



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](mailto:jordan.schaefer@kimley-horn.com) should you have any questions pertaining to this Alternative Compliance request.

Respectfully,

**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in blue ink that reads "Jordan Schaefer".

Jordan Schaefer, P.E.  
Project Manager / Kimley-Horn

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Randy Warner	Property Owner	Daniel McCutchen
Company	RREAF Holdings, LLC	Company	MCB Investment Partners
Applicant's Mailing Address	1909 Woodall Rodgers Frwy, 3rd Floor	Owner's Mailing Address	125 Ash Juniper Dr, New Braunfels, TX 78132
Applicant's Phone #	214-522-3300	Owner's Phone #	
Applicant's Email	rwarner@rreaf.com	Owner's Email	

## 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**

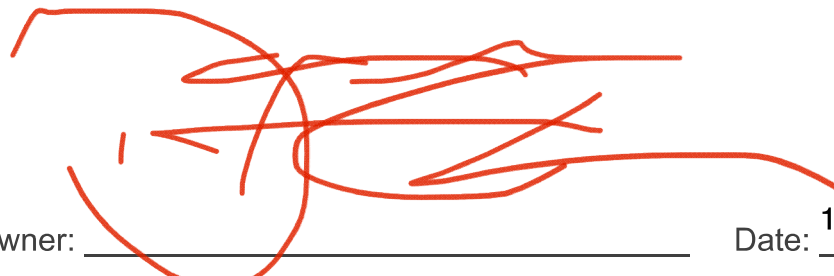
*\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

**PROPERTY OWNER AUTHORIZATION**

I, Daniel McCutchen (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 Randy Warner (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: Daniel McCutchen, member

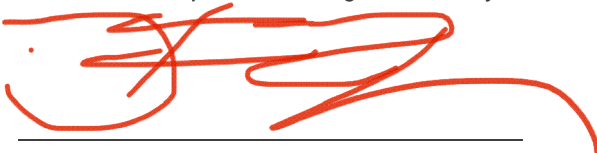
Signature of Agent: **Randy Warner** Digitally signed by Randy Warner  
Date: 2023.11.21 10:33:16 -05'00' Date: 11-21-23  
Printed Name, Title: Randy Warner, Director

**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.

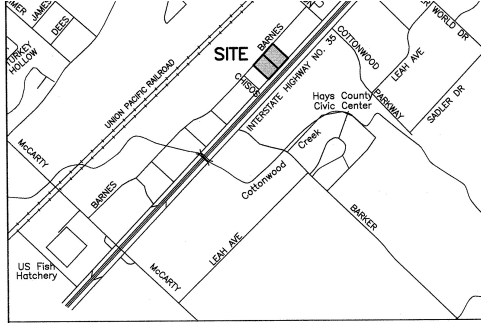
- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request 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.*

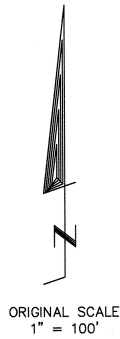
Signature: 

Date: 11-19-2023

Print Name: Daniel McCutchen

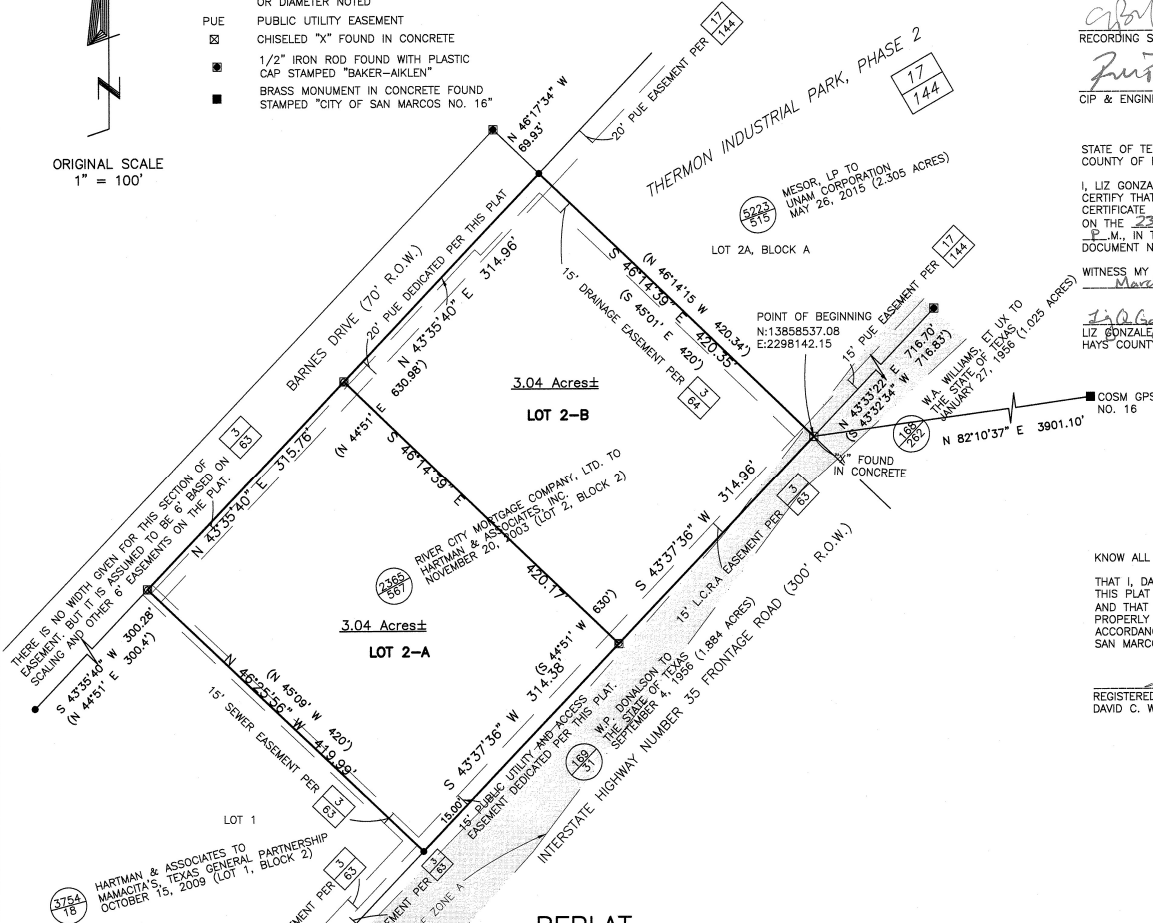


VICINITY MAP - 1" = 2000'

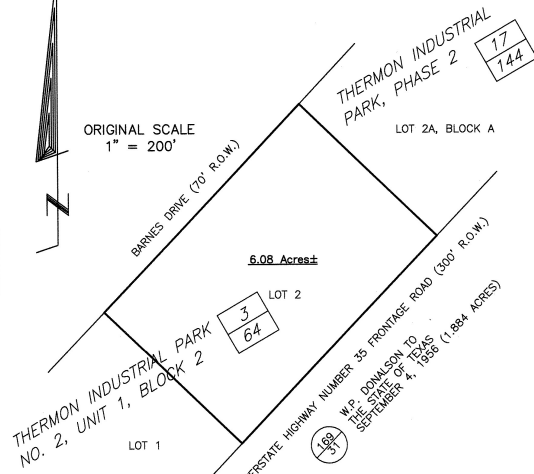


ORIGINAL SCALE  
1" = 100'

- LEGEND**
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
  - HAYS COUNTY PLAT RECORDS
  - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
  - 1/2" IRON ROD FOUND OR DIAMETER NOTED
  - PUBLIC UTILITY EASEMENT
  - CHISELED "X" FOUND IN CONCRETE
  - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BAKER-AIKLEN"
  - BRASS MONUMENT IN CONCRETE FOUND STAMPED "CITY OF SAN MARCOS NO. 16"



REPLAT



ORIGINAL CONFIGURATION

STATE OF TEXAS  
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED Douglas M. Hartman OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 6<sup>th</sup> DAY OF March, 2018.

Kathy Williams  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES ON: 11/14/2020

STATE OF TEXAS  
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED Douglas M. Hartman OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

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Kathy Williams  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES ON: 11/14/2020

APPROVED BY THE CITY OF SAN MARCOS PLANNING & ZONING COMMISSION

ON 2<sup>nd</sup> OF February, 2018.

JIM GARBER, CHAIRMAN  
PLANNING AND ZONING COMMISSION  
DATE: 3/23/18

Shannon Mattingly, AICP  
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES  
DATE: 3-9-18

Carly  
RECORDING SECRETARY  
DATE: 3/9/18

Paul  
CIP & ENGINEERING  
DATE: 3/23/18

STATE OF TEXAS  
COUNTY OF HAYS

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 23<sup>rd</sup> DAY OF MARCH, A.D. 2018 AT 2:05 O'CLOCK P.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, UNDER DOCUMENT NUMBER 18010034.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 23<sup>rd</sup> DAY OF MARCH, A.D. 2017.

Liz Gonzalez  
LIZ GONZALEZ, COUNTY CLERK  
HAYS COUNTY, TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID C. WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

David C. Williamson  
REGISTERED PROFESSIONAL LAND SURVEYOR  
DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

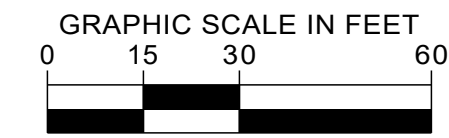
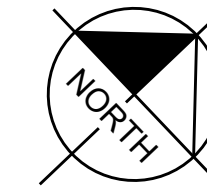
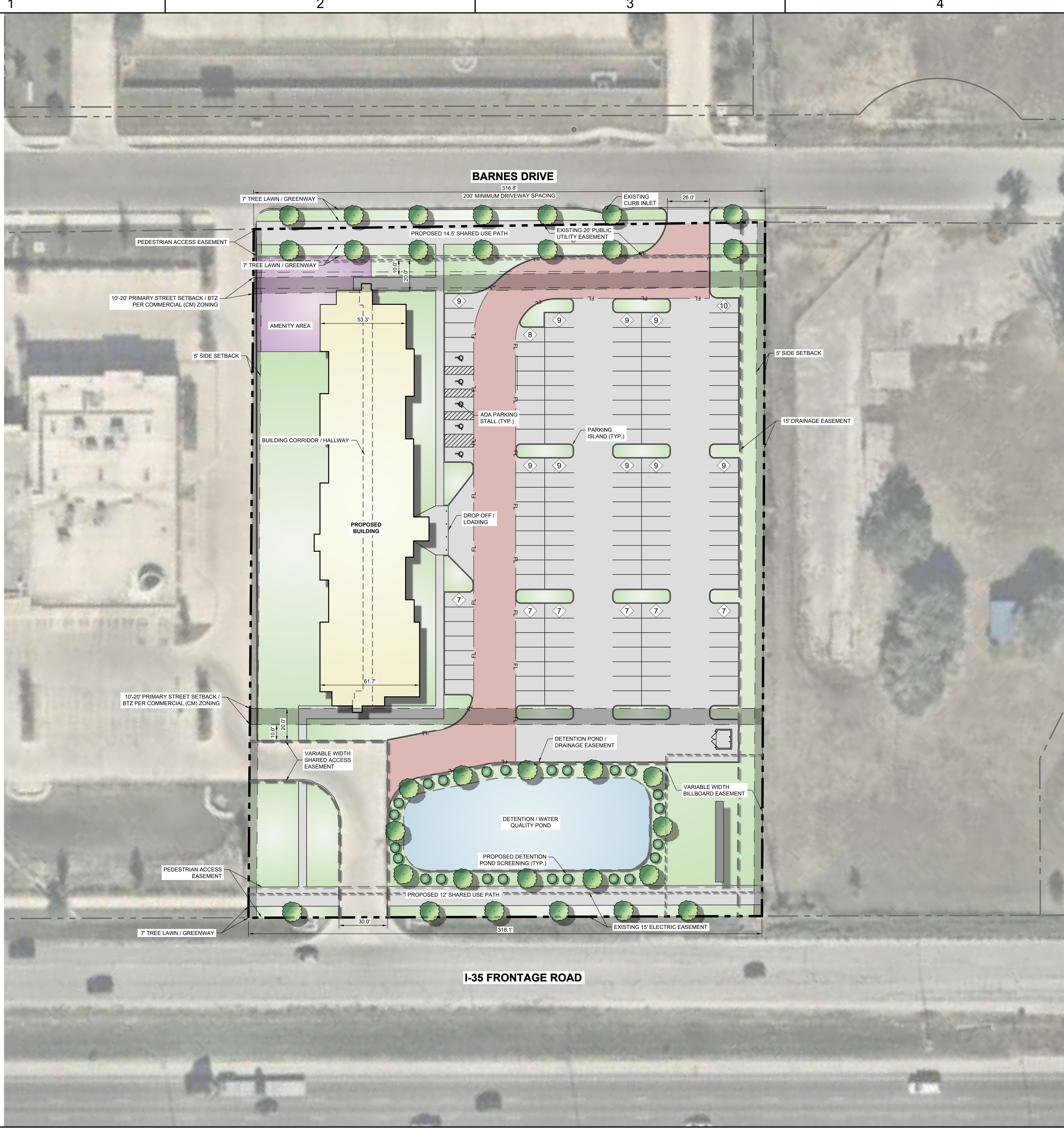
STATE OF TEXAS  
REGISTERED  
PROFESSIONAL LAND SURVEYOR  
4190



**BYRN & ASSOCIATES, INC.**

**SURVEYING**

P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
PHONE 512-396-2270 FAX 512-392-2945  
FIRM NO. 10070500



**LEGEND**

- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- PROPOSED LANDSCAPE / PERVIOUS AREA
- PROPOSED PAVEMENT / IMPERVIOUS AREA
- PROPOSED DETENTION POND
- PROPOSED FIRE LANE
- PROPOSED BUILDING
- AMENITY AREA
- 10 PARKING COUNT

\*NOTE: FINAL LANDSCAPE LAYOUT, DESIGN, AND PLANTING SCHEDULES TO BE PROVIDED AS PART OF THE SITE PREPARATION PERMIT SUBMITTAL DOCUMENTS. CONCEPT LANDSCAPE LAYOUT PROVIDED FOR REFERENCE ONLY.

SITE DATA TABLE	
LEGAL DESCRIPTION	LOT 2B, BLOCK 2, THERMON INDUSTRIAL PARK NO. 2, UNIT 1
ZONING	HC - HEAVY COMMERCIAL (EXISTING) CM - COMMERCIAL (PROPOSED)
ADDRESS	2420 S IH 35, SAN MARCOS, TX 78666
SITE ACREAGE	3.04 ACRES
<b>BUILDING DATA</b>	
BUILDING SQUARE FOOTAGE	54,000 SF (13,500 SF / FLOOR)
BUILDING HEIGHT	4 STORIES
<b>PARKING DATA</b>	
REQUIRED STANDARD PARKING SPACES	OVERNIGHT LODGING 1 SPACE / ROOM 124 ROOMS = 124 SPACES
STANDARD SPACES PROVIDED	136
REQUIRED ACCESSIBLE PARKING SPACES	5
ACCESSIBLE SPACES PROVIDED	5
TOTAL SPACES PROVIDED	141

NO.	REVISIONS	DATE	BY

**Kimley»Horn**  
 © 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
 1251 SADLER EAST DRIVE, BLDG. K, STE. 3000, SAN MARCOS, TX 78666  
 WWW.KIMLEY-HORN.COM TBE FIRM NO. 928

**FOR REVIEW ONLY**

KHA PROJECT	DATE	SCALE	AS SHOWN	DESIGNED BY	JMP	DRAWN BY	JMP	CHECKED BY	JPS
068736200	---	---	---	---	---	---	---	---	---

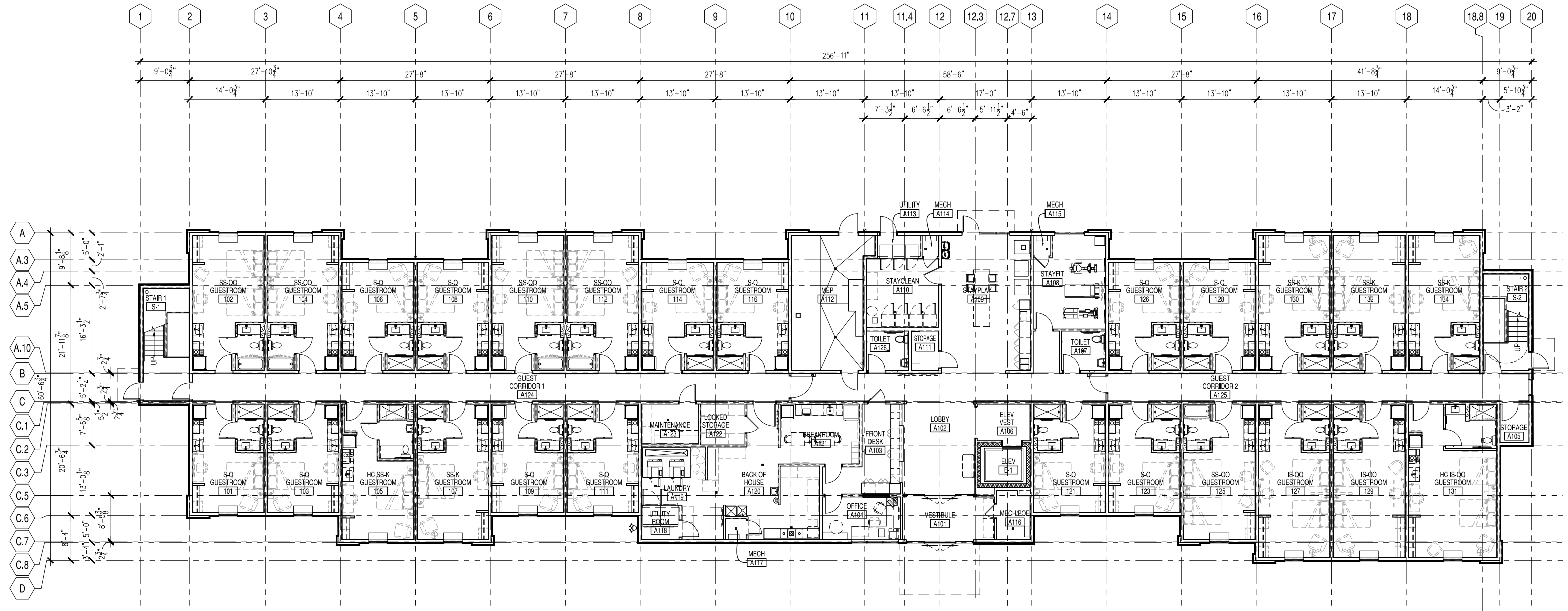
**PRELIMINARY SITE PLAN**

**I35 HOTEL**

SAN MARCOS TEXAS  
 SHEET NUMBER

# BUILDING INFORMATION

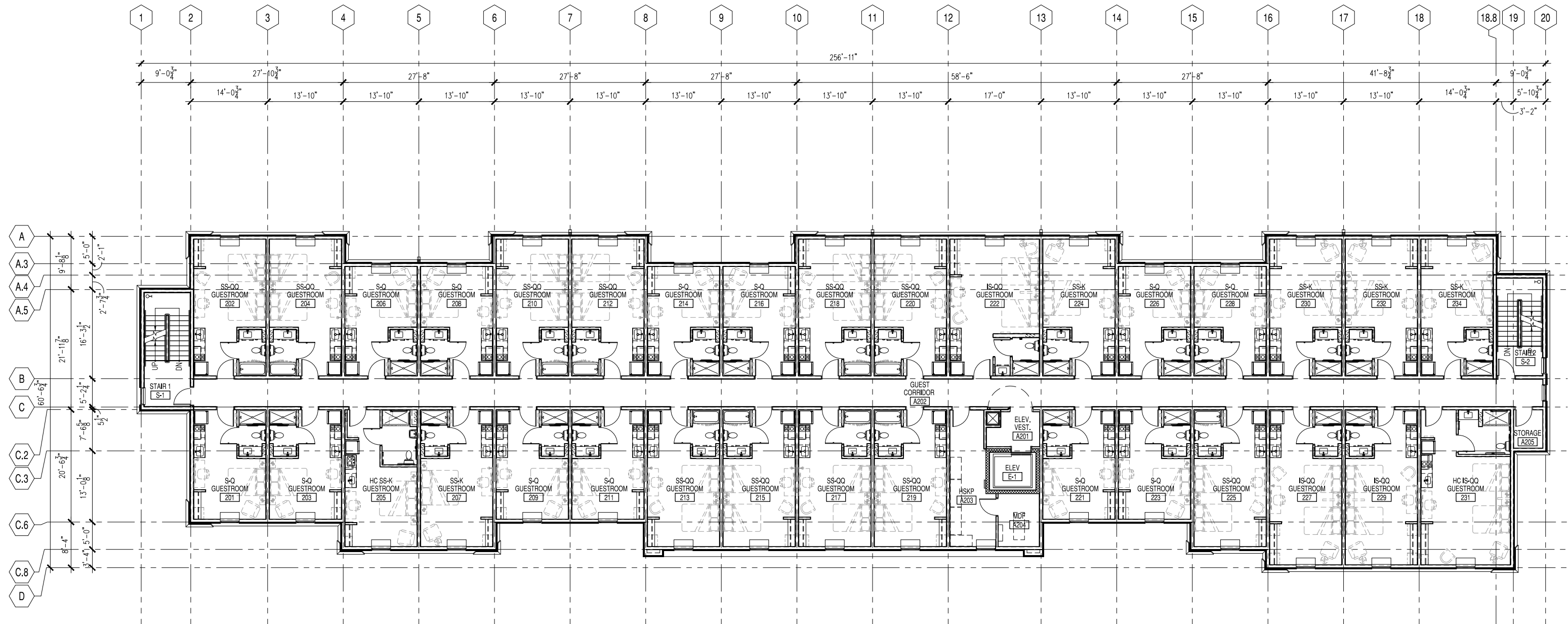
- GUEST ROOMS: 124
- TYPE OF CONSTRUCTION: 5-A
- OCCUPANCY TYPE: R-1
- STORIES: 4
- SQUARE FOOTAGE:
  - 1st = 13,500 SF
  - 2nd = 13,500 SF
  - 3rd = 13,500 SF
  - 4th = 13,500 SF
  - TOTAL = 54,000 SF



**LEVEL ONE PLAN**

# BUILDING INFORMATION

- 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

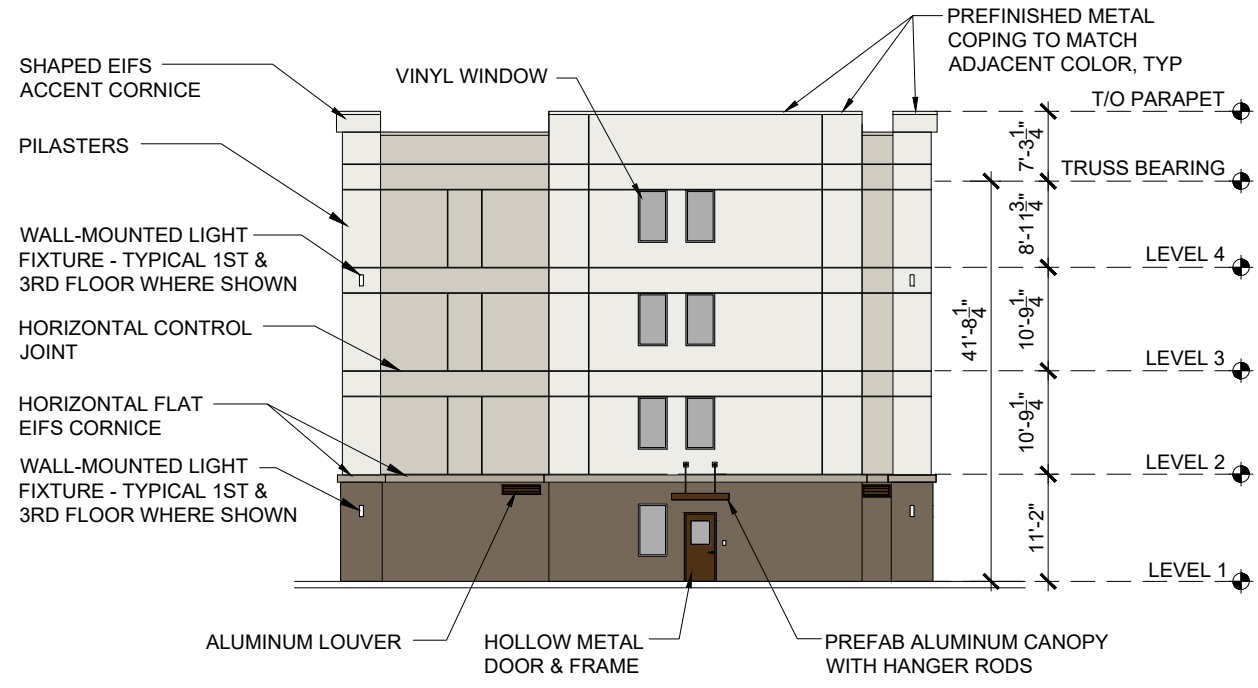


**LEVEL TWO - FOUR PLAN**

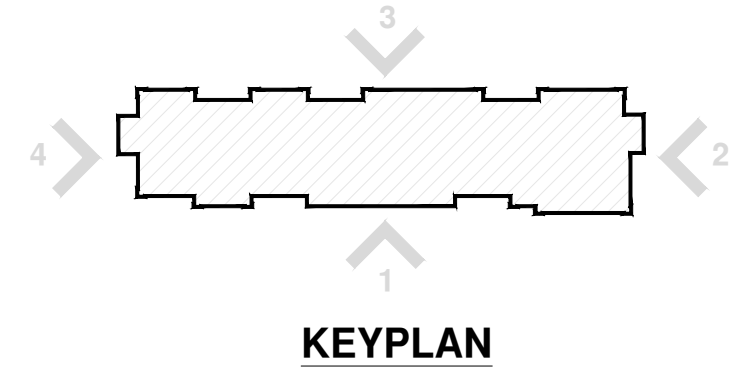


## COLOR / MATERIAL LEGEND

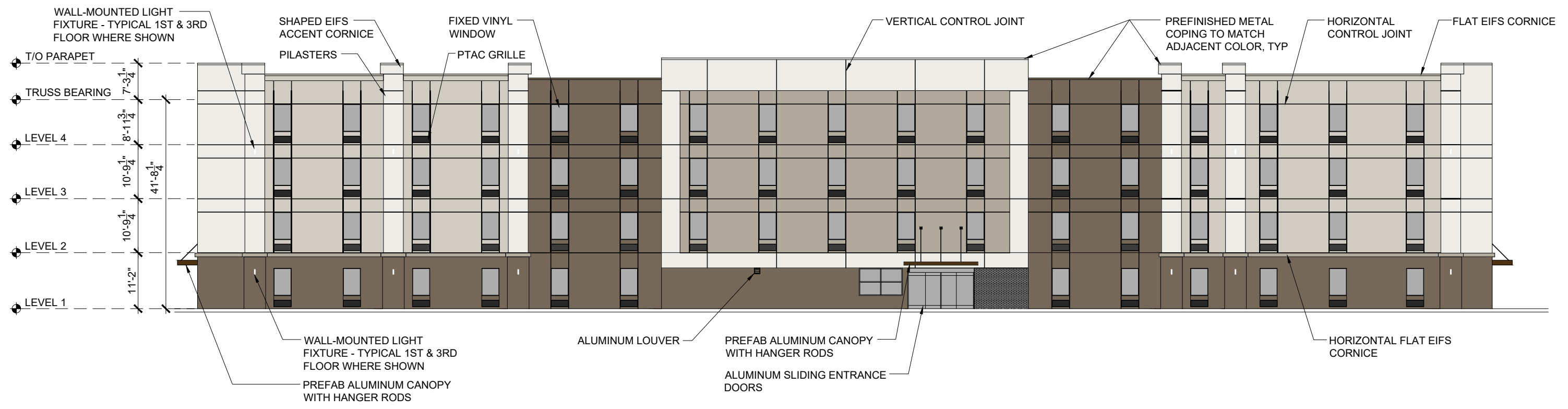
- STUCCO: PPG 1021-6 "CURLEW"
- STUCCO: PPG 1025-1 "COMMERCIAL WHITE"
- STUCCO: PPG 1025-3 "WHISKERS"
- STUCCO: PPG 1025-4 "SHARKSKIN"
- EXTERIOR TRIM: CP410 "BRONZETONE"
- KINGSIZE DOVE GRAY BRICK BY ACME BRICK



**2 SIDE ELEVATION**  
SCALE: 1" = 20'



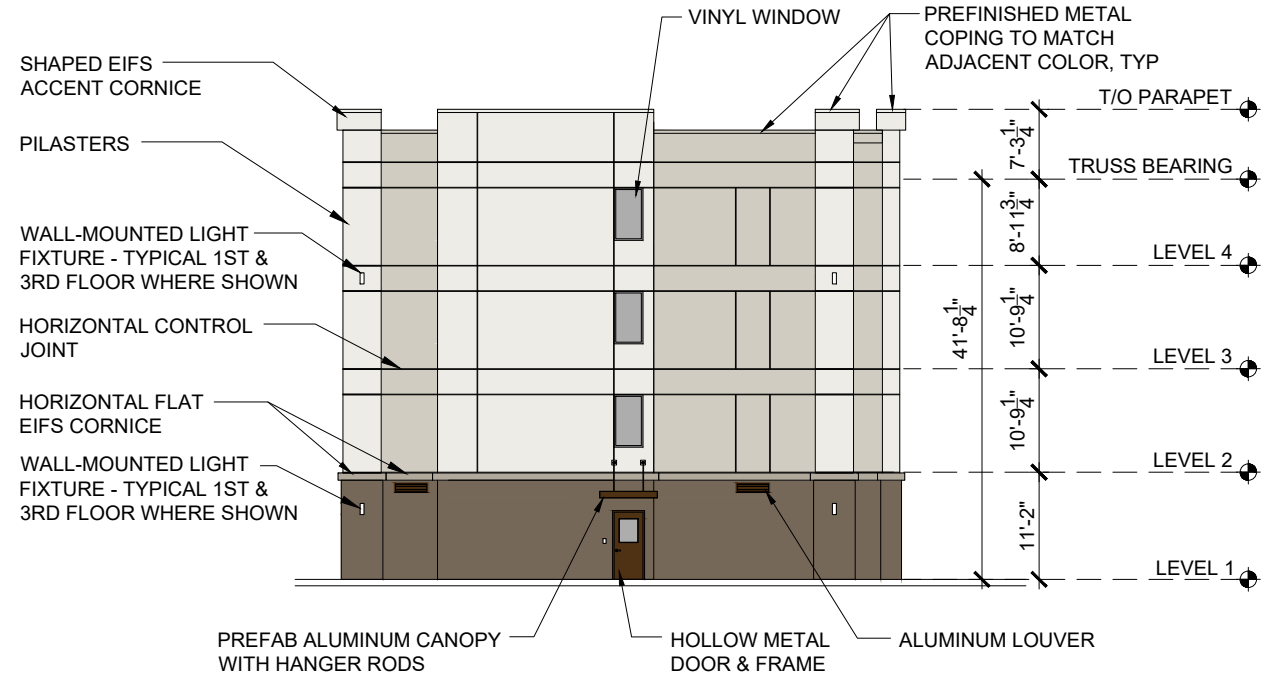
**KEYPLAN**



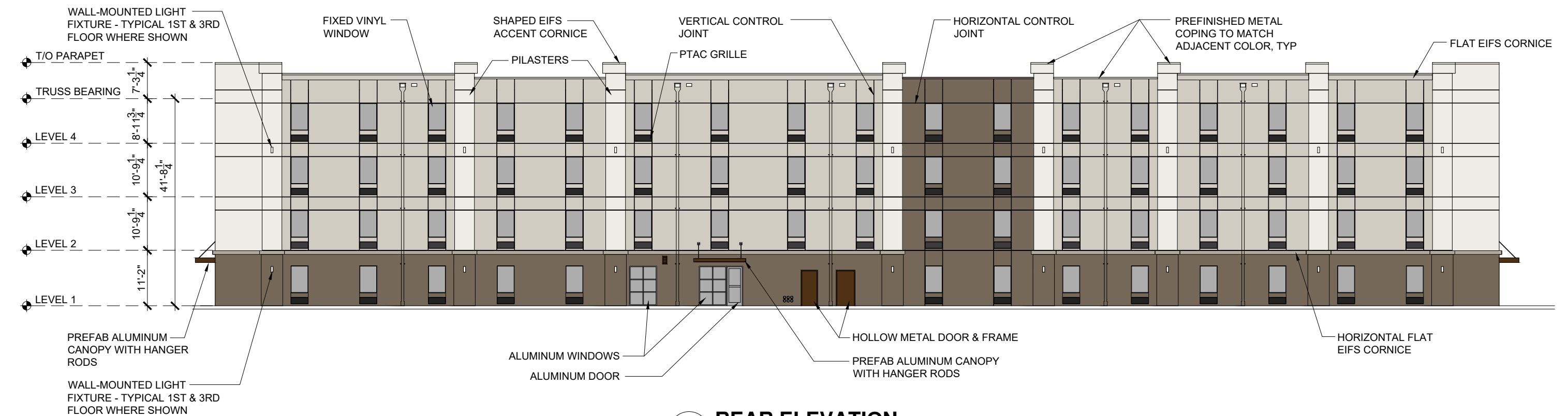
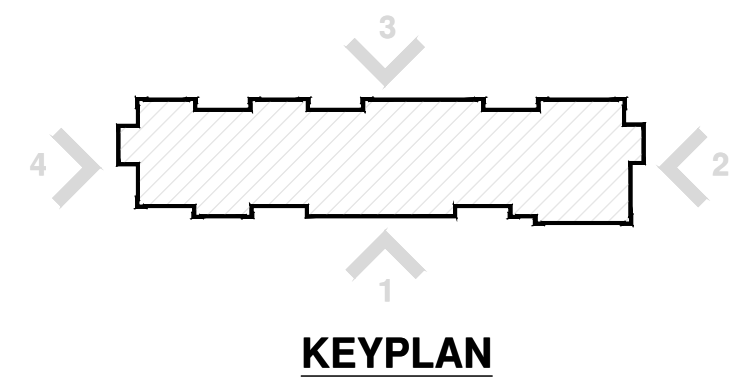
**1 FRONT ELEVATION**  
SCALE: 1" = 20'

## COLOR / MATERIAL LEGEND

- EIFS: PPG 1021-6 "CURLEW"
- EIFS: PPG 1025-1 "COMMERCIAL WHITE"
- EIFS: PPG 1025-3 "WHISKERS"
- EIFS: PPG 1025-4 "SHARKSKIN"
- EXTERIOR TRIM: CP410 "BRONZETONE"
- KINGSIZE DOVE GRAY BRICK BY ACME BRICK



**4 SIDE ELEVATION**  
SCALE: 1" = 20'



**3 REAR ELEVATION**  
SCALE: 1" = 20'



# PROPOSED BUILDING MATERIALS

## STUCCO



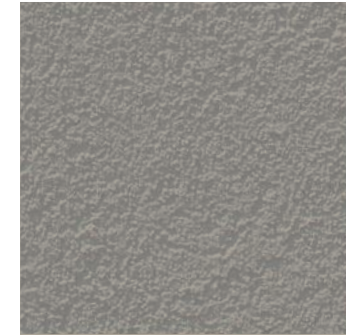
PPG 1021-6  
CURLEW



PPG 1025-1  
COMMERCIAL  
WHITE



PPG 1025-3  
WHISKERS



PPG 1025-4  
SHARKSKIN

## EXTERIOR BRICK



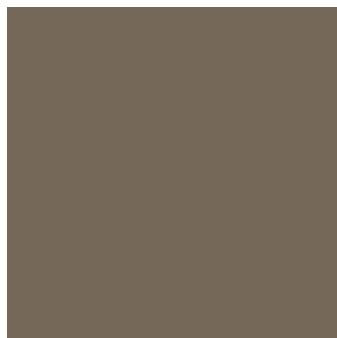
KINGSIZE BRICK BY ACME BRICK  
DOVE GRAY

## CANOPIES / LOUVERS

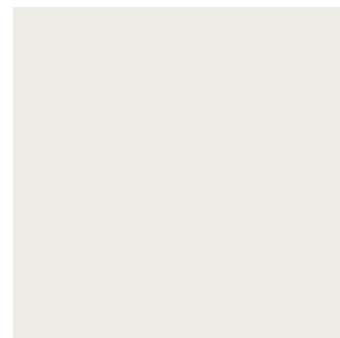


CP 410  
BRONZETONE

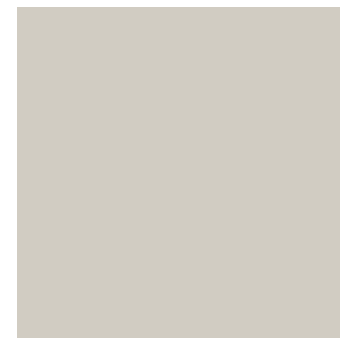
## METAL TRIM / SCUPPERS / DOWNSPOUTS



PPG 1021-6  
CURLEW



PPG 1025-1  
COMMERCIAL  
WHITE



PPG 1025-3  
WHISKERS



PPG 1025-4  
SHARKSKIN