2027, provided standards are met;**

- 2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday – Thursday.**
- 3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday.**
- 4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);**
- 5. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;**
- 6. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;**
- 7. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;**
- 8. The business shall not pursue or hold a TABC Late Hours permit;**
- 9. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and**
- 10. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Dylan Wild - 119 E. Hutchison St., in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Agnew, seconded by Commissioner Van Oudekerke to approve the request with staff conditions.

After discussion, a motion was made by Commissioner Bryan, seconded by Commissioner Agnew to remove condition #8.

The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

4. CUP-25-71 (325 N. Comanche St. Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of 202 Hutch, LLC, for a Conditional Use Permit to allow a purpose built student housing development, for the property located at 325 N. Comanche St. (L. Clanton)

Chair Case opened the Public Hearings.

Lauren Clanton, Chief Planner, gave a presentation on request CUP-25-71(b).

Staff provided a neutral recommendation but proposed the following conditions if the Commission chose to approve.

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 lease shall be made publicly available on the property's website.**
3. **The lease shall contain the following text:**

In accordance with Development Code Section 5.1.4.9 Purpose-Built Student Housing, B Use Standards, 1 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 the 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”

This condition will no longer apply to any lease for a unit with a move in date that is on or after the date the City has issued a certificate of occupancy enabling the tenant to occupy the unit.

- 4. The development shall offer both individual leases and conventional leases where units may be rented in their entirety.**
- 5. The development shall comply with a parking calculation of 0.60 spaces per bedroom.**
- 6. The developer shall not sell the property to a non-taxpaying entity for 12 years from the effective date of the Conditional Use Permit. The condition prohibiting sale to a tax- exempt entity for 12 years from the date of this approval shall be memorialized in a restrictive covenant approved by the city attorney that is recorded in the Official Public Records of Hays County.**
- 7. Right-of-way shall be dedicated to the extent that the standards of the San Marcos Design Manual Section B.4.1.4, Downtown Cross Sections, and the Development Code are met.**
- 8. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.**
- 9. The development shall comply with all other development code regulations. Packet materials are provided for informational purposes only.**
- 10. The number of bedrooms shall be limited to 5.**

- 1) Kelly Quinn - 325 North Commanche, in favor**
- 2) Patrick Quinn - 325 North Commanche, in favor**
- 3) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor**
- 4) Shannon Mattingly - 2705 Beecave Road, Austin, in favor**
- 5) Audrey Rund - 325 North Commanche, in favor**

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Johnson to approve the request with staff conditions.

A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to call the question.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 5 - Commissioner Costilla, Commissioner Case, Commissioner Johnson, Commissioner Bryan and Commissioner Hardy

Against: 4 - Commissioner Agnew, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Burleson

5. AC-25-09 (325 N. Comanche St. 7-Story Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of 202 Hutch, LLC, 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 the property located at 325 N. Comanche St. (L. Clanton)

Chair Case opened the Public Hearings.

Lauren Clanton, Chief Planner, gave a presentation on request AC-25-09(b).

Staff recommended denial of the request but proposed the following conditions should the Commission choose the approve.

- 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, benches, lighting, 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 comply with all other Development Code regulations.**
- Packet materials are provided for informational purposes only.**

1) Kelly Quinn - 325 N Comanche, in favor

2) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor

3) Shannon Mattingly - 2705 Bee Cave Rd., Austin, in favor

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Costilla to approve the request with staff conditions.

A motion was made by Commissioner Johnson, seconded by Commissioner Van Oudekerke to amend condition #2 to add the following.

- **The publicly accessible plaza shall be equal to or greater than the plaza size as shown on the plat application currently in review.**

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The meeting entered into a Recess at 8:35 p.m.

The meeting reconvened at 8:42 p.m.

A motion was made by Commissioner Burleson, seconded by Commissioner Bryan to call the question.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 5 - Commissioner Costilla, Commissioner Case, Commissioner Johnson, Commissioner Bryan and Commissioner Hardy

Against: 4 - Commissioner Agnew, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Burleson

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case closed the Question and Answer Session.

VI. Adjournment

A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to adjourn.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The meeting adjourned at 8:52 p.m.

Recording Secretary, Enrique Velasquez

Chair, David Case