



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda 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
- 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, 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 Regular Meeting Minutes for the Planning and Zoning Commission on April 28, 2026

PUBLIC HEARINGS

Interested persons may participate in the Public Hearings items #2-5:

- 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. 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)

- 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)
- 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)
- 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)

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:



Legislation Text

File #: ID#26-268, **Version:** 1

AGENDA CAPTION:

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

Meeting date: May 12, 2026

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

File #: ID#26-268, **Version:** 1

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.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, April 28, 2026

6:00 PM

City Council Chambers

This was 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 Agnew at 6:00 pm on Tuesday, April 28, 2026 via hybrid meeting.

II. Roll Call

Present 7 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Maraya Dunn, Commissioner Rodney Van Oudekerke, Commissioner Lucy Johnson, Commissioner Michele Burleson, and Commissioner Allison Hardy

Absent 2 - Commissioner David Case, and Commissioner Randy Bryan

III. Chairperson's Opening Remarks

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

IV. Citizen Comment Period

Chair Agnew opened the Citizen Comment Period.

There were no speakers.

Chair Agnew 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 14, 2026

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

For: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 2 - Commissioner Case and Commissioner Bryan

PUBLIC HEARINGS

2. Receive a staff presentation and consider a recommendation on the 2027 Capital Improvement Program (CIP)

Chair Agnew opened the Public Hearings.

Shaun Condor, Director of Engineering and Capital Improvements, gave a presentation on the 2027 Capital Improvements Program (CIP).

Staff recommended approval of the request as presented.

There were no speakers.

Chair Agnew closed the Public Hearings.

A motion was made by Commissioner Johnson, seconded by Commissioner Van Oudekerke to recommend approval with the following recommendations.

1. Consider Increasing Water/Wastewater Impact Fees
2. Consider establishing a Transportation Impact Fee
3. Consider Wallace Edition Stormwater project 525 moved from 2029 to 2027

After discussion, the following was added to recommendation #3.

- **Consider Wallace Edition Stormwater project 525 moved from 2029 to 2027, if possible.**

The motion failed by the following vote.

For: 4 - Commissioner Agnew, Commissioner Costilla, Commissioner Van Oudekerke and Commissioner Johnson

Against: 3 - Commissioner Dunn, Commissioner Burleson and Commissioner Hardy

Absent: 2 - Commissioner Case and Commissioner Bryan

A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to recommend approval of the request with the following recommendations.

- 1. Consider increasing stormwater fees**
- 2. Consider increasing property tax**
- 3. Consider addressing needs of Wallace Addition and prioritizing as practical**

The motion carried by the following vote.

For: 6 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson and Commissioner Burleson

Against: 1 - Commissioner Hardy

Absent: 2 - Commissioner Case and Commissioner Bryan

- 3. CUP-26-13 (Eden Bar) Hold a public hearing and consider a request by David Foglia, on behalf of Eden Bar, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 206 W San Antonio Street. (C. Garrison)**

Chair Agnew opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-26-13.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for three (3) years, and shall expire on April 8, 2029, provided that standards are met;**
- 2. The Occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;**
- 3. No outdoor amplified sound or background music shall be permitted after the closing of the business but in no case later than 10:30 p.m.;**
- 4. No outdoor amplified sound or background music shall be played before 2 p.m. Saturday and Sunday;**
- 5. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d); and**
- 6. The permit shall be posted in the same area and manner as the Certificate of Occupancy**

There were no speakers.

Chair Agnew closed the Public Hearings.

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

The motion carried by the following vote.

For: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 2 - Commissioner Case and Commissioner Bryan

4. PDD-07-02(B) (McCarty Commons PDD Amendment) Hold a public hearing and consider a request by Quiddity Engineering, LLC, on behalf of HEB, LP, to modify standards, including signage standards, within the McCarty Commons Planned Development District, comprised of 259.52 acres, more or less, out of the Nathaniel Hubbard Survey, Abstract No. 230, Hays County, Texas, generally located southeast of the intersection between I-35 and E McCarty Lane. (J. Cleary)

Chair Agnew opened the Public Hearings.

Julia Cleary, Senior Planner, gave a presentation on request PDD-07-02(B).

Staff recommended approval of the request as presented.

1) Josh Elledge - I 35 and E McCarty, in favor

Chair Agnew closed the Public Hearings.

A motion was made Commissioner Dunn, seconded by Commissioner Burleson to approve the request.

The motion carried by the following vote.

For: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 2 - Commissioner Case and Commissioner Bryan

5. CUP-26-17 (Sabor Y Vida) Hold a public hearing and consider a request by Elvia Granados Leon, on behalf of Sabor Y Vida, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 311 E Hopkins St. (K. Buck).

Chair Agnew opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-17.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for three (3) years, and shall expire on May 27, 2029, provided standards are met;**
- 2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);**
- 3. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and**
- 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Irma Palacios - 311 E. Hopkins, in favor

Chair Agnew closed the Public Hearings.

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

The motion carried by the following vote.

For: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 2 - Commissioner Case and Commissioner Bryan

6. CUP-26-18 (Kobe Steak House) Hold a public hearing and consider a request by Andrew Chen, on behalf of Kobe Steak House, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 210 Springtown Way. (K. Buck)

Chair Agnew opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-18.

Staff recommended approval of the request with the following conditions.

- 1. The permit shall be valid for three (3) years, and shall expire on February 12, 2029, provided standards are met;**
- 2. No outdoor Amplified Sound, Outdoor Background Sound and/or Acoustic Sound shall be permitted;**
- 3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);**
- 4. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and**
- 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

There were no speakers.

Chair Agnew closed the Public Hearings

A motion was made by Chair Agnew, seconded by Commissioner Dunn to approve the request with staff conditions and the following modification to condition #1.

- The permit shall be valid for six (6) months, and shall expire on October 28, 2026, provided standards are met;**

The motion carried by the following vote.

For: 5 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Johnson and Commissioner Hardy

Against: 2 - Commissioner Van Oudekerke and Commissioner Burleson

Absent: 2 - Commissioner Case and Commissioner Bryan

NON-CONSENT AGENDA

- 7. PDA-25-02 (La Cima 8th Amended Development Agreement) Receive a staff presentation regarding an eight amended and restated development agreement with Lazy Oaks Ranch, LP, and its partial assignees in connection with the La Cima Development located near the intersection of Old Ranch Road 12 and Wonder World Drive to align the development agreement with City Resolution 2025-74R and special district legislation which created the La Cima Municipal Management District No. 1. (W. Rugeley)**

Will Rugeley, Planner, gave a presentation on request PDA-25-02.

1) Eric Willis - Lafayette Ln., Pflugerville, general comments

No action was taken.

V. Question and Answer Session with Press and Public.

Chair Agnew opened the Question and Answer Session.

There were no speakers.

Chair Agnew 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: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Burleson and Commissioner Hardy
Against: 0
Absent: 2 - Commissioner Case and Commissioner Bryan

The meeting adjourned at 7:52 p.m.

Recording Secretary, Enrique Velasquez

Chair, William Agnew



Legislation Text

File #: CUP-26-21, **Version:** 1

AGENDA CAPTION:

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)

Meeting date: May 12, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A

Account or Project Number (C = CIP funds): N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative:

N/A

N/A

N/A

Comprehensive Plan Element (s):

- Arts and Culture - Choose an item.
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Housing + Neighborhoods - Choose an item.
- Land Use + Community Design and Character - Choose an item.
- Parks & Public Spaces + Health, Safety & Wellness - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan:

Choose an item.

Background Information:

Archies has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since December of 2024. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, effective upon the issuance of a TABC license, with conditions.

Senate Bill 1008 provides provisions on the city’s ability to prohibit amplified sound at a restaurant. Per this bill and staff’s analysis, the City can enforce the existing noise ordinance and any conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-21 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.

Conditional Use Permit	301 N LBJ Dr, Ste 119
CUP-26-21	Archies



Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Ryan Bunger 1919 Oakwell Farms Pkwy, Unit 170 San Antonio, TX, 78218	Property Owner:	Allen Shy 301 N LBJ Dr, Ste 111 San Marcos, TX, 78666
CUP Expiration:	December 31, 2025	Type of CUP:	CBA Restaurant Mixed Beverage
Interior Floor Area:	2,262 sq ft	Outdoor Floor Area:	330 sq ft
Parking Required:	N/A	Parking Provided:	N/A
Days & Hours of Operation:	Monday-Sunday: 6am-12am		

Notification

Posted:	April 24, 2026	Personal:	April 24, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 in the Shypenn 1 Subdivision (2019)		
Location:	Northwest corner of Hutchison St & N LBJ Dr		
Acreage:	0.182 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District – 5 Downtown (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant & Bar	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (CBA)	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District – 5 Downtown (CD-5D)	Institution (Texas State University)	Mixed Use Medium
South of Property:	Character District – 5 Downtown (CD-5D)	Service & Retail (Hair Salon/Record Store)	Mixed Use Medium
East of Property:	Character District – 5 Downtown (CD-5D)	Retail (Barefoot Campus Outfitters)	Mixed Use Medium
West of Property:	Character District – 5 Downtown (CD-5D)	Restaurant	Mixed Use Medium

Conditional Use Permit	301 N LBJ Dr, Ste 119
CUP-26-21	Archies



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	Denial
<ol style="list-style-type: none"> 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. 			
Staff: Kaitlyn Buck		Title: Planner	Date: May 6, 2026

History

Archies has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since December 2024. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, effective upon the issuance of a TABC license, with conditions.

Additional Analysis

Senate Bill 1008 provides provisions on the city’s ability to prohibit amplified sound at a restaurant. Per this bill and staff’s analysis, the City can enforce the existing noise ordinance and any conditions related to noise added to this CUP.

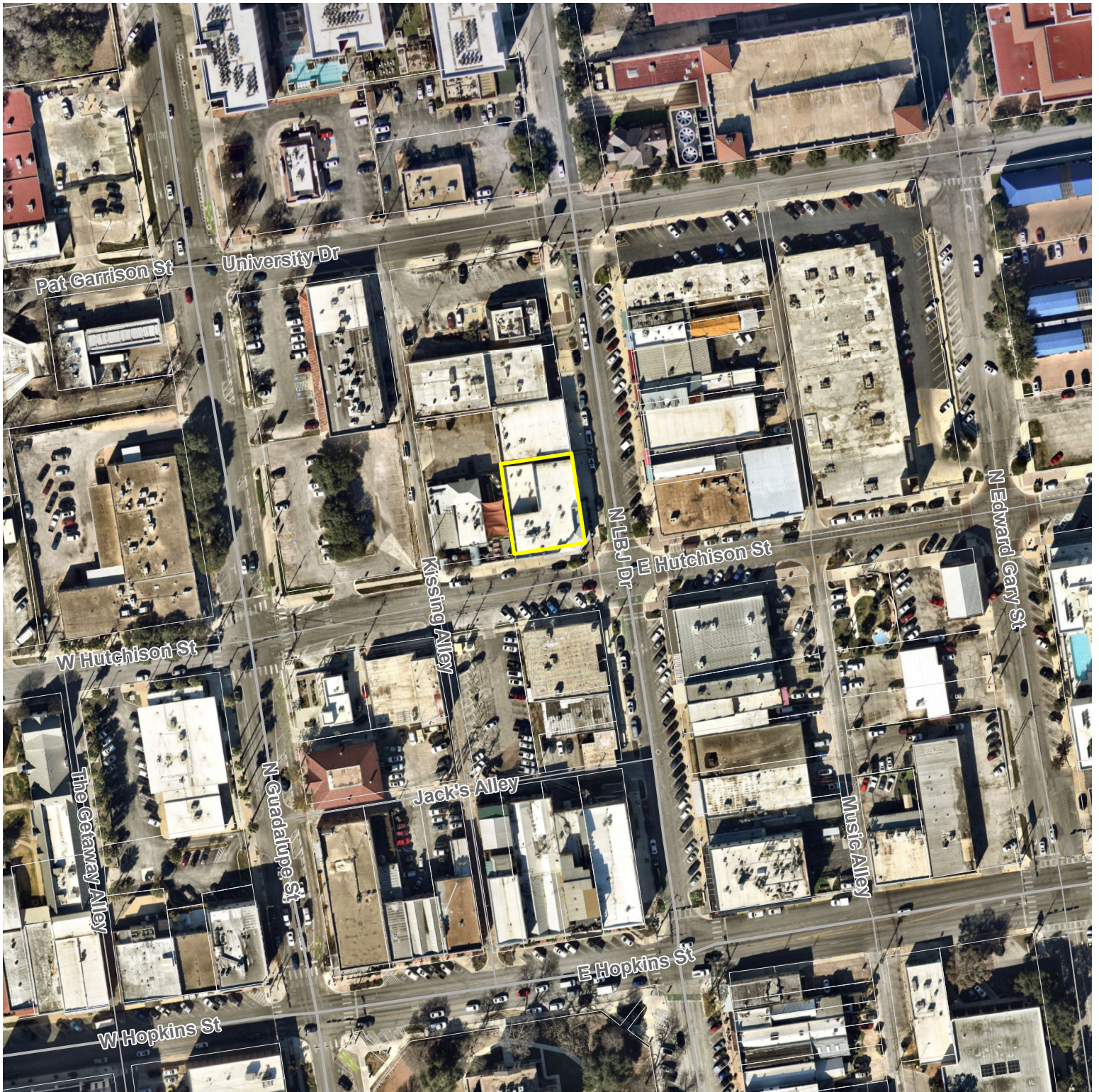
Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

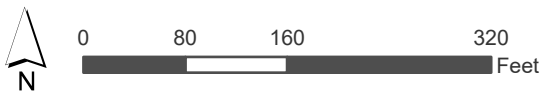
Conditional Use Permit CUP-26-21	301 N LBJ Dr, Ste 119 Archies
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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
<u>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. The CD-5D Zoning District allows "Eating Establishment" as a permitted use. In order to serve alcoholic beverages for on premise consumption, a conditional use permit is required.
		<u>X</u>	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. The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.
<u>X</u>			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. The high intensity/downtown designation projects this area to experience increased pedestrian and vehicular traffic. The proposed use isn't expected to generate above and beyond the projected pedestrian and vehicular traffic.
		<u>X</u>	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 improvements are being proposed as the subject structure is an existing development.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. No visual impacts are expected to cause adverse effects on adjacent properties.
<u>X</u>			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.
<u>X</u>			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.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.



- Subject Property
- Parcel






Site 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: 4/17/2026



-  Subject Property
-  CD-5D
-  P






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: 4/17/2026





-  Subject Property
-  400ft Buffer
-  Parcel



Site 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: 4/17/2026

PLANNING AND DEVELOPMENT SERVICES



04/24/2026

CUP-26-21

**Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
301 N LBJ Dr, Ste 119**

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)

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, May 12, 2026**, 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>. 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 more information regarding this request, contact the case manager, **Kaitlyn Buck**, at **512.393.8234** or **kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-21**.

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)

Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
41480	202 NORTH LBJ VENTURE GROUP LP	2606 RANCH ROAD 620 N	AUSTIN, TX 78734-2628	202 N LBJ DR, SAN MARCOS, TX 78666
41469	214HUTCHISON LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	214 E HUTCHISON ST, SAN MARCOS, TX 78666
41475	230 N LBJ LLC	912 NARANJO DR	GEORGETOWN, TX 78628	230 N LBJ DR, APT #201, SAN MARCOS, TX 78666
41646	318 HOLDINGS LLC	215 N LBJ DR	SAN MARCOS, TX 78666-5621	318 N LBJ DR, SAN MARCOS, TX 78666
41630	AIKEN, C H	242 WHITNEY RUN	BUDA, TX 78610-3008	101 E HOPKINS ST, SAN MARCOS, TX 78666
41641	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854	301 N EDWARD GARY ST, SAN MARCOS, TX 78666
41625	B L SCOFIELD INC	127 E Hopkins ST	San Marcos, TX 78666-5611	145 E HOPKINS ST, SAN MARCOS, TX 78666
41478	CARSON FAMILY PROPERTIES	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	212 N LBJ DR, SAN MARCOS, TX 78666
41623	CASEY MANAGEMENT TRUST	7801 HEATHERCREST CIRCLE	AUSTIN, TX 78731	237-245 N LBJ DR, SAN MARCOS, TX 78666
41476	CHAD BACCUS REAL ESTATE II LLC	PO BOX 609	GEORGETOWN, TX 78627	232 N LBJ DR, STE #101, SAN MARCOS, TX 78666
41622	CHRYSTAL JANAA & TOM	1447 FRIENDLY PATH	NEW BRAUNFELS, TX 78132-4608	225 N LBJ DR, SAN MARCOS, TX 78666
41643	CJJUICE LLC	330 N LBJ DR	SAN MARCOS, TX 78666-5624	330 N LBJ DR, SAN MARCOS, TX 78666
41645	CONDOR RAICES LLC	208 E MIMOSA CIR	SAN MARCOS, TX 78666-3708	328 N LBJ DR, SAN MARCOS, TX 78666
41628	EAST HOPKINS LLC	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733	109-119 E HOPKINS ST, SAN MARCOS, TX 78666

41651	GOMEZ JESSE G & MARTINA	308 N LBJ DR	SAN MARCOS, TX 78666	308 N LBJ DR, SAN MARCOS, TX 78666
41617	GREATER TEXAS FEDERAL CREDIT UNION	12544 RIATA VISTA CIR	AUSTIN, TX 78727-6431	242 N GUADALUPE ST, SAN MARCOS, TX 78666
135947	GUADALUPE-REAL PROPERTY & INVESTMENTS LLC	15542 BRIARWOOD DR	SHERMAN OAKS, CA 91403-4303	301 N GUADALUPE ST, SAN MARCOS, TX 78666
41652	HARTNETT ENTERPRISES SAN MARCOS LLC	2407 BALLANTRAE DR	COLLEYVILLE, TX 76034-5304	300 N LBJ DR, SAN MARCOS, TX 78666
41467	HAYSCO SM LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	219 E HOPKINS ST, SAN MARCOS, TX 78666
41657	JACK IN THE BOX PROPERTIES LLC	9357 SPECTRUM CENTER BLVD	SAN DIEGO, CA 92123-1444	343 N LBJ DR, SAN MARCOS, TX 78666
41620	JG AND EM BURNSIDE LLC	2631 GALWAY CIR	IDAHO FALLS, ID 83404-7392	235 N LBJ DR, SAN MARCOS, TX 78666
60592	KERCHEVILLE A B EST	1133 AUSTIN HWY	SAN ANTONIO, TX 78209-4806	101 UNIVERSITY DR, SAN MARCOS, TX 78666
60593	KERCHEVILLE PROPERTIES LLC	PO BOX 711	SAN MARCOS, TX 78666	415 N LBJ DR, SAN MARCOS, TX 78666
41650	KEYSTONE REAL ESTATE INVESTMENT TX LLC	18695 PONY EXPRESS DR, UNIT 1599	PARKER, CO 80134-1564	211/215 E HUTCHISON ST, SAN MARCOS, TX 78666
41649	KND'S BOUTIQUE LLC	312 N LBJ DR	SAN MARCOS, TX 78666	312 N LBJ DR, SAN MARCOS, TX 78666
41472	MATT PATTERSON INS AGENCY INC	222 E HUTCHISON ST	SAN MARCOS, TX 78666-5682	222 E HUTCHISON ST, SAN MARCOS, TX 78666
41626	ONIONS R US LLC	710 ARROW POINT DR, UNIT 21	CEDAR PARK, TX 78613-6655	129 E HOPKINS ST, SAN MARCOS, TX 78666
41658	OS BOBCAT LLC	2420 GARNETFIELD LN	FRIENDSWOOD, TX 77546-4668	350 N GUADALUPE ST, SAN MARCOS, TX 78666
41466	PIPER JAMES M & TAMARA P	186 PICO CT	SAN MARCOS, TX 78666-1847	217 E HOPKINS ST, SAN MARCOS, TX 78666
41479	SAN MARCOS COMMUNITY PARTNERS LLC	P O BOX 162304	AUSTIN, TX 78716-2304	214 N LBJ DR, SAN MARCOS, TX 78666
27242	SAYYED INVESTMENTS HOLDINGS INC	2611 MARCUS ABRAMS BLVD	AUSTIN, TX 78748-2954	339 N GUADALUPE ST, SAN MARCOS, TX 78666

41647	SERUR JOHN & JUDITH L LIVING TRUST	14550 NUTTY BROWN RD	AUSTIN, TX 78737-8856	314-316 N LBJ DR, SAN MARCOS, TX 78666
41655	SERUR TERRY WARREN & GRANBERRY SHERI SERUR	PO BOX 874	SAN MARCOS, TX 78667-0874	313/315 N LBJ DR, SAN MARCOS, TX 78666
41656	SHOW PLACE CINEMA	1250 WONDER WORLD DR	SAN MARCOS, TX 78666-7530	321-323 N LBJ DR, SAN MARCOS, TX 78666
41654	SHYPENN LTD	2686 BLACK BEAR DR	NEW BRAUNFELS, TX 78132-4179	119 E HUTCHISON ST, SAN MARCOS, TX 78666
41624	SLOAN JAMES LLC	139 E HOPKINS ST	SAN MARCOS, TX 78666-5678	139 E HOPKINS ST, SAN MARCOS, TX 78666
41477	TARRANT, LINDA LEWIS	P O BOX 199	HUNT, TX 78024-0199	218-220 N LBJ DR, SAN MARCOS, TX 78666
41510	TEXAS STATE UNIVERSITY	601 UNIVERSITY DR	SAN MARCOS, TX 78666	231 N GUADALUPE ST, SAN MARCOS, TX 78666
41621	TEXAS STATE UNIVERSITY-SAN MARCOS	601 UNIVERSITY DR	SAN MARCOS, TX 78666-4684	E HUTCHISON ST, SAN MARCOS, TX 78666
41474	TWMJ INTEREST LLC	811 ALTO ST	SAN MARCOS, TX 78666-3252	226 N LBJ DR, SAN MARCOS, TX 78666
	Neighborhood Commissioner Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	

OCCUPANCY LOAD

INTERIOR FINISH-OUT CONSTRUCTION

Assembly-Unconcentrated (Tables & Chairs)
 $155/15 = 10.33 =$ **11 Occupants**

Assembly (Fixed Seating)
 $82 =$ **82 Occupants**

Assembly (Standing Spae)
 $0/5 = 0 =$ **0 Occupants**

Working Area (Preparation Area)
 $219/100 = 2.19 =$ **3 Occupants**

Accessory Storage Areas:
 $303/300 = 1.01 =$ **2 Occupants**

Total Occupant Load: 98 Occupants

OCCUPANCY LOAD

EXTERIOR FINISH-OUT CONSTRUCTION

Assembly (Fixed Seating)
 $10 =$ **10 Occupants**

Total Occupant Load: 10 Occupants

AMERICANS WITH DISABILITIES ACT (ADA)

221 Assembly Areas



221.1 General. Assembly areas shall provide wheelchair spaces, companion seats, and designated aisle seats complying with 221 and 802. In addition, lawn seating shall comply with 221.5. See additional requirements at 28 CFR 35.151(g) and 28 CFR 36.406(f).

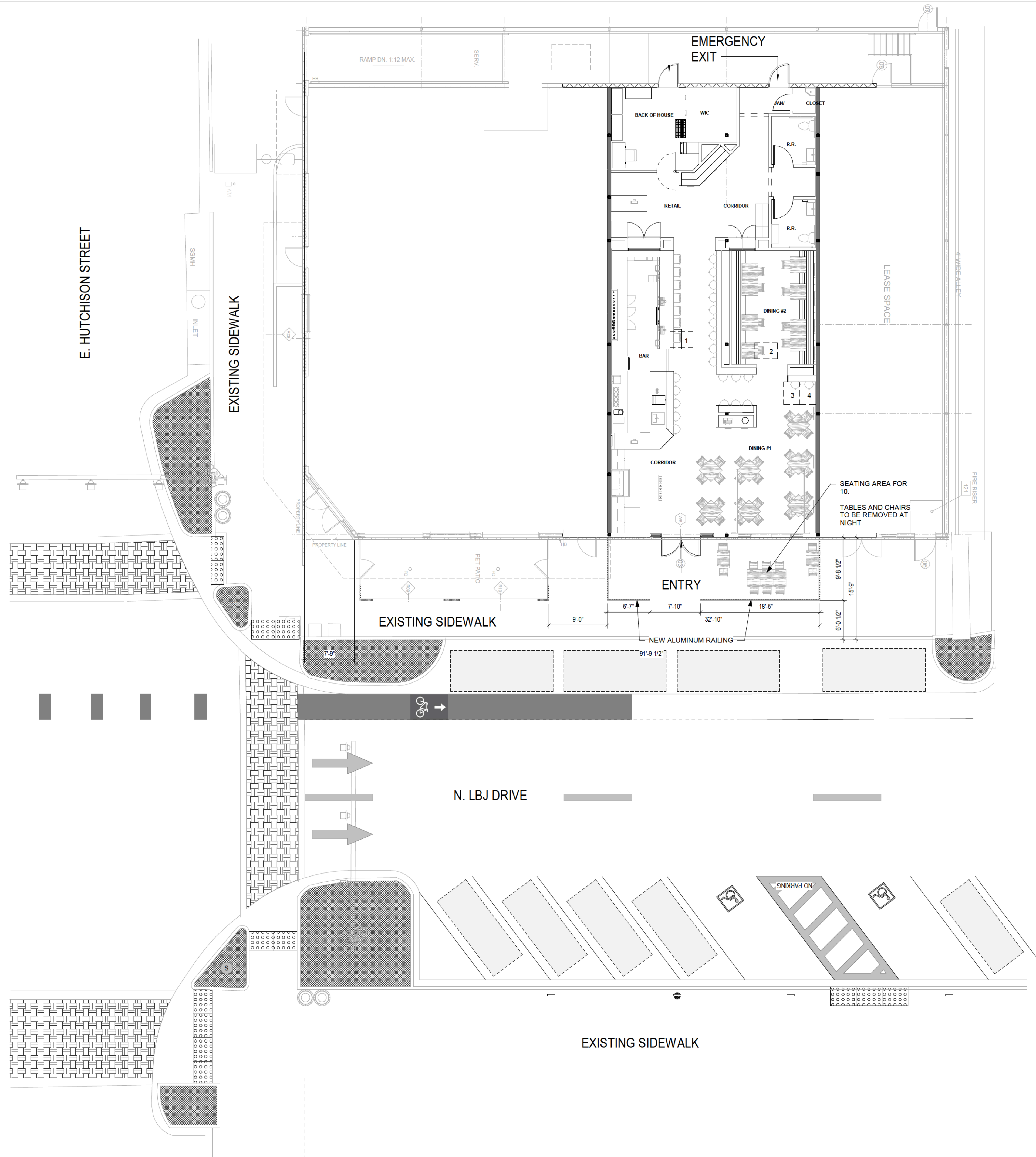
221.2 Wheelchair Spaces. Wheelchair spaces complying with 221.2 shall be provided in assembly areas with fixed seating.

221.2.1 Number and Location. Wheelchair spaces shall be provided complying with 221.2.1.

221.2.1.1 General Seating. Wheelchair spaces complying with 802.1 shall be provided in accordance with Table 221.2.1.1.

Table 221.2.1. Number of Wheelchair Spaces in Assembly Areas

Number of Seats	Minimum Number of Required Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 150	4
151 to 300	5
301 to 500	6
501 to 5000	6, plus 1 for each 150, or fraction thereof, between 501 through 5000
5001 and over	36, plus 1 for each 200, or fraction thereof, over 5000



1 SITE PLAN AREA
 1/8" = 1'-0"



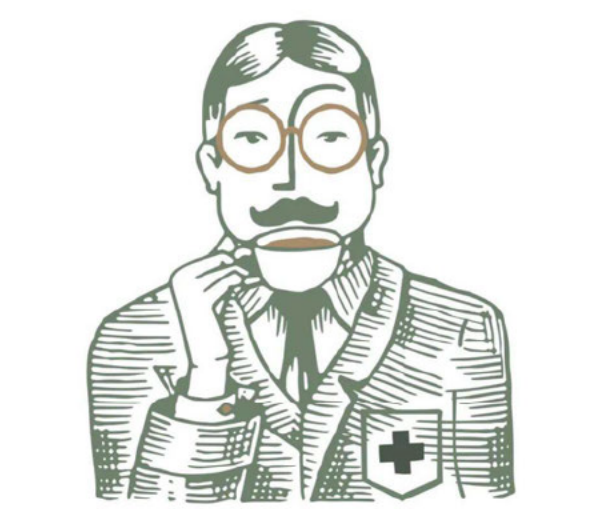
THIS DRAWING IS AN INSTRUMENT OF SERVICE AND SHALL REMAIN THE PROPERTY OF MAYU GROUP, LLC, WHETHER THE PROJECT FOR WHICH IT IS INTENDED IS CONSTRUCTED OR NOT. THIS DRAWING AND THE CONCEPTS AND IDEAS CONTAINED HEREIN SHALL NOT BE USED, COPIED OR RETAINED WITHOUT THE EXPRESS WRITTEN APPROVAL OF MAYU GROUP, LLC.

SUBMISSION OR DISTRIBUTION OF THIS DRAWING TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF ANY OF THE RIGHTS OF MAYU GROUP LLC. ANY ABRIDGEMENT OR VIOLATION OF THE RIGHTS OF MAYU GROUP SHALL BE PROSECUTED TO THE FULLEST EXTENT POSSIBLE UNDER THE LAW.

WARNING: ALL MAYU-GROUP LLC PLANS ARE COPYRIGHTED AND MAY NOT BE USED BY OTHER IN WHOLE OR IN PART.

PROJECT:
ARCHIES SAN MARCOS

301 N. LBJ DR. STE 119,
 SAN MARCOS, TEXAS 78666



CONTRACT DOCUMENTS

No.	Description	Date
2	CITY COMMENTS	04/15/2024

EXISTING SITE PLAN

A100

DRAWN BY: JY Project No. 23026
 REVIEWED BY: EP
 DATE: 02/23/2024

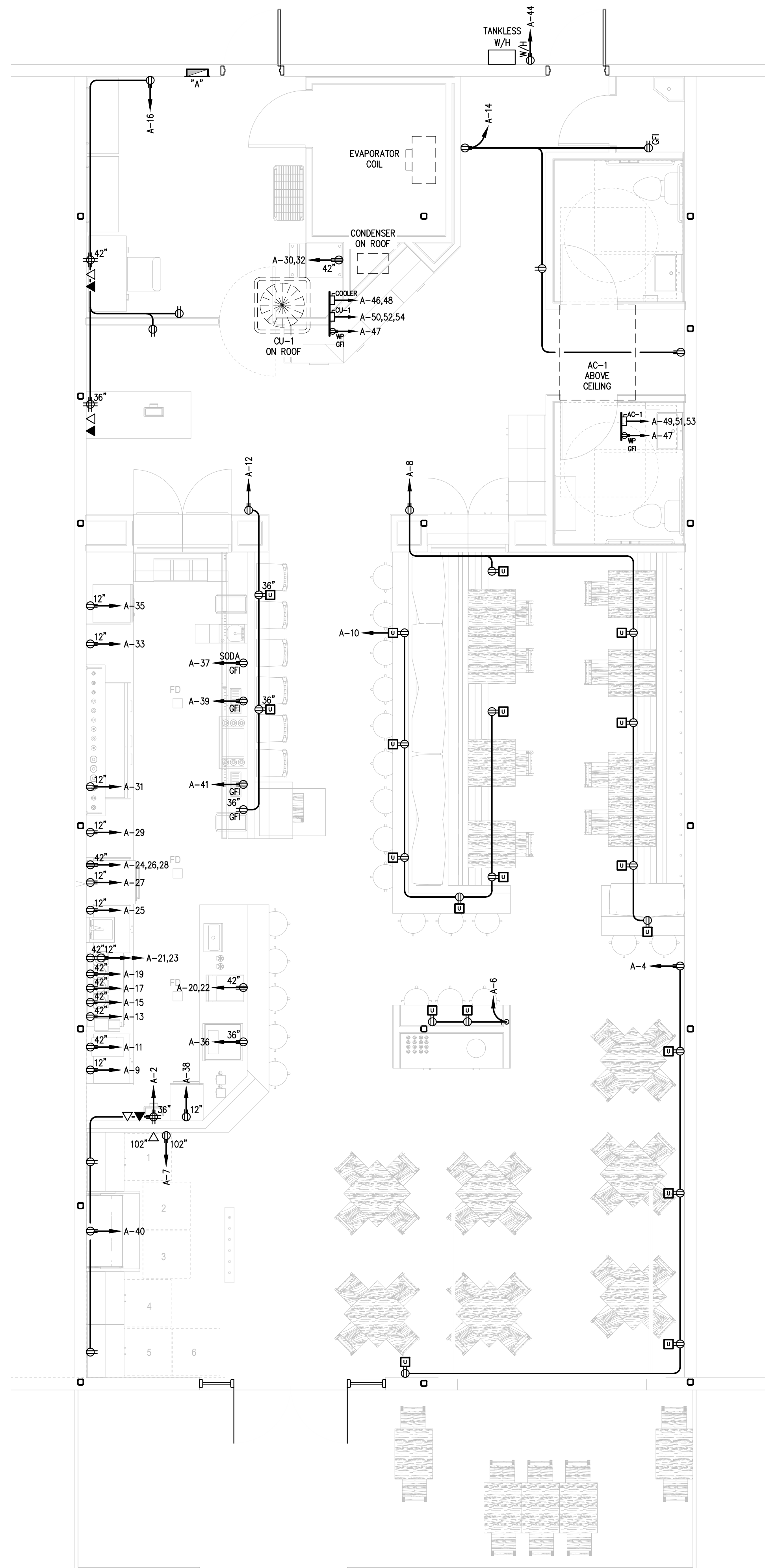
ELECTRICAL SPECIFICATIONS

- ELECTRICAL WORK INCLUDES LIGHTING FIXTURES, CONNECTIONS TO NEW EQUIPMENT AND TO OWNER FURNISHED EQUIPMENT, ELECTRICAL CONNECTION TO HEATING, VENTILATING, AND AIR CONDITIONING EQUIPMENT, SWITCHES, CONVENIENCE OUTLETS, WIRING AND CONDUIT, EMERGENCY SYSTEMS, EMPTY CONDUIT SYSTEMS, AND ALL OTHER LABOR, SUPPLIES, MATERIALS, AND HARDWARE REQUIRED TO PROVIDE A COMPLETE AND FINISHED INSTALLATION. THE ELECTRICAL CONTRACTOR SHALL PROVIDE TEMPORARY ELECTRICAL SERVICE TO THE PROJECT DURING CONSTRUCTION.
- SERVICE TO THE PROJECT SHALL BE BY MEANS OF A NEW 120-208 VOLT, THREE PHASE, FOUR-WIRE SERVICE.
- THE CONTRACTOR SHALL COORDINATE THE LOCATION OF ALL OUTLETS WITH THE OWNER.
- ALL POWER WIRING SYSTEMS SHALL BE INSTALLED IN CONDUIT. CONDUIT SHALL BE RUN CONCEALED WHERE POSSIBLE; THE OWNER SHALL BE CONSULTED PRIOR TO INSTALLATION OF ANY CONDUIT THAT WILL BE EXPOSED TO PUBLIC VIEW AT THE COMPLETION OF THE PROJECT. LOW VOLTAGE SYSTEMS, SUCH AS THERMOSTAT WIRING, MAY BE INSTALLED WITHOUT CONDUIT IF PLENUM-GRADE CONDUCTOR IS UTILIZED. CONDUIT TYPES ARE AS FOLLOWS:
 - CONDUIT 2-1/2" AND LARGER -- INTERMEDIATE METAL CONDUIT
 - CONDUIT 2" AND SMALLER -- ELECTRICAL METALLIC TUBING
 - CONNECTIONS TO MOTORS AND EQUIPMENT -- FLEXIBLE METAL CONDUIT (GREENFIELD) FLEXIBLE METAL CONDUIT MAY BE USED WITHIN WALLS AS PERMITTED BY CITY CODE.
 - ELECTRICAL NONMETALLIC TUBING (ENT MAY BE USED IN APPLICATIONS WHERE PERMITTED BY CODE AND BY THE CITY.
- CONDUIT AND FITTINGS MUST CONFORM TO ASA STANDARDS, AND CONDUIT SIZE SHALL CONFORM TO NATIONAL ELECTRICAL CODE REQUIREMENTS FOR NUMBERS OF CONDUCTORS.
- ALL WIRE AND CABLE SHALL BE COPPER WIRE CONFORMING TO ARTICLE 310 OF THE NATIONAL ELECTRICAL CODE FOR 600 VOLT WIRE. MINIMUM POWER WIRE SIZE SHALL BE #12. ALL CONDUCTORS #8 AWG AND LARGER SHALL BE STRANDED. INSULATION SHALL BE THW OR THHN. WIRE SIZE SHALL BE INCREASED TO COMPENSATE FOR VOLTAGE DROP AS DISTANCE INCREASES; VOLTAGE DROP SHALL NOT EXCEED FIVE PERCENT.
- ALL SPLICES SHALL BE MADE IN ACCESSIBLE JUNCTION BOXES OR OUTLET BOXES SIZED IN ACCORDANCE WITH NEC REQUIREMENTS FOR THE NUMBER AND SIZE OF CONDUCTORS. SPLICES SHALL BE MADE WITH "SCOTCHLOK" OR EQUAL CONNECTORS SIZED FOR THE CONDUCTORS SERVED.
- LIGHTING FIXTURES, MOTORS, SAFETY SWITCHES, PANELBOARDS, AND OUTLETS SHALL BE GROUNDED USING A GREEN WIRE GROUNDING SYSTEM. ALL METALLIC CONDUIT SHALL BE BONDED TO THE GROUND.
- POWER PANELS USED FOR BRANCH CIRCUIT LIGHTING AND POWER LOADS SHALL BE LOAD CENTER CONSTRUCTION WITH THERMAL AND MAGNETIC TYPE CIRCUIT BREAKERS IN THE RATINGS SCHEDULED. PANELS SHALL BE PROVIDED WITH CONCEALED HINGES AND TRIM. ALL CIRCUITS SHALL BE IDENTIFIED BY MEANS OF TYPEWRITTEN INDEX CARDS MOUNTED ON THE INTERIOR OF THE DOORS. CIRCUIT DESIGNATIONS SHALL INCLUDE ROOM NUMBERS. PANELS SHALL BE GENERAL ELECTRIC OR EQUAL.
- SWITCHES AND RECEPTACLES SHALL BE AS FOLLOWS:
 - SINGLE-POLE SWITCHES: LEVITON 1243-W
 - THREE-WAY SWITCHES: LEVITON 1244-W
 - CONVENIENCE OUTLETS: LEVITON 5014-SP
 - GROUND-FAULT INTERRUPTERS: LEVITON 012-8599-COW
 HEAVY-DUTY OUTLETS SHALL BE AS NOTED ON THE DRAWINGS OR AS REQUIRED FOR THE APPLIANCE BEING CONNECTED. ALL SWITCHES AND OUTLETS SHALL BE PROVIDED WITH SIERRA PLASTIC SMOOTH PATTERN PLATES. PROVIDE APPROPRIATE PLATES FOR COAXIAL CABLE AND TELEPHONE OUTLETS. SWITCHES SHALL BE MOUNTED TO CONFORM TO ADA REQUIREMENTS. ALL OUTLETS IN AREAS OUTLINED IN NEC 2020 406.12 MUST BE TAMPER-RESISTANT.
- LIGHTING FIXTURES AS SCHEDULED SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. ALL FLUORESCENT FIXTURES SHALL BE PROVIDED WITH CLASS "P" TYPE CBM BALLASTS HAVING AN "A" SOUND RATING.
- THE ELECTRICAL CONTRACTOR SHALL MAKE ALL FINAL CONNECTIONS TO ALL ITEMS OF EQUIPMENT REQUIRING POWER. FOR EQUIPMENT CONNECTED BY CORD-AND-PLUG, FURNISH AND INSTALL PROPERLY SIZED CORDS, PLUGS, AND CAPS.
- AFTER ALL EQUIPMENT IS INSTALLED, TEST THE ENTIRE SYSTEM TO VERIFY THAT EACH CIRCUIT IS FREE OF SHORT CIRCUITS OR POINTS OF EXCESSIVE RESISTANCE.

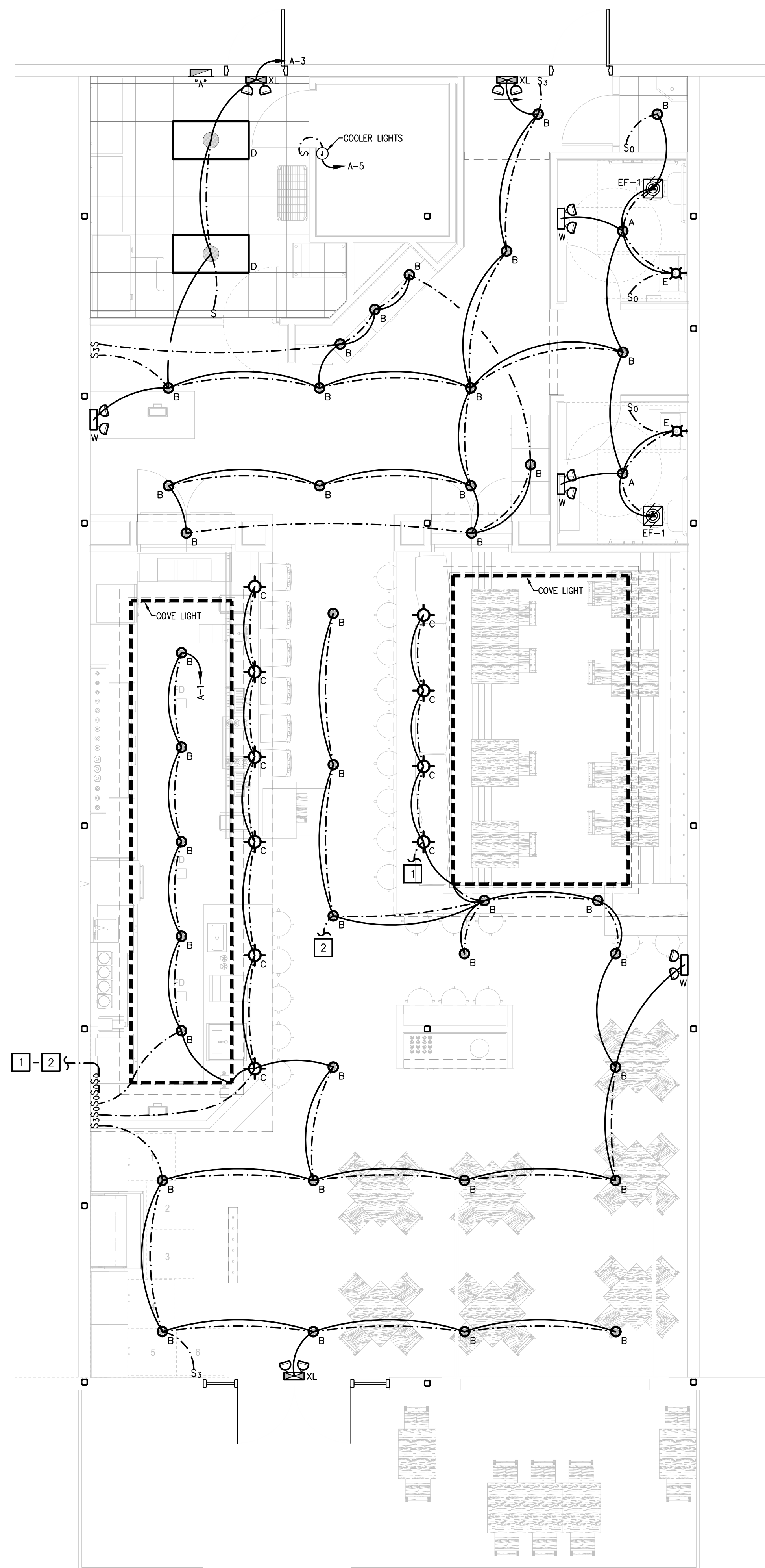
SYMBOLS SCHEDULE

SYMBOL	DESCRIPTION
	FLUORESCENT LIGHTING FIXTURE, TO REMAIN.
	FLUORESCENT LIGHTING FIXTURE, TO BE RELOCATED.
	FLUORESCENT LIGHTING FIXTURE, RECESSED, RELOCATED OR NEW
	PENDANT LIGHT
	WALL MOUNTED COMPACT FLUORESCENT FIXTURE
	EXIT SIGN.
	EMERGENCY LIGHT WITH SELF-CONTAINED BATTERY.
	TELEPHONE OUTLET.
	DATA OUTLET.
	SINGLE POLE SWITCH, 20A, MTD AT 48" A.F.F. UNLESS NOTED.
	OCCUPANCY SENSOR W/ MANUAL CONTROL, 20A, MTD AT 48" A.F.F. UNLESS NOTED
	OCCUPANCY SENSOR, 20A, CEILING MOUNTED
	3-WAY SWITCH, 20A, MTD AT 48" A.F.F. UNLESS NOTED.
	DUPLEX RECEPTACLE 20 AMP, 125 VOLT, 2 POLE, 3 WIRE, GROUNDING TYPE.
	DUPLEX RECEPTACLE, 20 AMP, GROUNDING TYPE WEATHER PROOF.
	DUPLEX RECEPTACLE, 20 AMP GROUNDING TYPE, MOUNTED AT 18" A.F.F. BOTTOM HALF SWITCHED.
	TAMPER RESISTANT DUPLEX RECEPTACLE 20 AMP, 125 VOLT, 2 POLE, 3 WIRE, GROUNDING TYPE.
	QUADPLEX RECEPTACLE, 20 AMP, 125 VOLT, 2 POLE, 3WIRE, GROUNDING TYPE.
	20 AMP, 250 VOLT 10 GROUNDED RECEPTACLE.
	PANELBOARD. SEE SCHEDULES.
	SAFETY SWITCH NON-FUSED, WP INDICATES NEMA 3R.
	EXHAUST FAN.
	MOTOR OUTLET.

NOTES:
BATTERY BACK UP IN EMERGENCY FIXTURES SHALL HAVE A 90 MINUTE MINIMUM RUN TIME IN CASE OF PRIMARY POWER FAILURE.



1 POWER PLAN
SCALE: 1/4"=1'-0"

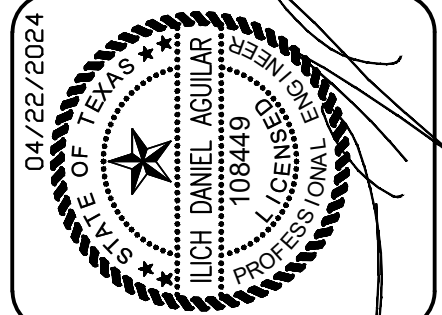


2 LIGHTING PLAN
SCALE: 1/4"=1'-0"

REVISIONS:	DESCRIPTION:
NO. DATE	MECHANICAL R/F#
04/22/2024	

PHONE: 210.462.9334
www.bexar.com

ENGINEERS | ASSOCIATES
4703 SHAWANO OAK | STE. 100 | SAN ANTONIO | TEXAS 78238



LIGHTING / POWER PLAN
ARCHIES SAN MARCOS
FIRST TIME FINISH-OUT
301 N. LBJ DRIVE
SAN MARCOS, TEXAS 78666

DESIGN	RJL
DRAWN	SL
CHECKED	DA
DATE	
JOB NO.	2401753

SHEET
E-1
1 OF 2

COFFEE (HOT OR ICED)

house coffee	3.00
americano	3.25
double espresso	3.00
latte	4.25
latte + flavor	5.25
cappuccino (8oz)	4.00
nitro cold brew	5.00

BLEND

vanilla	5.49
mocha	5.49
matcha	5.49
caramel	5.49

FLAVORS

vanilla • sf vanilla • caramel
 lavender • rose • white mocha
 hazelnut • mocha • honey-lavender
 seasonal

**top with sweet cream cold foam (any flavor) 1.00*

ESTD.



2021

ARCHIES

FINE COFFEE & CBD

TEA (HOT OR ICED)

all teas	3.25
chamomile	
peppermint	
english breakfast	
earl grey	
green sencha	
dandelion	

HOUSE FAVORITES

chai	4.49
london fog	4.25
matcha	5.25
smoothie (mango or strawberry)	4.25
chocolate milk (hot or cold)	3.25

MILK SUBSTITUTES

oat or almond	1.00
---------------	------

**all drinks made with whole milk*

PLANT BASED ENERGY DRINKS

Natural caffeine

16oz: 5.25 24oz: 6.25

32oz 7.25

blue lightning (Light available)

sour diesel

purple haze

platinum og

maui mango

prickly pear

pinkleberry (SF)

WELLNESS ENHANCERS

CBD dose - 10mg	1.00	immune booster	2.00
THC dose - 2.5mg	2.50	local allergen shot	2.00
power up (caffeine)	1.00	collagen peptides	1.00

House Signature Drinks

All Signature drinks 5.25 * 12oz hot & 16oz iced

Mr. Chagaccino

HOT OR ICED

Made with the Chaga Mushroom, espresso, cacao, vanilla, cinnamon and sweetened with monk fruit.

The Swanky

HOT OR ICED

Mocha, Hazelnut and Caramel latte with a caramel drizzle on top. Your choice of dairy.

Ms. Horchata

House Made Horchata mixed with cold brew, poured over ice. Your choice of dairy.

The Whimsey

Cold brew, salted caramel & brown sugar with a sweet cream foam & caramel drizzle.

Blue Lightning

Our most popular Lotus energy drink!

Iced Blue Lemonade with 80mg of natural caffeine. Organic and packed with antioxidants.

The Gold Digger

HOT OR ICED

Our Cinna toast latte flavored with cinnamon and white chocolate. Your choice of dairy.

Feeling adventurous? Ask the barista for the barista's choice!
Don't forget your CBD! * We also have a cocktail espresso menu!



ARCHIES

FINE COFFEE

EARLY EATS

Breakfast served from 7am-11am

QUICHE ... \$5.50

Your choice of bacon and cheese or veggie.

BACON, EGG & CHEESE CROISSANT-WICH ... \$7.25

Crispy bacon and scrambled egg topped with cheddar, sandwiched between a flaky croissant.

PROSCIUTTO, EGG & CHEESE SANDWICH ... \$7.25

Layers of prosciutto, scrambled egg, and melted cheddar, sandwiched between a English muffin.

LA LUCHA TACO... \$4.00

Soy chorizo, seasoned potatoes, vegan egg & cheese

LA MACHA TACO... \$4.00

Jackfruit machacado, pico de gallo, & vegan egg scramble

LUNCHTIME TREATS

Lunch served 11am - 3pm

TOMATO & BASIL ON FOCACCIA ... \$6.50

TURKEY HAVARTI SANDWHICH... \$7.25

TENDER turkey slices and creamy Havarti cheese, layered between two slices of fresh wheat bread.

HAM & CHEESE ... \$6.50

Your choice of brioche or croissant.

SIDES

FRUIT CUP ... \$3.50

ASSORTED MISS VICKIE'S CHIPS ... \$2.00



TEXAS ALCOHOLIC BEVERAGE COMMISSION

MB -200157802

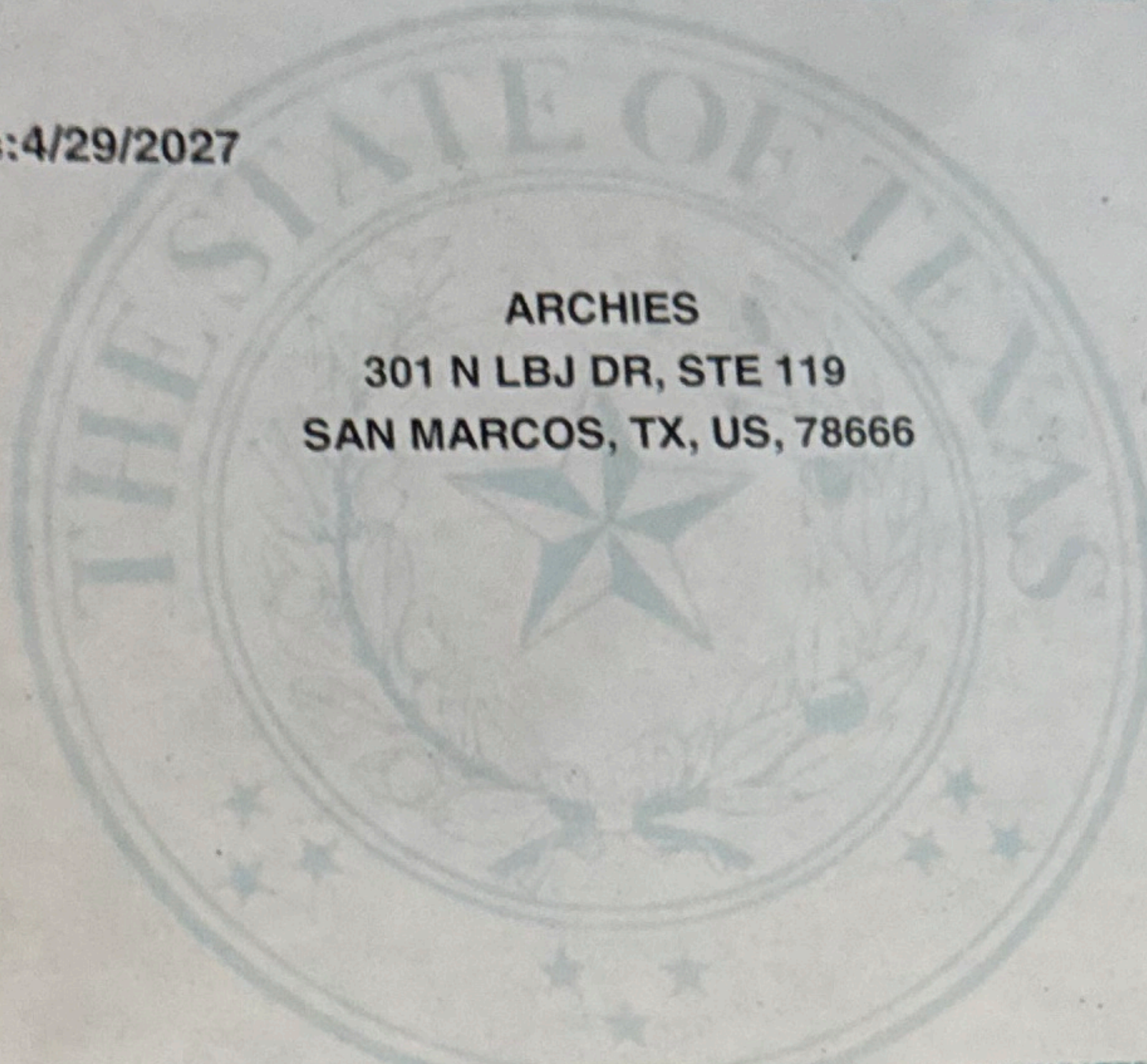
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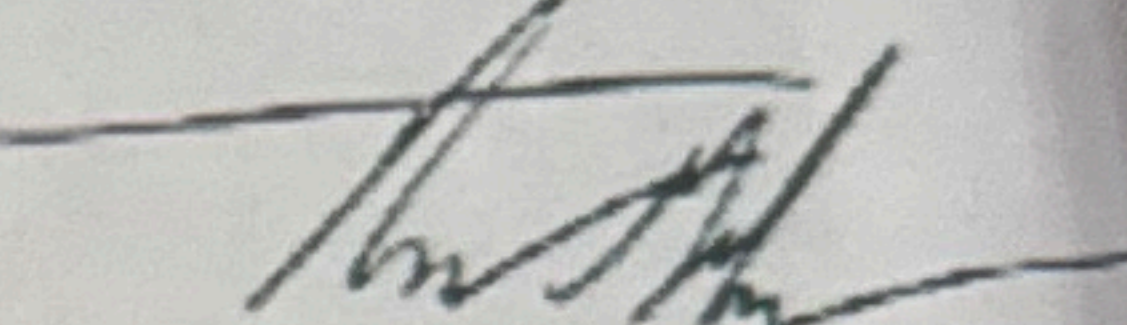
MIXED BEVERAGE PERMIT (MB)



ARCHIES
301 N LBJ DR, STE 119
SAN MARCOS, TX, US, 78666

STRUCTURE SAN MARCOS, LLC




EXECUTIVE DIRECTOR

PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN CBA)

Updated: August, 2023

CONTACT INFORMATION



Applicant's Name	Ryan Bunger	Property Owner	Allen Shy
Company	Structure San Marcos	Company	Shypenn LTD
Applicant's Mailing Address	[REDACTED]	Owner's Mailing Address	[REDACTED]
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address: 301 N LBJ Dr, San Marcos TX, 78666

Zoning District: Retail Tax ID #: R 168257
 Legal Description: Lot 1 Block _____ Subdivision Shypenn 1

Number of Parking Spaces: 1

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

DESCRIPTION OF REQUEST

Business Name: Archies Fine Coffee Restaurant Bar Other: Coffee Shop

NEW RENEWAL/AMENDMENT Mixed Beverage Beer & Wine Late Hours

Hours of Operation(ex. Mon 12pm-1am): Mon 6am-12am Tue 6am-12am Wed 6am-12am
 Thurs 6 a m - 1 2 a m Fri 6 a m - 1 2 a m Sat 6am-12am Sun 6am-12am

Indoor Seating Capacity: 7 8 Outdoor Seating Capacity: 10 Gross Floor Area: 2 2 6 2 s q _ f t

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, Allen Shy (owner name) on behalf of

Shypenn LTD (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at
301 N. LBJ Drive San Marcos, Tx 78666 (address).

I hereby authorize RyanBunger (agent name) on behalf of
Structure San Marcos LLC

(agent company) to file this application for
Conditional Use Permit

(application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 3-25-2026

Printed Name, Title: Allen Shy, Partner

Signature of Agent:  Date: 3-25-2026

Printed Name, Title: Ryan Bunger

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 ~~the area of the property, in accordance with the City Code and the Texas Local Government Code.~~ **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: Allen Shy

Date: 3-25-2026

Allen Shy

Print Name: _____

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.



Public Hearing

CUP-26-21

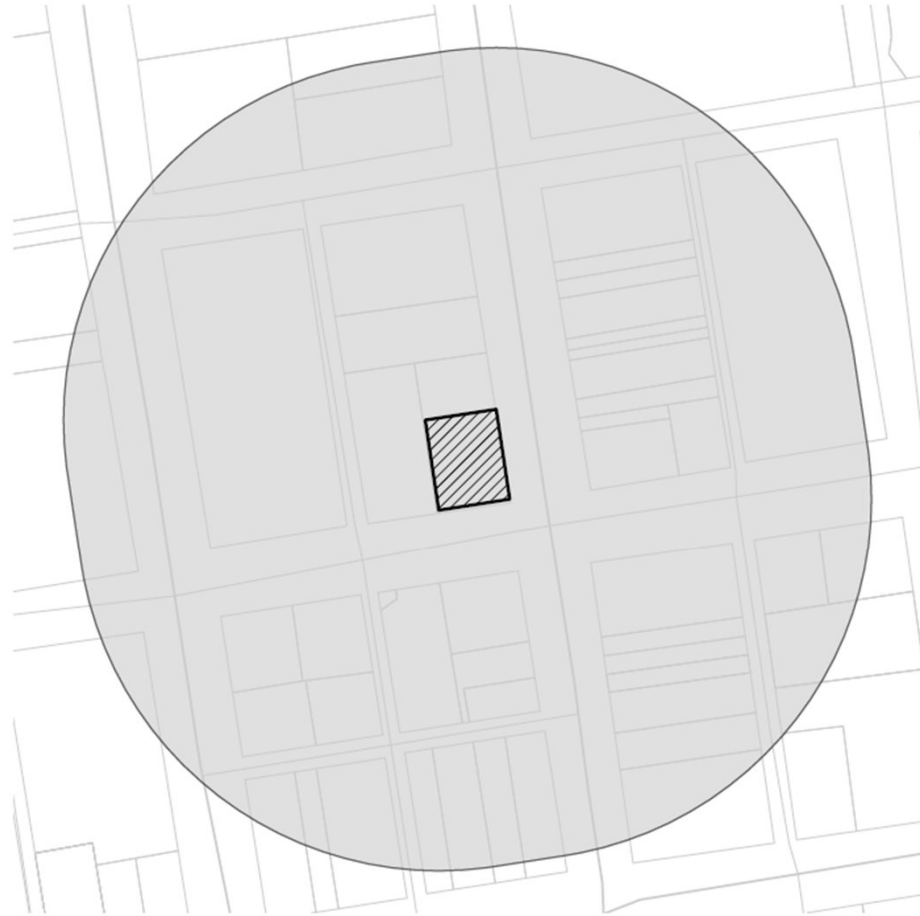
Archies

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)



Property Information

- Approximately 0.182 acres
- Location: Northwest corner of Hutchison St & N LBJ Dr



- Subject Property
- 400ft Buffer
- Parcel



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: 4/17/2026

SAN MARCOS Planning and Development Services



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Context & History

- Currently a Restaurant (Eating Establishment) with on-premise consumption of alcohol.
- Located within the Central Business Area (CBA)
 - “Restaurant (Eating Establishment)” uses within the CBA are required to meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.
- The business has held a Restaurant CUP since 2024.
- Surrounding Uses:
 - Personal Service
 - Retail
 - Bars & Restaurants



Context & History

- **Existing Zoning:** Character District 5 Downtown (CD-5D)
- **Proposed Use:** Restaurant (Eating Establishment) with On-Premise Consumption of Alcohol
 - Hours of Operation:
 - Monday-Sunday: 6am-12am
- **CUP Expiration Date:** December 31, 2025
- **Police Calls:** None





Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
<u>X</u>			Aligns with the adopted comprehensive plan?
<u>X</u>			Complies with any applicable small area plan or neighborhood studies?
<u>X</u>			Meets the purpose and intent of the current zoning district regulations?
		<u>X</u>	Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
<u>X</u>			Does not create hazardous pedestrian or vehicle traffic conflicts?
		<u>X</u>	Includes roadway improvements or controls to reduce neighborhood traffic impacts?



Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		<u>X</u>	Incorporates design features to reduce visual and other negative effects on adjacent properties?
<u>X</u>			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
<u>X</u>			Located at least 300 feet from detached single-family homes in single-family-only districts?
<u>X</u>			Located at least 300 feet from churches, schools, and public hospitals?
<u>X</u>			Located at least 1,000 feet from any public or private school?

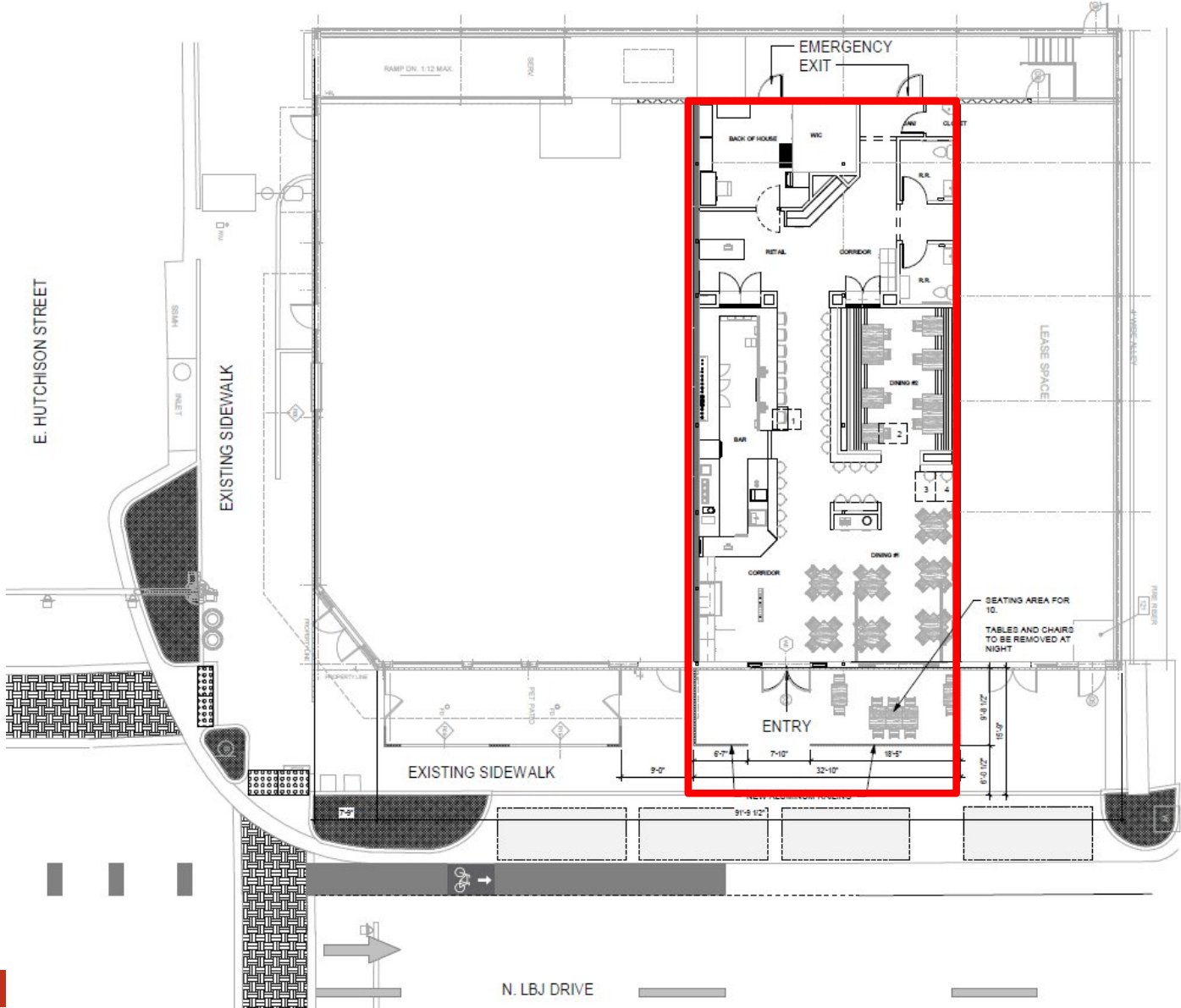


Criteria for Eating Establishments within CBA

C	I	N	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
<u>X</u>			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
<u>X</u>			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
<u>X</u>			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
<u>X</u>			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

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Site Plan



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Recommendation

Staff recommends **approval** of CUP-26-21 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;

Continued...

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Recommendation Continued

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;
10. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
11. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



Legislation Text

File #: CUP-26-24, **Version:** 1

AGENDA CAPTION:

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)

Meeting date: May 12, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A

Account or Project Number (C = CIP funds): N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative:

N/A

N/A

N/A

Comprehensive Plan Element (s):

- Arts and Culture - Choose an item.
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Housing + Neighborhoods - Choose an item.
- Land Use + Community Design and Character - Choose an item.
- Parks & Public Spaces + Health, Safety & Wellness - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan:

Choose an item.

Background Information:

This location has formerly been multiple businesses including Louie's Oyster House & Beer Garden and Bull Daddies, all of which have held a Restaurant CUP with the sale of mixed beverages and a late-hour TABC permit. The most recent business at this location, Bull Daddies received a Restaurant CUP for Mixed Beverages in 2021. The business permanently closed in December of 2025.

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-24 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.

Conditional Use Permit CUP-26-24	119 E Hutchison St Southbound Social
---------------------------------------------	-------------------------------------------------



Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Dylan Wild 3890 Hunter Rd New Braunfels, TX 78132	Property Owner:	Allen Shy 2686 Black Bear Dr New Braunfels, TX 78132
CUP Expiration:	N/A	Type of CUP:	CBA Restaurant Mixed Beverage
Interior Floor Area:	2,325 sq ft	Outdoor Floor Area:	5,175 sq ft
Parking Required:	N/A	Parking Provided:	N/A
Days & Hours of Operation:	Monday: Closed Tuesday & Wednesday: 4pm-2am Thursday: 3pm-2am Friday: 2pm-2am Saturday & Sunday: 12pm-2am		

Notification

Posted:	April 24, 2026	Personal:	April 24, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot W ½ of 1-2, Block 24 in the Original Town of San Marcos		
Location:	Approximately 80 feet West from the corner of N LBJ Dr and E Hutchison St		
Acreage:	0.304 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (CBA)	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes, Medium Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District-5 Downtown (CD-5D)	Restaurant & Retail (Domino's Pizza, Fat Shack, Marvelous Smoke, Skip's Beer Wine & Liquor)	Mixed Use Medium
South of Property:	Public and Institutional (P)	Civic (Fire Station #1)	Mixed Use Medium
East of Property:	Character District-5 Downtown (CD-5D)	Bar (Blind Salamander)	Mixed Use Medium
West of Property:	Character District-5 Downtown (CD-5D)	Vacant (Parking Lot)	Mixed Use Medium

Conditional Use Permit	119 E Hutchison St
CUP-26-24	Southbound Social



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> 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. 		
Staff: Kaitlyn Buck	Title: Planner	Date: May 6, 2026

History

This location has formerly been multiple businesses including Louie’s Oyster House & Beer Garden and Bull Daddies, all of which have held a Restaurant CUP with the sale of mixed beverages and a late-hour TABC permit. The most recent business at this location, Bull Daddies received a Restaurant CUP for Mixed Beverages in 2021. The business permanently closed in December of 2025.

Additional Analysis

Senate Bill 1008 provides provisions on the city’s ability to prohibit amplified sound at a restaurant. Per this bill and staff’s analysis, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Conditional Use Permit CUP-26-24	119 E Hutchison St Southbound Social
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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
<u>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		<u>X</u>	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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i>
<u>X</u>			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.
		<u>X</u>	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. <i>No improvements are being proposed as the subject structure is an existing development.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i>
<u>X</u>			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.
<u>X</u>			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.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.



- Subject Property
- Parcel






Site 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: 4/17/2026



-  Subject Property
-  CD-5D
-  P






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Date: 4/17/2026





-  Subject Property
-  400ft Buffer
-  Parcel



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: 4/17/2026

PLANNING AND DEVELOPMENT SERVICES



04/24/2026

CUP-26-24

**Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
119 E Hutchison St**

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)

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, May 12, 2026**, 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>. 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 more information regarding this request, contact the case manager, **Kaitlyn Buck**, at **512.393.8234** or **kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-24**.

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)

Notification List

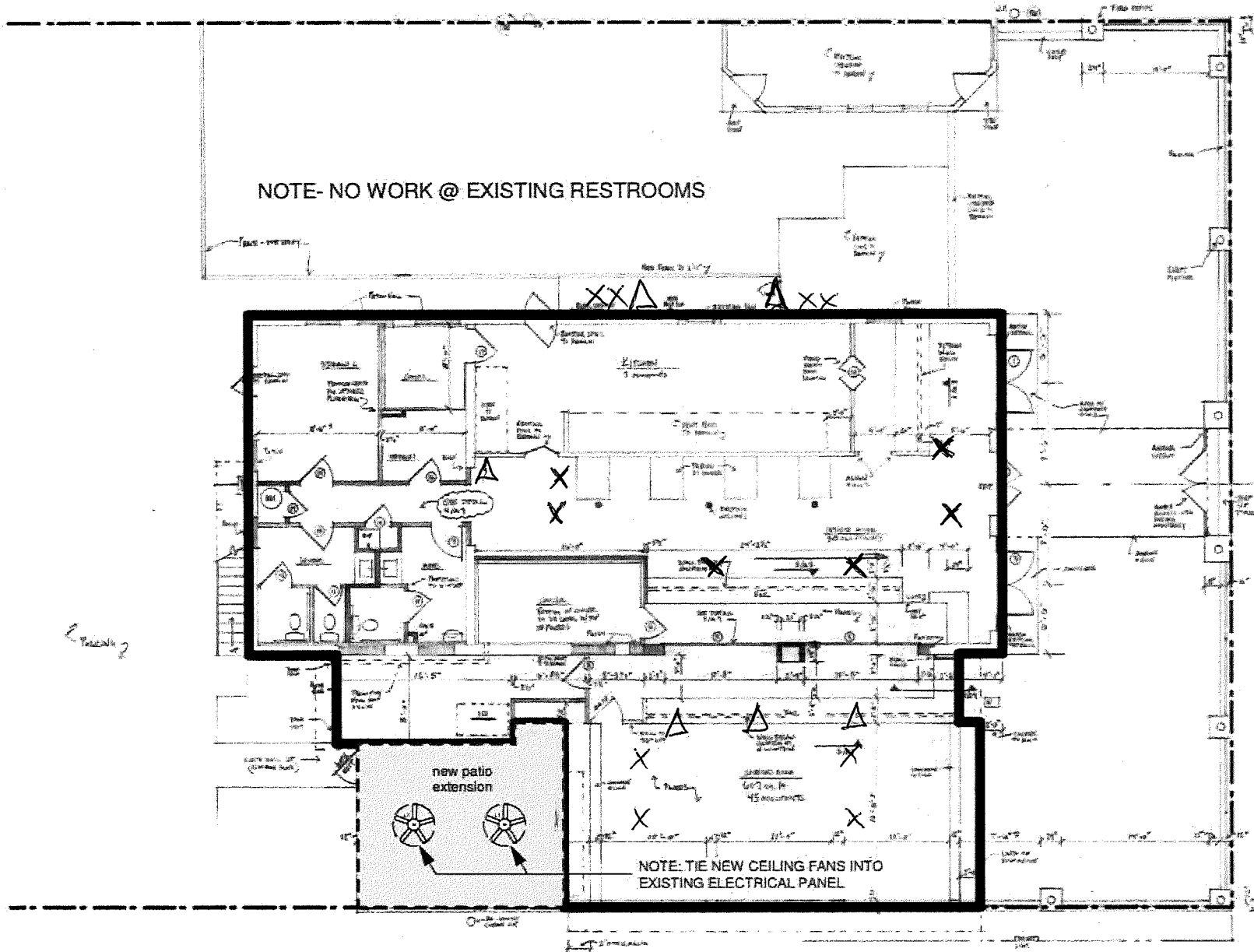
Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
41510	202 NORTH LBJ VENTURE GROUP LP	2606 RANCH ROAD 620 N	AUSTIN, TX 78734-2628	231 N GUADALUPE ST, SAN MARCOS, TX 78666
41630	214HUTCHISON LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	101 E HOPKINS ST, SAN MARCOS, TX 78666
41629	230 N LBJ LLC	912 NARANJO DR	GEORGETOWN, TX 78628	105-107 E HOPKINS ST, SAN MARCOS, TX 78666
41628	318 HOLDINGS LLC	215 N LBJ DR	SAN MARCOS, TX 78666-5621	109-119 E HOPKINS ST, SAN MARCOS, TX 78666
41480	AIKEN, C H	242 WHITNEY RUN	BUDA, TX 78610-3008	202 N LBJ DR, SAN MARCOS, TX 78666
41627	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854	127 E HOPKINS ST, SAN MARCOS, TX 78666
41626	B L SCOFIELD INC	127 E Hopkins ST	San Marcos, TX 78666-5611	129 E HOPKINS ST, SAN MARCOS, TX 78666
41624	CARSON DIVERSIFIED PROPERTIES 3 LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	139 E HOPKINS ST, SAN MARCOS, TX 78666
41625	CARSON FAMILY PROPERTIES	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	145 E HOPKINS ST, SAN MARCOS, TX 78666
41478	CASEY MANAGEMENT TRUST	7801 HEATHERCREST CIRCLE	AUSTIN, TX 78731	212 N LBJ DR, SAN MARCOS, TX 78666
41622	CHAD BACCUS REAL ESTATE II LLC	PO BOX 609	GEORGETOWN, TX 78627	225 N LBJ DR, SAN MARCOS, TX 78666
41479	CHRYSTAL JANAA & TOM	1447 FRIENDLY PATH	NEW BRAUNFELS, TX 78132-4608	214 N LBJ DR, SAN MARCOS, TX 78666
41620	CJJUICE LLC	330 N LBJ DR	SAN MARCOS, TX 78666-5624	235 N LBJ DR, SAN MARCOS, TX 78666
41474	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	226 N LBJ DR, SAN MARCOS, TX 78666

41617	CONDOR RAICES LLC	208 E MIMOSA CIR	SAN MARCOS, TX 78666-3708	242 N GUADALUPE ST, SAN MARCOS, TX 78666
41618	EAST HOPKINS LLC	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733	114 E HUTCHISON ST, SAN MARCOS, TX 78666
41470	FIRST UNITED METHODIST CHURCH OF SAN MARCOS	129 W HUTCHISON ST	SAN MARCOS, TX 78666	209 N EDWARD GARY ST, SAN MARCOS, TX 78666
184588	GOMEZ JESSE G & MARTINA	308 N LBJ DR	SAN MARCOS, TX 78666	E HUTCHISON ST, SAN MARCOS, TX 78666
41623	GREATER TEXAS FEDERAL CREDIT UNION	12544 RIATA VISTA CIR	AUSTIN, TX 78727-6431	237-245 N LBJ DR, SAN MARCOS, TX 78666
41473	GUADALUPE-REAL PROPERTY & INVESTMENTS LLC	15542 BRIARWOOD DR	SHERMAN OAKS, CA 91403-4303	242 LBJ DR, SAN MARCOS, TX 78666
41652	HARTNETT ENTERPRISES SAN MARCOS LLC	2407 BALLANTRAE DR	COLLEYVILLE, TX 76034-5304	300 N LBJ DR, SAN MARCOS, TX 78666
168257	JACK IN THE BOX PROPERTIES LLC	9357 SPECTRUM CENTER BLVD	SAN DIEGO, CA 92123-1444	301 N LBJ DR, STE #119, SAN MARCOS, TX 78666
41651	JG AND EM BURNSIDE LLC	2631 GALWAY CIR	IDAHO FALLS, ID 83404-7392	308 N LBJ DR, SAN MARCOS, TX 78666
41650	KERCHEVILLE A B EST	1133 AUSTIN HWY	SAN ANTONIO, TX 78209-4806	211/215 E HUTCHISON ST, SAN MARCOS, TX 78666
41654	KERCHEVILLE PROPERTIES LLC	PO BOX 711	SAN MARCOS, TX 78666	119 E HUTCHISON ST, SAN MARCOS, TX 78666
41655	KEYSTONE REAL ESTATE INVESTMENT TX LLC	18695 PONY EXPRESS DR, UNIT 1599	PARKER, CO 80134-1564	313/315 N LBJ DR, SAN MARCOS, TX 78666
41647	KND'S BOUTIQUE LLC	312 N LBJ DR	SAN MARCOS, TX 78666	314-316 N LBJ DR, SAN MARCOS, TX 78666
41656	Neighborhood Commissioner Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666	321-323 N LBJ DR, SAN MARCOS, TX 78666
41644	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	326 N LBJ DR, SAN MARCOS, TX 78666
27242	ONIONS R US LLC	710 ARROW POINT DR, UNIT 21	CEDAR PARK, TX 78613-6655	339 N GUADALUPE ST, SAN MARCOS, TX 78666
41645	OS BOBCAT LLC	2420 GARNETFIELD LN	FRIENDSWOOD, TX 77546-4668	328 N LBJ DR, SAN MARCOS, TX 78666

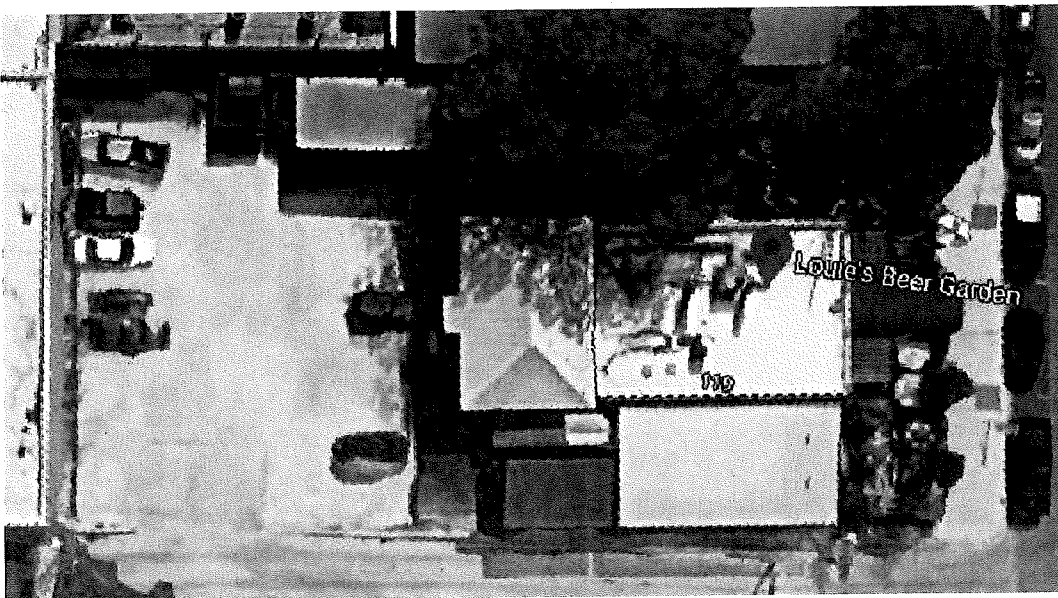
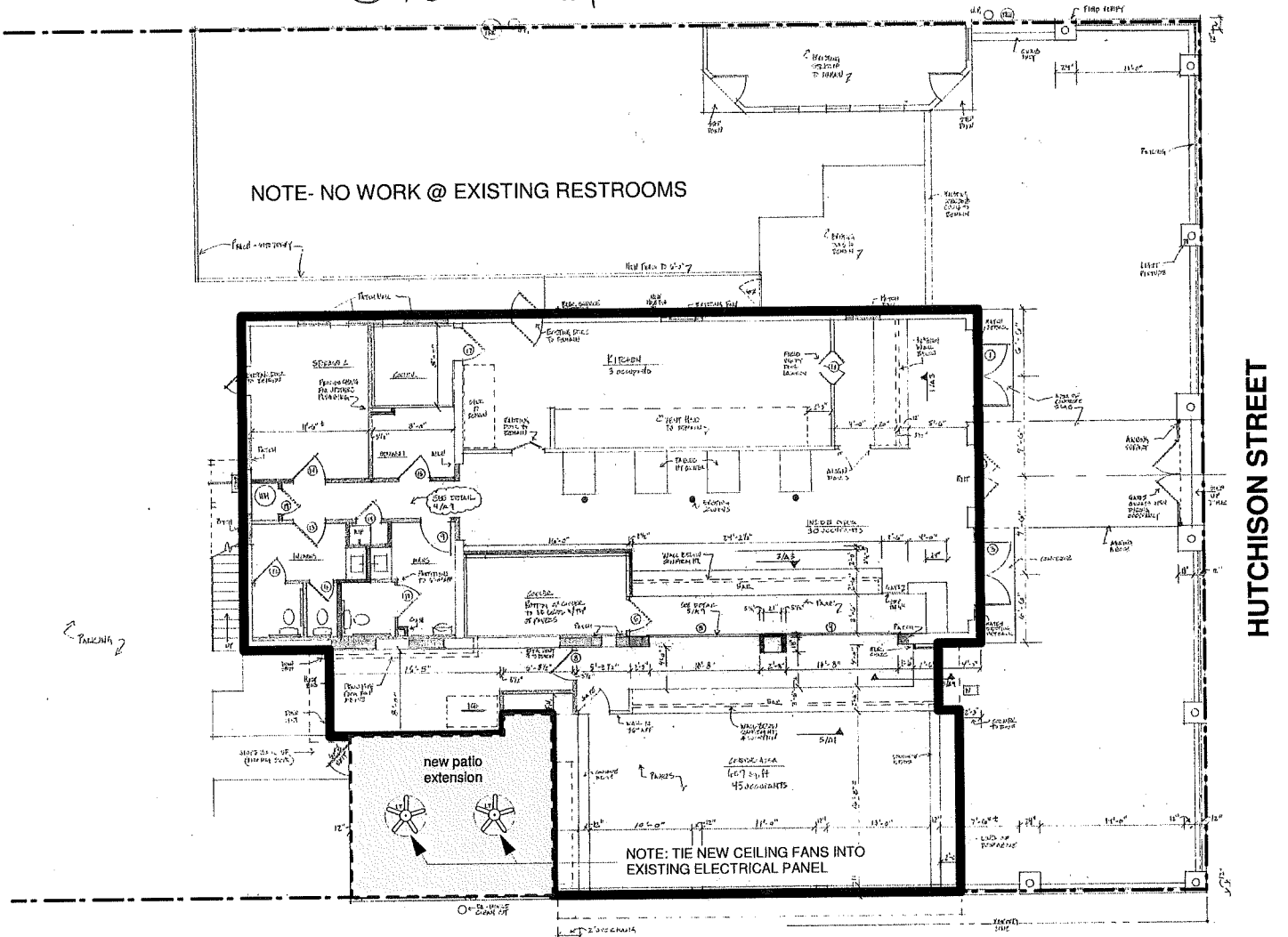
41643	SAN MARCOS COMMUNITY PARTNERS LLC	P O BOX 162304	AUSTIN, TX 78716-2304	330 N LBJ DR, SAN MARCOS, TX 78666
41658	SAYYED INVESTMENTS HOLDINGS INC	2611 MARCUS ABRAMS BLVD	AUSTIN, TX 78748-2954	350 N GUADALUPE ST, SAN MARCOS, TX 78666
41657	SERUR JOHN & JUDITH L LIVING TRUST	14550 NUTTY BROWN RD	AUSTIN, TX 78737-8856	343 N LBJ DR, SAN MARCOS, TX 78666
41642	SERUR TERRY WARREN & GRANBERRY SHERI SERUR	PO BOX 874	SAN MARCOS, TX 78667-0874	202 UNIVERSITY DR, STE #101,103,105, SAN MARCOS, TX 78666
41641	SHOW PLACE CINEMA	1250 WONDER WORLD DR	SAN MARCOS, TX 78666-7530	301 N EDWARD GARY ST, SAN MARCOS, TX 78666
60594	SHYPENN LTD	2686 BLACK BEAR DR	NEW BRAUNFELS, TX 78132-4179	401 N LBJ DR, SAN MARCOS, TX 78666
60592	SLOAN JAMES LLC	139 E HOPKINS ST	SAN MARCOS, TX 78666-5678	101 UNIVERSITY DR, SAN MARCOS, TX 78666
46199	TARRANT, LINDA LEWIS	P O BOX 199	HUNT, TX 78024-0199	403 N GUADALUPE ST, SAN MARCOS, TX 78666
60593	TEXAS STATE UNIVERSITY	601 UNIVERSITY DR	SAN MARCOS, TX 78666	415 N LBJ DR, SAN MARCOS, TX 78666
101562	TEXAS STATE UNIVERSITY-SAN MARCOS	601 UNIVERSITY DR	SAN MARCOS, TX 78666-4684	101 CONCHO ST, SAN MARCOS, TX 78666
41649	TWMJ INTEREST LLC	811 ALTO ST	SAN MARCOS, TX 78666-3252	312 N LBJ DR, SAN MARCOS, TX 78666
	Neighborhood Commissioner Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	

Speakers = X
TV = A

Entertainment Key Southbound Social



Site Plan



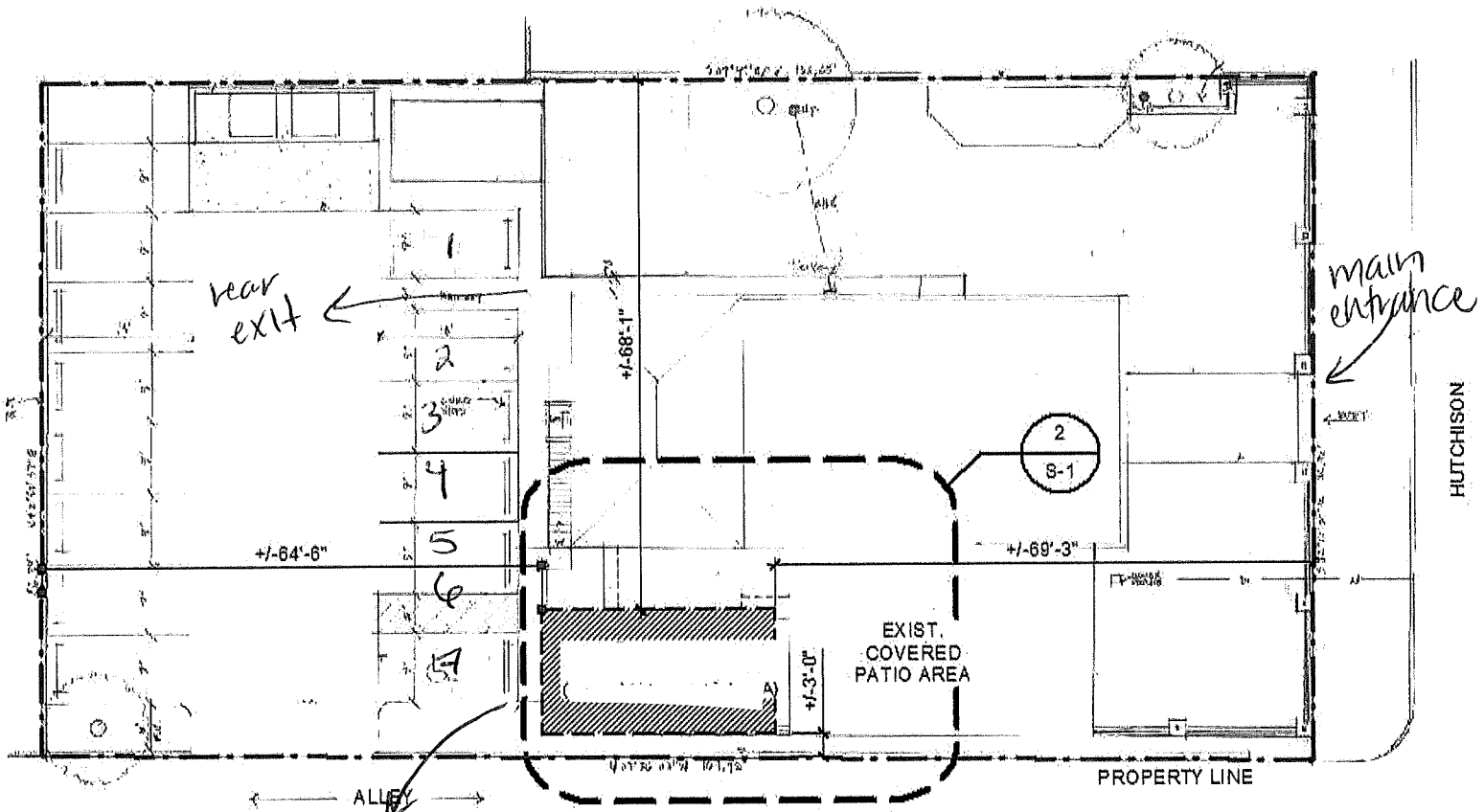
SITE AERIAL- EXISTING
A NEW COVERED PATIO @ LOUIE'S OYSTER BAR



Frank Gammelin

DIGITALLY SIGNED AND
 SEAL ID: 07/07/2021
City Sct 63t

Site Plan

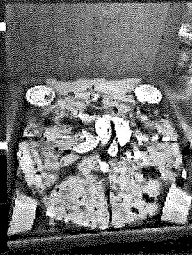


Kitchen
entrance/exit

1 SITE PLAN- EXISTING WITH ADDITION
SCALE: 1"=20'-0"

City Set

BIRRIA PIZZADILLA
BIRRIA PIZZA FILLED W/ OVER A POUND OF BEEF BIRRIA \$30
 CILANTRO, ONIONS ALL COME INSIDE UNLESS REQUESTED ON THE SIDE.
 SALSA, LIMES ARE ON THE SIDE WITH 2 FREE CONSOME



TEJAS FAMILY PLATTER
13 MADE TO ORDER BEEF QUESIBIRRIA TACOS \$45
 (CILANTRO, ONIONS, LIMES & HOMEMADE SALSA ON THE SIDE
 W/ (4 FREE CONSOMES FOR DRINKING, DIPPING, DUNKING).

4 BEEF BIRRIA FLAUTAS FILLED W/ MELTED CHEESE \$12

(SOUR CREAM, CILANTRO, ONIONS, LIMES & HOMEMADE GREEN SALSA ON THE SIDE) W/(1 FREE CONSOME)



TEXAS KIDS \$6
ALL KIDS PLATES COME W/ (2 SIDES & 1 DRINK)

- KIDS FLAUTAS** (4 FLAUTAS FILLED W/ BEEF BIRRIA & MELTED CHEESE) SIDE OF SOUR CREAM
- KIDS QUESADILLA** (8" FLOUR TORTILLA DIPPED IN CONSOME FILLED W/ MELTED CHEESE)
- KIDS GRILLED CHEESE** (TEXAS TACO FILLED W/ BEEF BIRRIA BEEF)
- KIDS QUESITACO** (8" FLOUR TORTILLA FILLED W/ MELTED CHEESE)

A LA CARTE

- QUESIBIRRIA \$4.50**
- BIRRIA TACO (NO CHEESE) \$4**
- 8 OZ CONSOME BROTH \$3**

**ROTATING DRINKS
 &
 AGUAS FRESCAS**

Aguas Frescas

Watermelon
Sandia



Mango



Pina



Melon



Jamaica



Horchata



Strawberry
Fresa



Strawberry & Creme
Fresa con crema



Lime Cucumber
Pepino con limon

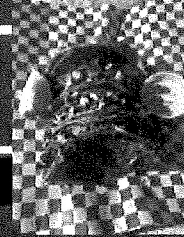


4 BEEF QUESIBIRRIA TACOS FILLED W/ CHEESE \$16

(CILANTRO, ONIONS, LIMES & HOMEMADE SALSA ON THE SIDE) W/(1 FREE CONSOME)

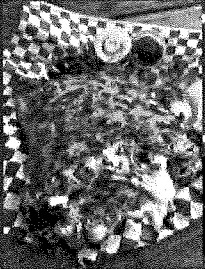
4 BEEF BIRRIA TACOS - NO CHEESE \$14

(CILANTRO, ONIONS, LIMES & HOMEMADE SALSA ON THE SIDE) W/(1 FREE CONSOME)



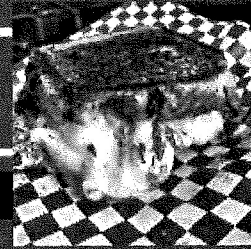
**12" FLOUR DOUBLE STACKED BEEF BIRRIA QUESADILLA
FILLED W/ A DOUBLE LAYER OF BIRRIA \$18**

CILANTRO, ONIONS ALL COME INSIDE UNLESS REQUESTED ON THE SIDE.
SALSA, LIMES ARE ON THE SIDE WITH 1 FREE CONSOME



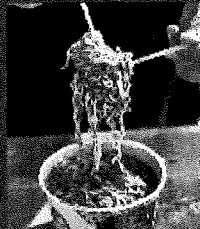
**BIRRIA MELT
FILLED W/ BEEF BIRRIA ON MELTED CHEESE \$12**

(CILANTRO, ONIONS, LIMES & HOMEMADE SALSA ON THE SIDE) W/(1 FREE CONSOME)



DELICIOUS TAPATIO RAMEN \$12

FILLED W/ TENDER BEEF BIRRIA, CONSOME, CILANTRO, ONIONS & LIMES





Document reference ID : 600438

Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Back** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID: 600438

Applicant Name: Southbound Social LLC

License Type applied for: Mixed Beverage Permit (MB)

Entity Information

Business Structure: Limited liability company

FEIN/SSN Number: 415086027

Member Managed or Manager Managed: Manager Managed

Historically Underutilized Business: No

Veteran-owned business: No

Fraternal Owned: No

Secretary of State Filing Number: 806507468

Date Filed: 3/24/2026

Filing State: TX

Primary Business Entity Contact Information

Legal First Name: Dylan

Legal Middle Name: Wild

Email Address: [REDACTED]

Phone Number: [REDACTED]

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN DOWNTOWN CBA)



Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Dylan Wild	Property Owner	Shy Penn LTD
Company	Southbound Social LLC	Company	Allen Shy
Applicant's Mailing Address	[REDACTED]	Owner's Mailing Address	[REDACTED]
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address: 119 E Hutchison San Marcos TX 78666

Zoning District: _____ Tax ID #: R _____

Legal Description: Lot _____ Block _____ Subdivision _____

Number of Parking Spaces: 6

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

DESCRIPTION OF REQUEST

Business Name: Southbound Social LLC CUP Permit Type: Eating Establishment Bar ¹⁰

NEW RENEWAL/AMENDMENT Mixed Beverage Beer & Wine Late Hours

Hours of Operation (Ex. Mon 12pm-1am): Mon closed Tue 4p-2a Wed 4p-2a

Thurs 3p-2a Fri 2p-2a Sat 12p-2a Sun 12p-2a

Indoor Seating Capacity: 99 Outdoor Seating Capacity: _____ Gross Floor Area: _____

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 1,050* Technology Fee \$15 TOTAL COST \$1,065

Renewal/Amendment Filing Fee \$788* Technology Fee \$15 TOTAL COST \$803

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

Apply Online at MGOCONNECT.ORG

PROPERTY OWNER AUTHORIZATION

I, Allen Sky (owner name) on behalf of
Sky Penn LTD (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
119 East Hutchison St. San Marcos TX 78666 (address).

I hereby authorize Dylan Wild (agent name) on behalf of
Southbound Social LLC (agent company) to file this application for
eating establishment (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 3-24-26

Printed Name, Title: Allen Sky, Partner

Signature of Agent: [Signature] Date: 3-24-26

Printed Name, Title: Dylan Wild ; President

Form Updated December, 2025

**AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE
DOWNTOWN CENTRAL BUSINESS AREA (CBA) REQUIREMENTS**

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 of the Development Code and any conditions of such permit. Within the Downtown Central Business Area (CBA) the establishment can either request an "Eating Establishment" or a "Bar" Conditional Use Permit, subject to the maximum allowed permits, and in accordance with the Development Code.

Where an "Eating Establishment" includes the sale of alcohol for on premise consumption the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of eating establishments which include the sale and on-premise consumption of alcohol is limited to 25.
- 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.
- 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.
- The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **50** 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.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of bars is limited to 14.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, 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.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit may be revoked. Please notify staff of any changes to the business operation.

Signature: Dylan Wild

Date: 3-24-26

Print Name: Dylan Wild

Form Updated December, 2025

Apply Online at MGOCONNECT.ORG

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

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.



Public Hearing

CUP-26-24

Southbound Social

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)

Property Information

- Approximately 0.304 acres
- Location: Approximately 80 feet West from the corner of N LBJ Dr and E Hutchison St

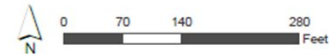
CUP-26-24

Southbound Social - 119 E Hutchison St

Notice



- ▨ Subject Property
- 400ft Buffer
- Parcel



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: 4/17/2026

SAN MARCOS Planning and Development Services



cityofsanmarcos.gov

2

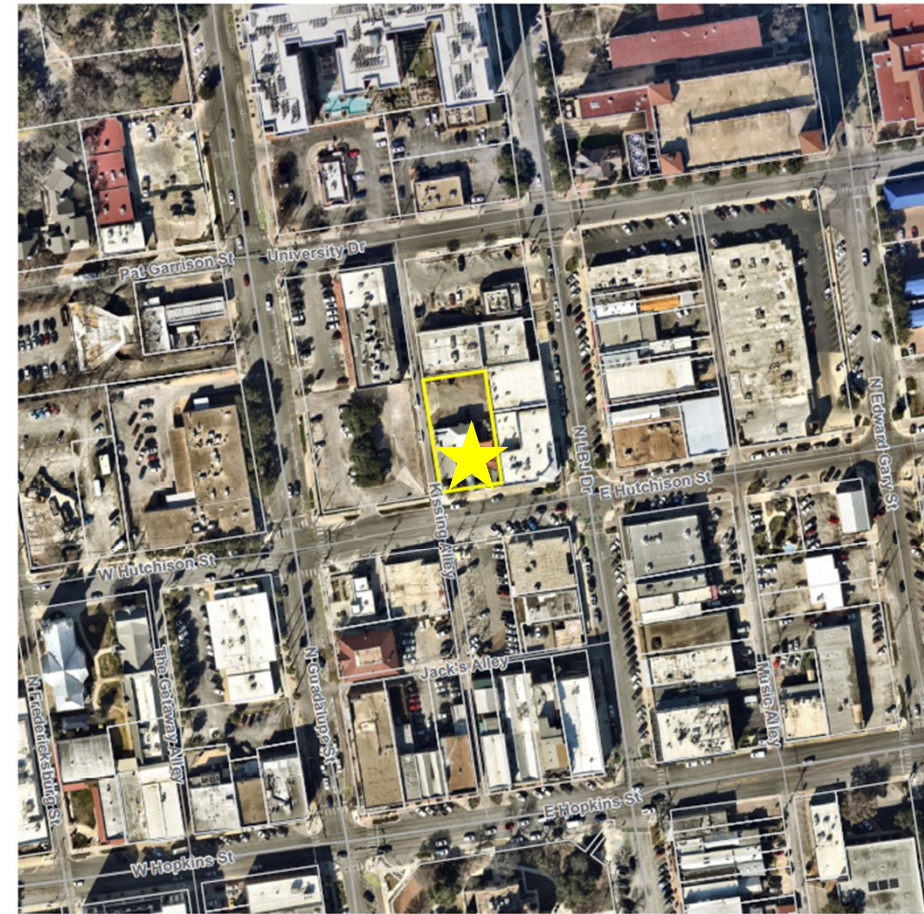
Context & History

- Currently: vacant building
- Located within the Central Business Area (CBA)
 - “Restaurant (Eating Establishment)” uses within the CBA are required to meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.
- Surrounding Uses:
 - Personal Services
 - Retail
 - Bars & Restaurants

CUP-26-24

Southbound Social - 119 E Hutchison St

Aerial



■ Subject Property
□ Parcel

0 87.5 175 350 Feet

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: 4/17/2026

SAMMARCOS Planning and Development Services



Context & History

- **Existing Zoning:** Character District 5 Downtown (CD-5D)
- **Proposed Use:** Restaurant (Eating Establishment) with On-Premise Consumption of Alcohol
 - Proposed Hours of Operation:
 - Tuesday & Wednesday: 4pm-2am
 - Thursday: 3pm-2am
 - Friday: 2pm-2am
 - Saturday & Sunday: 12pm-2am
 - Monday: Closed
- **CUP Expiration Date:** this is a new request
- **Police Calls:** this is a new request





Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
<u>X</u>			Aligns with the adopted comprehensive plan?
<u>X</u>			Complies with any applicable small area plan or neighborhood studies?
<u>X</u>			Meets the purpose and intent of the current zoning district regulations?
		<u>X</u>	Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
<u>X</u>			Does not create hazardous pedestrian or vehicle traffic conflicts?
		<u>X</u>	Includes roadway improvements or controls to reduce neighborhood traffic impacts?



Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		<u>X</u>	Incorporates design features to reduce visual and other negative effects on adjacent properties?
<u>X</u>			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
<u>X</u>			Located at least 300 feet from detached single-family homes in single-family-only districts?
<u>X</u>			Located at least 300 feet from churches, schools, and public hospitals?
<u>X</u>			Located at least 1,000 feet from any public or private school?

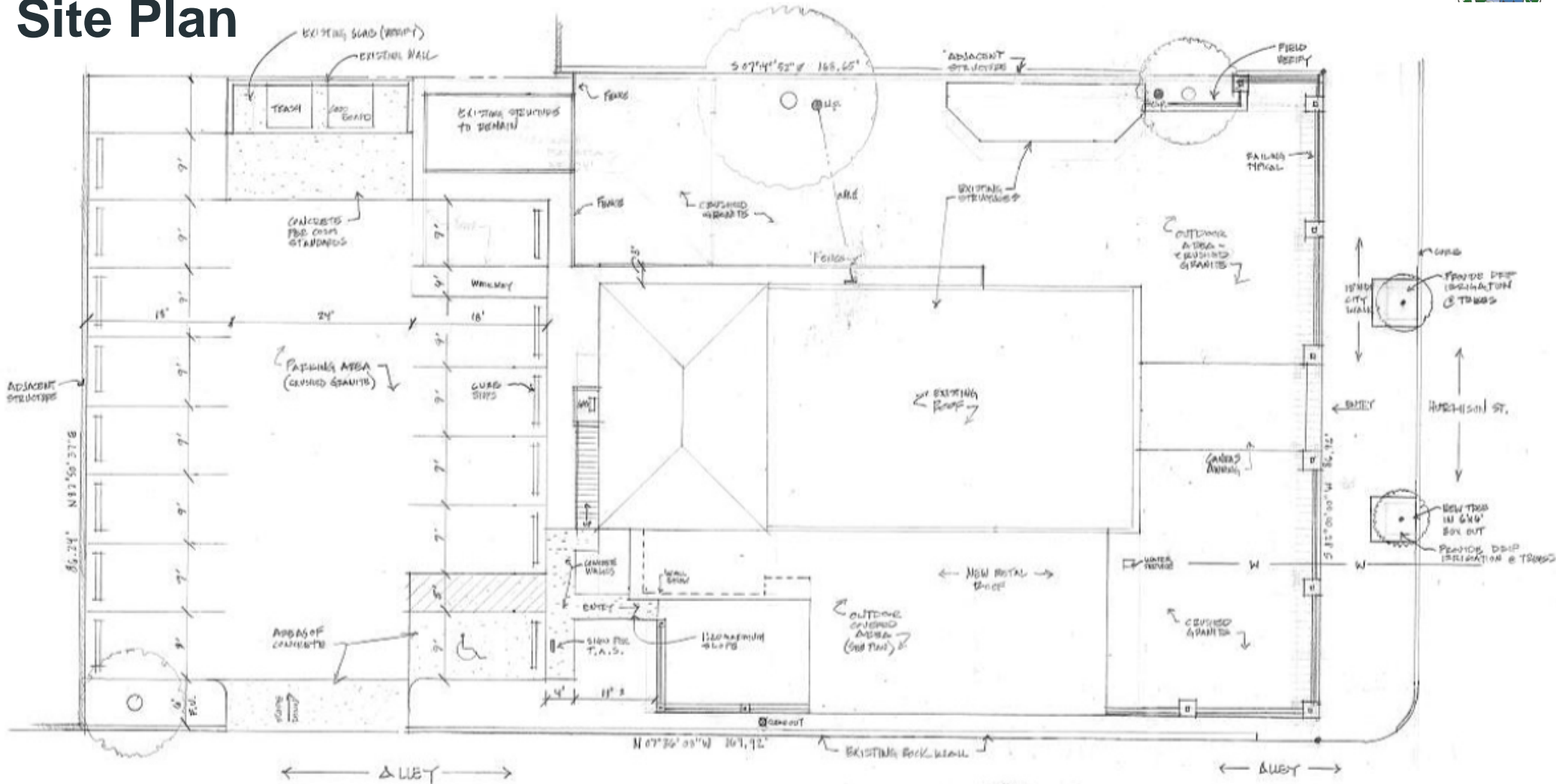


Criteria for Eating Establishments within CBA

C	I	N	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
<u>X</u>			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
<u>X</u>			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
<u>X</u>			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
<u>X</u>			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

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Site Plan

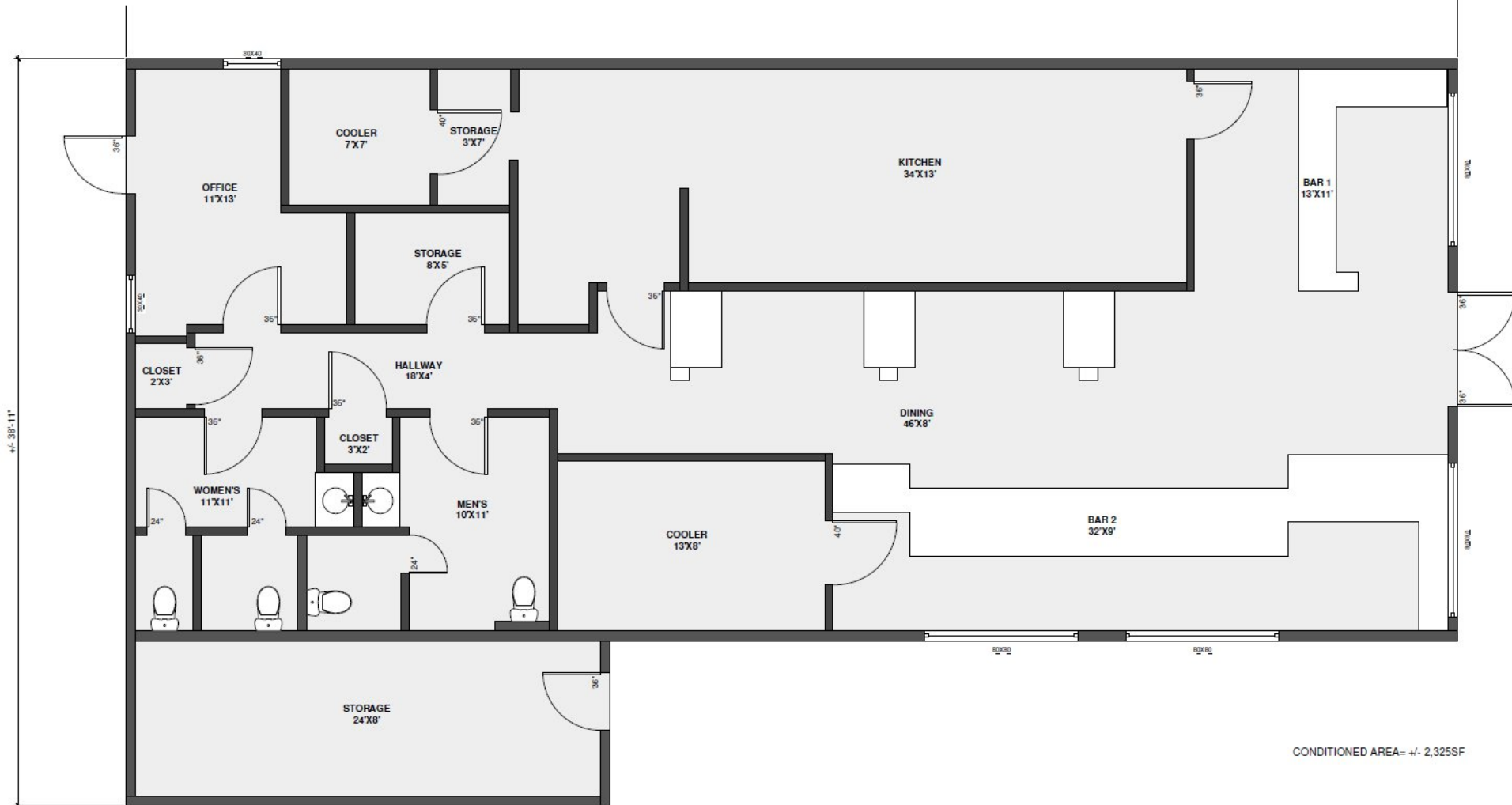


7 SITE PLAN - REVISED
AS 1/8" = 1'-0"



Floor Plan

+/- 69'-5"





Recommendation

Staff recommends **approval** of CUP-26-24 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;

Continued...

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10



Recommendation Continued

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;
10. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
11. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



Legislation Text

File #: CUP-25-71(b), **Version:** 1

AGENDA CAPTION:

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)

Meeting date: May 12, 2026

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 - Housing Opportunities for Texas State Students in appropriate areas
- Parks, Public Spaces & Facilities - Well maintained public facilities that meet needs of our community
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: Vision SMTX Comprehensive Plan

Background Information:

The application is being submitted as part of a series of requests for redevelopment of an existing commercial site to a 7-story Purpose-Built Student Housing complex south of the Texas State University campus. In April, 2025, City Council approved a Conditional Use Permit (CUP-25-02) for Purpose-Built Student Housing and an associated Alternative Compliance (AC-25-02) to allow up to 7 stories in height for an adjacent block bounded by Pat Garrison St., N. Comanche St., W. Hutchison St., and N. Fredericksburg St. (see the “Nearby Approvals Map” for reference). The current request will represent Phase 2 of the abovementioned project.

A Conditional Use Permit for the use of Purpose-Built Student Housing would allow the project to be marketed specifically to students and would allow more than 3 bedrooms per unit. “Rent by the bedroom” leases are not regulated by the City.

In addition to this Conditional Use Permit request the following applications have also been submitted by the applicant for this site:

- Alternative Compliance request to allow for an increase from 5 to 7 stories (AC-25-09)
- Replat of Lots 1, 2, and 3, Block 3 of P. C. Woods Addition (PC-26-01)
- Demolition Permit for 323 & 325 N. Comanche St. & 305 Pat Garrison St. (2024-52542) - issued

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).”*

Council Committee, Board/Commission Action:

N/A

Alternatives:

Click or tap here to enter text.

Recommendation:

Due to various factors including conflict with the housing type recommendations of the 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-25-71, staff proposes 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 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.

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



Summary

Request:	New Conditional Use Permit for Purpose-Built Student Housing		
Applicant:	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd #100 Austin, TX 78746	Property Owner:	202 Hutch LLC 2516 Waukegan Road #343 Glenview IL 60025-1774
CUP Expiration:	N/A	Type of CUP:	Purpose Built Student Housing
Parking Required:	1.05 spaces per bed	Parking Provided:	To be determined

Notification

Posted:	April 24, 2026	Personal:	April 24, 2026
Response:	None as of date of this report		

Property Description

Legal Description:	Block 3, Lots 1, 2, & 3, P. C. Woods Addition		
Location:	Southwest corner of Pat Garrison St./ N. Comanche St. intersection, north of Calvary Chapel and W. Hutchison St.		
Acreage:	0.96 acre	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Funeral home, duplex – demolition permit issued	Proposed Use:	Purpose Built Student Housing
Preferred Scenario:	Mixed Use Medium within Regional Preferred Scenario Center	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – Medium

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



<u>Surrounding Area</u>	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 - Downtown (CD-5D), Public (P), Multifamily 24 (MF-24)	Purpose Built Student Housing (The Pointe, Cypress), multifamily, fraternity house, Texas State University	Mixed Use Medium, Commercial/ Employment Medium
South of Property:	CD-5D	Grocery store (H-E-B), church, single family residential/ converted homes, laundromat	Mixed Use Medium
East of Property:	CD-5D	Vacant, personal services, parking lot, church	Mixed Use Medium, Conservation/ Cluster
West of Property:	CD-5D, Mixed Use (MU), Public (P), Neighborhood Commercial (NC)	Balcones residence hall, restaurant (Jo's Café), single and duplex housing	Mixed Use Medium, Mixed Use Low

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



Staff Recommendation

Approval as Submitted	X	Neutral/Approval with Conditions	Denial
<p>Due to various factors including conflict with the housing type recommendations of the 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.</p> <p>Should the Commission choose to recommend approval of CUP-25-71, staff propose the following conditions:</p> <ol style="list-style-type: none"> 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: <p style="margin-left: 40px;"><i>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:</i></p> <p style="margin-left: 40px;"><i>“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”</i></p> <p style="margin-left: 40px;"><i>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.</i></p> <ol style="list-style-type: none"> 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. 			
Staff: Lauren Clanton, AICP	Title : Chief Planner		Date: May 1, 2026

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



History

The application is being submitted as part of a series of requests for redevelopment of an existing commercial site to a 7-story Purpose-Built Student Housing complex south of the Texas State University campus. In April 2025, City Council approved a Conditional Use Permit (CUP-25-02) for Purpose-Built Student Housing and an associated Alternative Compliance (AC-25-02) to allow up to 7 stories in height for an adjacent block bounded by Pat Garrison St., N. Comanche St., W. Hutchison St., and N. Fredericksburg St. (see the “Nearby Approvals Map” for reference).

The current request will represent Phase 2 of the abovementioned project.

Additional Analysis

A Conditional Use Permit for the use of Purpose-Built Student Housing would allow the project to be marketed specifically to students and would allow more than 3 bedrooms per unit. “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. Fee-in-lieu of parking is permitted in the Development Code for the use of Purpose-Built Student Housing to reimburse up to 50% of the minimum required parking spaces in CD-5D zoning. The applicant has indicated that they will request fee in lieu, and 50 to 60% of the required parking spaces will be provided; however, the applicant has not provided a parking ratio at this time. Parking fee in lieu is processed during the site permit stage.

In addition to this conditional use permit request the following applications have also been submitted by the applicant for this site:

- Alternative Compliance request to allow for an increase from 5 to 7 stories in height (AC-25-09)
- Replat of Lots 1, 2, and 3, Block 3 of P. C. Woods Addition (PC-26-01) – in-process
- Demolition Permit for 323 & 325 N. Comanche St. & 305 Pat Garrison St. (2024-52542) – issued

The buildings at 323 and 325 North Comanche Street were evaluated with a Medium preservation priority in the 2019 Historic Resources Survey, and demolition permits were subject to a 90-day delay according to Section 2.7.4.1 of the Development Code. The Historic Preservation Commission determined that the buildings were considered historically significant and determined that the demolition delay be extended an additional 90 days. The demolition delay expired on June 25, 2025.

The Downtown Area Plan was adopted by Council on November 6, 2023, 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).”*

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



Comments from Other Departments

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

Conditional Use Permit – Purpose-Built Student Housing
CUP-25-71

325 N. Comanche St.



Student Housing

Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p> <p><i>The Vision SMTX Comprehensive Plan defines the Mixed Use Medium preferred scenario type as “higher intensity places with a mix of housing, employment, shopping, dining, and entertainment which are highly walkable and bikeable...” (p. 98). According to the Comprehensive Plan, these places are exemplified by medium to high intensity multifamily and hospitality uses, 2 to 7 story buildings, structured and on-street parking, a well-connected multimodal network, and a range of open spaces. The proposed development is consistent with the vision except for the absence of park space.</i></p>
	<u>X</u>		<p>The proposed use is consistent with any adopted neighborhood character study for the area.</p> <p><i>This site is located within the Downtown Area 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).”</i></p>
		<u>X</u>	<p>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.</p> <p><i>There are several purpose-built student housing and multifamily developments in the immediate area. Balcones Hall (formerly Sanctuary Lofts) to the west and the Cypress Apartments (formerly Vistas) to the north of the property were purchased by Texas State. Additionally, developments at North St. and Lindsey St. and the southeast corner of N. Comanche St. and Pat Garrison St. have received Council approval for Purpose Built Student Housing and are in development. These new sites have the potential to influence the character of the area and create a pattern of student housing. While the proposed use will be compatible, it will be necessary to carefully introduce this higher intensity use, given the mix of uses and lower intensity to the west and south.</i></p>

Conditional Use Permit – Purpose-Built Student Housing
CUP-25-71

325 N. Comanche St.



Student Housing

Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
			<p>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. <i>(Continued from previous page)</i></p> <p><i>The property is required to meet all development requirements including Chapter 6 Environmental Standards and the requirement for a Watershed Protection Plan per Chapter 2, Article 6 of the Land Development Code.</i></p>
			<p>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.</p> <p><i>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 developer will be required to construct significant streetscape improvements, including sidewalks, at the time of development.</i></p>
		<u>X</u>	<p>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.</p> <p><i>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.</i></p>
			<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><i>The developer would be required to follow all City codes, including downtown design architectural requirements related to massing and articulation for the land zoned CD-5D.</i></p>
			<p><u>X</u></p>

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>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.</p> <p><i>The development must meet Code requirements including the CD-5D district standards 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-25-09), which will be considered as a separate agenda item.</i></p>

Conditional Use Permit – Purpose-Built Student Housing	325 N. Comanche St.
CUP-25-71	Student Housing



Evaluation			Criteria for Approval (Sec. 5.1.4.9)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The ability for the development to transition in the future to accommodating a more diverse population <i>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.</i></p>
		<u>X</u>	<p>The durability, energy efficiency, and longevity of the building; <i>The applicant has stated that the building will not be LEED certified. However, the building will meet all other Building Code requirements at the time of permitting.</i></p>
<u>X</u>			<p>The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks; <i>The site is located two blocks south of the University and so is accessible on foot.</i></p>
		<u>X</u>	<p>Mitigation of any adverse effects on adjacent property or neighborhoods; <i>No significant adverse impacts are anticipated on adjacent properties when compared to the multifamily use allowed by right.</i></p>
	<u>X</u>		<p>Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies. <i>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).”</i></p>

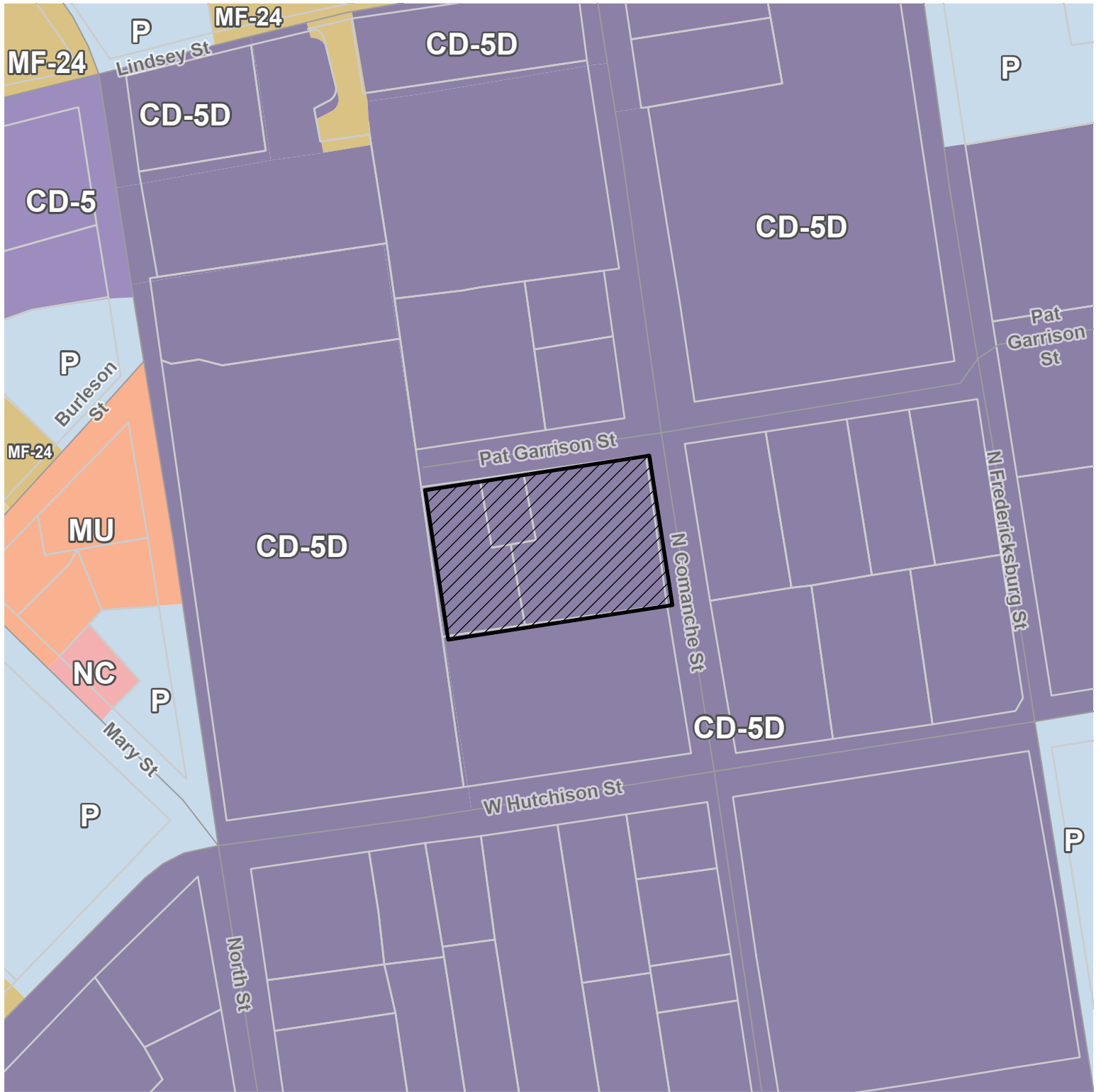


- Subject Property
- Texas State
- Parcel
- City Limit










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: 1/6/2026



 Subject Property

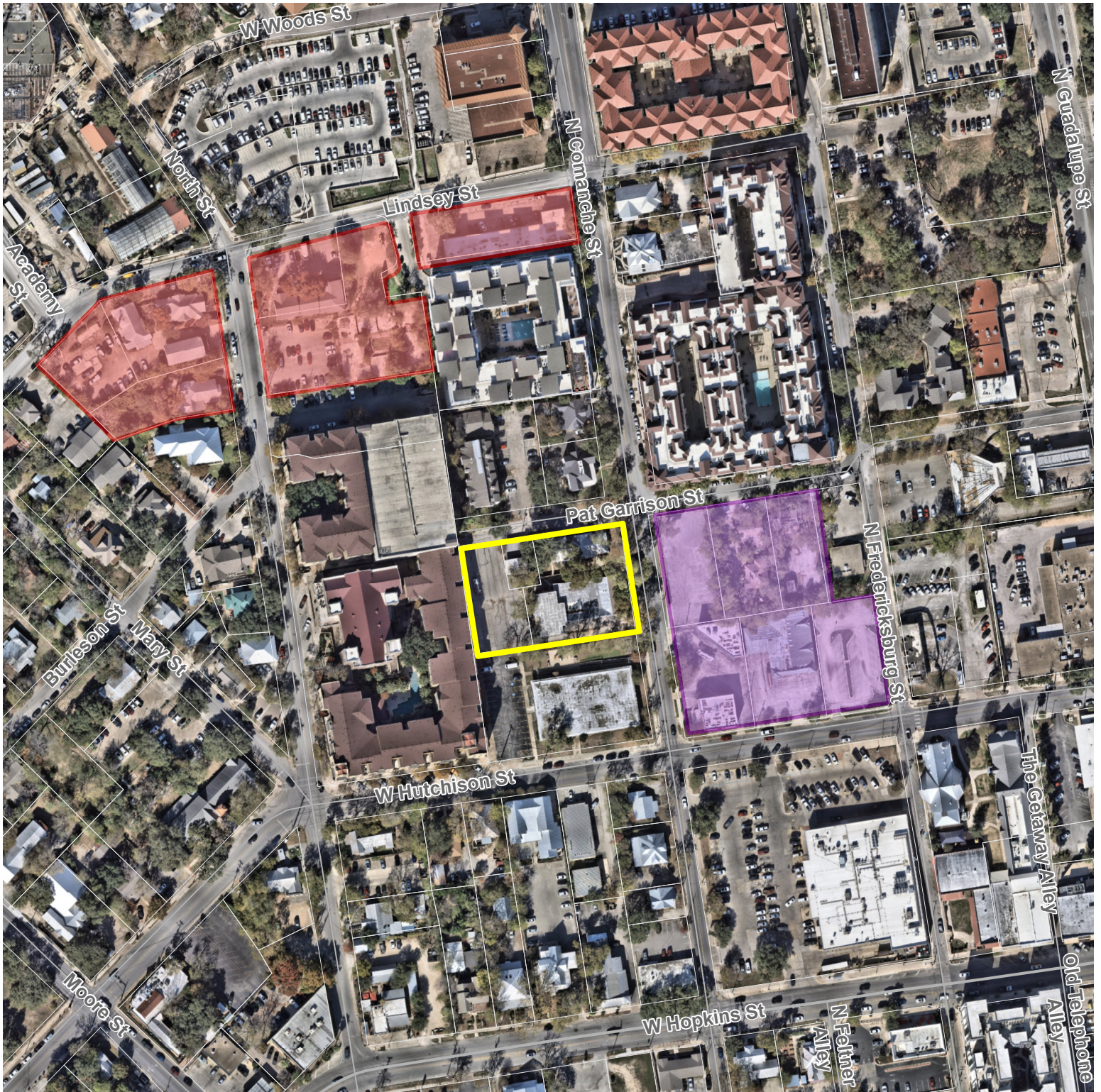
-  CD-5
-  CD-5D
-  MF-18
-  MF-24
-  MU
-  NC
-  P



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Date: 1/6/2026





- Subject Property
- Comanche & Hutchison St.
- North & Lindsey St.
- Parcel

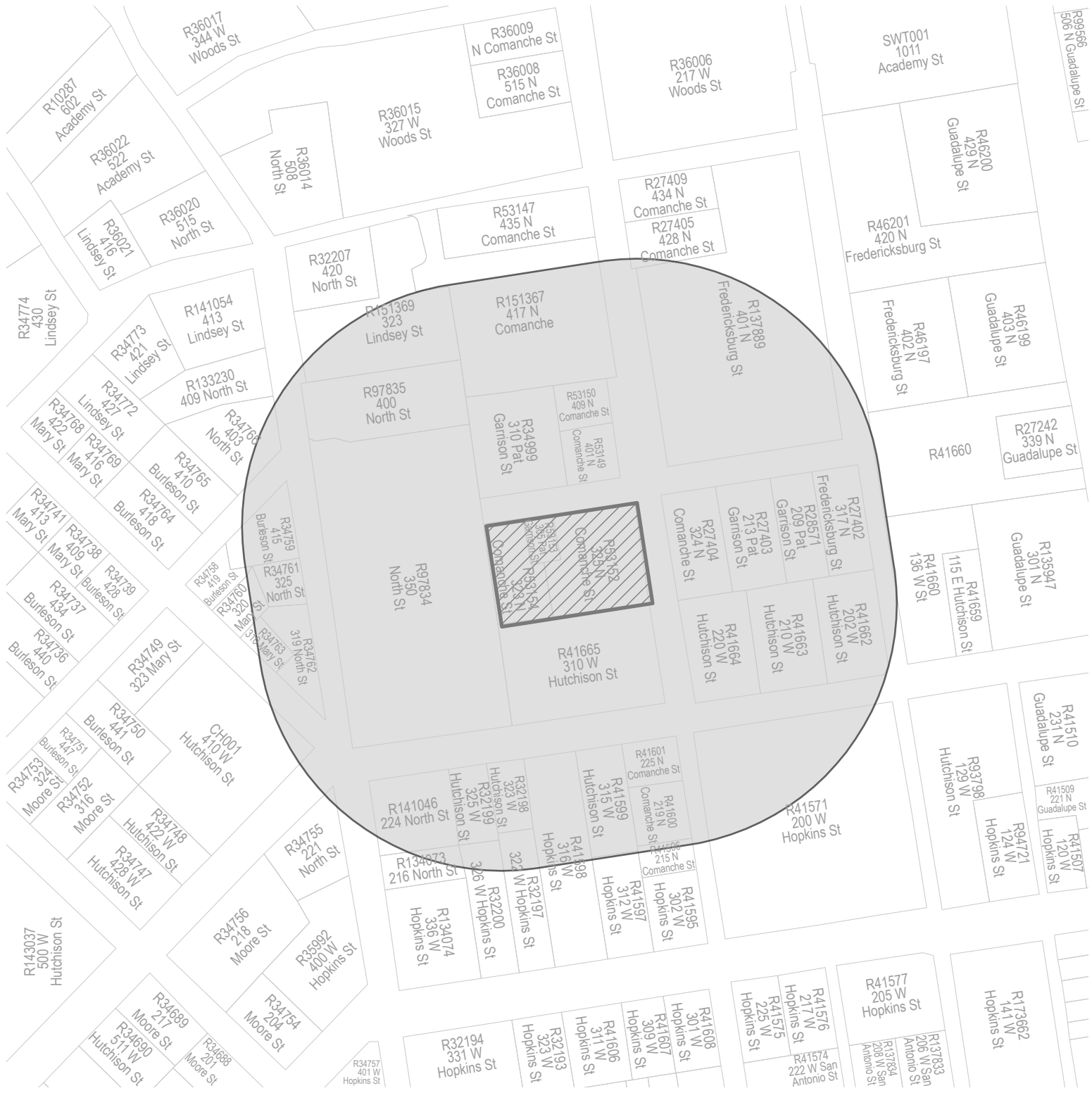


Site Location

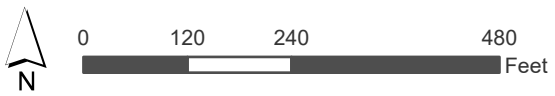


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Date: 1/14/2026



- 400 Ft Notification Buffer
- Subject Property
- Parcel



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: 4/22/2026



PLANNING AND DEVELOPMENT SERVICES



4/24/26

CUP-25-71

**Notice of Public Hearing
Conditional Use Permit
Purpose Built Student Housing
325 N. Comanche St.**

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)

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, May 12, 2026**, 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, June 2, 2026**, 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/citizencommentsignup

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 **CUP-25-71**.

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)

Property ID	Property Address	Owner/ Contact	Owner Address	Owner City/ State/ Zip
28571	209 PAT GARRISON, SAN MARCOS, TX 78666	202 HUTCH LLC c/o NEXT CHAPTER PROPERTIES LLC	2516 WAUKEGAN RD, STE 243	GLENVIEW, IL 60025-1774
41597	312 W HOPKINS ST, SAN MARCOS, TX 78666	312 VENTURES LLC	312 W HOPKINS ST	SAN MARCOS, TX 78666-4404
155307	NORTH ST, SAN MARCOS, TX 78666	410 NORTH STREET LLC % EXECUTIVE FINANCIAL CONSULTANTS LLC	6724 PERIMETER LOOP RD, STE 180	DUBLIN, OH 43017-3202
35004	310 PAT GARRISON ST, SAN MARCOS, TX 78666	ALDEN ELIZABETH	4603 TANNER PEAK	SAN ANTONIO, TX 78247-5813
34761	325 NORTH ST, SAN MARCOS, TX 78666	APANTE INVESTMENTS LP	PO BOX 160788	AUSTIN, TX 78716-0788
41665	310 W HUTCHISON ST, SAN MARCOS, TX 78666	CALVARY CHAPEL OF THE SPRINGS	310 W HUTCHISON ST	SAN MARCOS, TX 78666-4410
95398	310 PAT GARRISON ST, SAN MARCOS, TX 78666	CHANCLA HOLDINGS LLC	27306 KEYSTONE BEND CT	SPRING, TX 77386-3514
34766	403 NORTH ST @ BURLESON ST, SAN MARCOS, TX 78666	DELTA ZETA NATIONAL HOUSING CORP	202 E CHURCH ST	OXFORD, OH 45056
32197	322 W HOPKINS ST, SAN MARCOS, TX 78666	DILLON PRESTON ROBERT JR & KATHRYN COATS	1000 BURLESON ST	SAN MARCOS, TX 78666
34762	319 NORTH ST, SAN MARCOS, TX 78666	EMMA RANCH HOLDINGS LLC	PO BOX 118	BUDA, TX 78610-0118
41598	319 W HUTCHISON ST, SAN MARCOS, TX 78666	EPSILON ZETA CHAPTER OF ALPHA DELTA PI HOUSE CORPATION	319 W HUTCHISON ST	SAN MARCOS, TX 78666-4409
43609	320 FREDERICKSBURG ST, SAN MARCOS, TX 78666	FIRST UNITED METHODIST CHURCH OF SAN MARCOS	129 W HUTCHISON ST	SAN MARCOS, TX 78666
35009	310 PAT GARRISON ST, SAN MARCOS, TX 78666	FRIZZELL BRIAN & MICHELE	273 EMMA LOOP	AUSTIN, TX 78737-1437
34755	221 NORTH ST, SAN MARCOS, TX 78666	GERMER HOLDINGS LLC	799 HIGHWAY 71	BASTROP, TX 78602
95397	310 PAT GARRISON ST, SAN MARCOS, TX 78666	GONZALEZ MARIO E & RUIZ MARGARITA	211 AINSWORTH ST	AUSTIN, TX 78745-4078
41571	200 W HOPKINS ST, SAN MARCOS, TX 78666	H-E-B LP	646 S FLORES ST	SAN ANTONIO, TX 78204-1219
41599	315 W HUTCHISON ST, UNIT #2, SAN MARCOS, TX 78666	HIGGS PROPERTIES LLC	605 MOUNTAIN VIEW DR	SAN MARCOS, TX 78666-4907
35005	310 PAT GARRISON ST, SAN MARCOS, TX 78666	HUTCHISON FAMILY TRUST % RALPH HUTCHISON	1857 N 10TH DR	WASHOUGAL, WA 98671
35000	310 PAT GARRISON ST, SAN MARCOS, TX 78666	JONES, CHRISTOPHER	236 E BURTON ST	LONGVIEW, TX 75603-4330
41601	225 N COMANCHE ST, SAN MARCOS, TX 78666	KATZ CHASE BENJAMIN	490 AQUIFER OAKS TRL	SAN MARCOS, TX 78666-4981
141046	224 NORTH ST, SAN MARCOS, TX 78666	KATZ DEVELOPMENT LLC	719 AQUIFER OAK TRL	SAN MARCOS, TX 78666
32200	326 W HOPKINS ST, SAN MARCOS, TX 78666	LETOILE ERIC & CORLEY	601 ALTO ST	SAN MARCOS, TX 78666-3240
27405	428 N COMANCHE ST, SAN MARCOS, TX 78666	MCNABB MARK W & RUTH A	203 N PERKINS	BASTROP, TX 78602
35008	310 PAT GARRISON ST, SAN MARCOS, TX 78666	MOK DAVID	708 BERNSTEIN ST	AUSTIN, TX 78745-5528
32199	325 HUTCHISON, SAN MARCOS, TX 78666	MUZUN INVESTMENTS LLC	P O BOX 160788	AUSTIN, TX 78716-0788
41662	202 W HUTCHISON ST, SAN MARCOS, TX 78666	NCSH SMTX LLC	2516 WAUKEGAN RD, STE 243	GLENVIEW, IL 60025-1774
41596	215 COMANCHE ST, SAN MARCOS, TX 78666	NELSON AMANDA & MUNDY JESSE	7907 TIGER EYE CV	AUSTIN, TX 78749
34763	310 MARY, SAN MARCOS, TX 78666	NEXT DOOR HOMES LLC	310 MARY ST	SAN MARCOS, TX 78666-4437
27404	324 N COMANCHE ST, SAN MARCOS, TX 78666	PENN COLLIER KYLE LTD	323 N COMANCHE ST	SAN MARCOS, TX 78666-5644
53153	305 PAT GARRISON ST, SAN MARCOS, TX 78666	PENNINGTON, WILLIAM C	323 N COMANCHE ST	SAN MARCOS, TX 78666-5644
151367	417 N COMANCHE ST, SAN MARCOS, TX 78666	POINTE SAN MARCOS PARTNERS LP	589 5TH AVE, FL 16	NEW YORK, NY 10017-7288
34999	310 PAT GARRISON ST, SAN MARCOS, TX 78666	PUTHURAYA AKSHATHA & UDAYABHASKAR SUMANA	310 PAT GARRISON ST, APT B1	SAN MARCOS, TX 78666-5646
41600	219 N COMANCHE ST, SAN MARCOS, TX 78666	REAL MATTER LLC	109 S BISHOP ST	SAN MARCOS, TX 78666-5301
34758	419 BURLESON, SAN MARCOS, TX 78666	ROPER, GRADY	419 BURLESON ST	SAN MARCOS, TX 78666-4476
35007	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SC WEINGARTEN LLC	4025 TEALWOOD	AUSTIN, TX 78731-1341
35010	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SCHNEIDER HAYDEN MICHAEL & REINKORT MARLIIS	336 LACEY OAK LOOP	SAN MARCOS, TX 78666-2896
35006	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SGK-CEK SERIES LLC-SERIES C	14723 CINDYWOOD DR	HOUSTON, TX 77079-6409
35003	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TACKABERRY JONATHAN & TACKABERRY CRYSTAL	310 PAT GARRISON ST	SAN MARCOS, TX 78666-5690
137889	401 N FREDERICKSBURG ST, SAN MARCOS, TX 78666	TEXAS STATE UNIVERSITY	601 UNIVERSITY DR	SAN MARCOS, TX 78666
95396	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TRAN, VIET & LUAN	2311 WOODWAY	ROUND ROCK, TX 78681-4092
35002	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TRIMBLE MICHAEL & MARKS-TRIMBLE AMANDA	7908 WHEEL RIM CIR	AUSTIN, TX 78749-2892
27402	317 N FREDERICKSBURG ST, SAN MARCOS, TX 78666	VASQUEZ RONNIE L & CYNTHIA M	320 WILDCAT HOLLOW	KYLE, TX 78640
53149	401 N COMANCHE ST, SAN MARCOS, TX 78666	WARSHAUER INVESTMENTS LLC	2265 SUMMIT RIDGE DR	SAN MARCOS, TX 78666-4945
		Samantha Benavides	455 Lindsey St	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaidis	1131 W MLK Dr	SAN MARCOS, TX 78666

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: September 2025

CONTACT INFORMATION

Applicant's Name	Shannon Mattingly	Property Owner	202 Hutch LLC
Company	The Drenner Group	Company	
Applicant's Mailing Address	2705 Bee Cave Road, Suite 100 Austin, TX 78746	Owner's Mailing Address	2516 Waukegan Road, Unit 343, Glenview, IL 60025-1774
Applicant's Phone #	██████████	Owner's Phone #	██████████
Applicant's Email	██████████	Owner's Email	██████████

PROPERTY INFORMATION

Subject Property Address: 325 N . Comanche Street, San Marcos , Texas

Zoning District: CD- 5D Tax ID #: R53152, R53153, R53154

Legal Description: Lot _____ Block _____ Subdivision See attached description

DESCRIPTION OF REQUEST

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

Conditional Use Permit to allow a Purpose-Built Student Housing development to be constructed at 325 N. Comanche Street.

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 \$1,050*	Technology Fee \$15	<u>TOTAL COST \$1,065</u>
Renewal/Amendment Filing Fee \$783*	Technology Fee \$15	<u>TOTAL COST \$798</u>

*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, Kelly Quinn (owner name) on behalf of
202 Hutch LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
325 Comanche St, San Marcos Texas (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
The Drenner Group (agent company) to file this application for
CUP - Purpose Built Student Housing (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Kelly Quinn* Date: Feb 16, 2026
Kelly Quinn (Nov 18, 2025 15:27:52 CST)

Printed Name, Title: Kelly Quinn, Authorized Signatory

Signature of Agent: *Shannon Mattingly* Date: Feb 16, 2026

Printed Name, Title: Shannon Mattingly, Agent

DRENNER
GROUP

Shannon Mattingly
[Redacted]
[Redacted]

February 16, 2026

Terry Floyd
Planning Director
City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Via Electronic Delivery

Re: Conditional Use Permit and Alternative Compliance request applications for the property bounded by Commanche St, and Pat Garrison St. located at 325 Commanche Street in the City of San Marcos, Hays County, Texas (the "Property")

Dear Mr. Floyd:

As representatives of the owner of the Property, we respectfully submit the enclosed applications for a Conditional Use Permit for purpose-built student housing and an Alternative Compliance request to allow for up to 7 stories on site, which will be within the allowable building height of 75 feet per code.

The purpose of the PBSH CUP application is to allow the construction of a multifamily project containing 1-5-bedroom units. The inclusion of wide range of units will provide a bedroom count that meets the housing needs of a diverse residential community.

Our request also includes an application for Alternative Compliance to allow 7 versus 5 stories but within the allowable 75 feet building height. The height is primarily driven by parking, which for the CUP is substantially higher at 1.05 spaces per bedroom versus 1 space per unit per code for conventional multi-family. Due to the higher number of parking spaces, a full 2-2.5 floors of structured parking will be required and will still likely result in a parking buydown. The proposed design plan reflects compatibility with the immediate neighbors both in use and in height. The Commanche Street façade will be compatible with the future 202 Hutch project and reflect a similar massing design.

In preparation for our submittal, we met with representatives of Texas State University to discuss the school's projected growth and to discuss the immediate and future housing needs of the university. Texas State's growth has been substantial in the last 5 years with a projected

enrollment of over 40,000 students. The representatives emphasized the need for student-oriented housing within walking or biking distance of the campus and expressed their desire for rents to remain affordable to the student body.

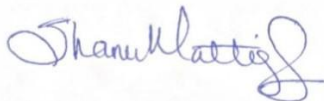
We believe that this location is ideal for accommodating the increased student population, and the need for student housing adjacent or very near to the University. By allowing more dense student housing at key locations, such as this, the city is helping solve many commonly heard issues in the community 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. The proximity 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 feature a public plaza at the Downtown Gateway and have ample indoor secured bike parking.

To serve the needs of our residents that chose to live downtown and given the very limited number of sites that exist near the University and not adjacent to single family neighborhoods, an increase in stories is necessary to achieve the parking and density to make the project beneficial for all. We have previously met with the Fire Chief and Fire Marshall and will incorporate all their recommendations to improve fire safety and access to the site.

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.

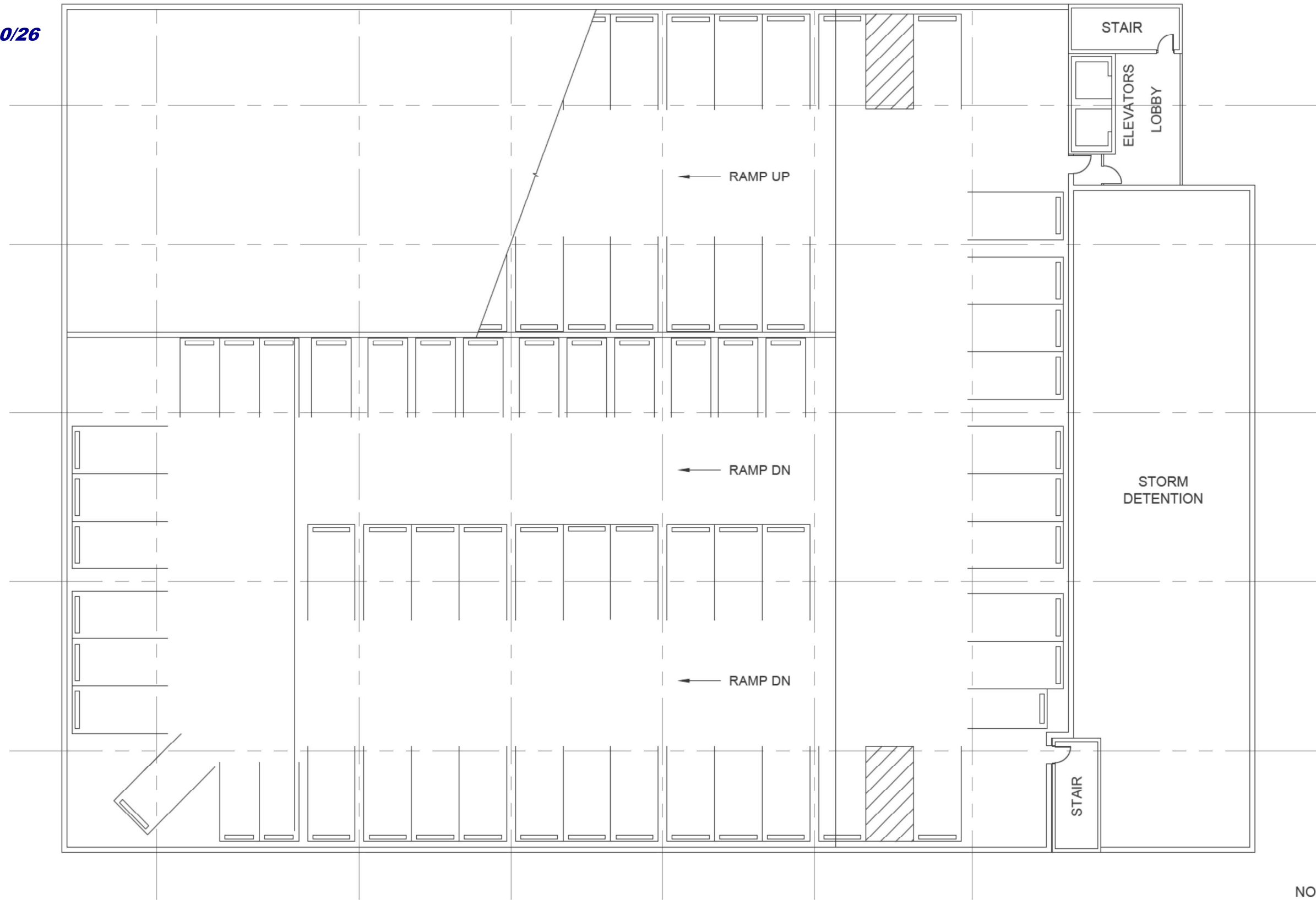
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Shannon Mattingly". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Shannon Mattingly, AICP
Director of Land Use and Entitlements

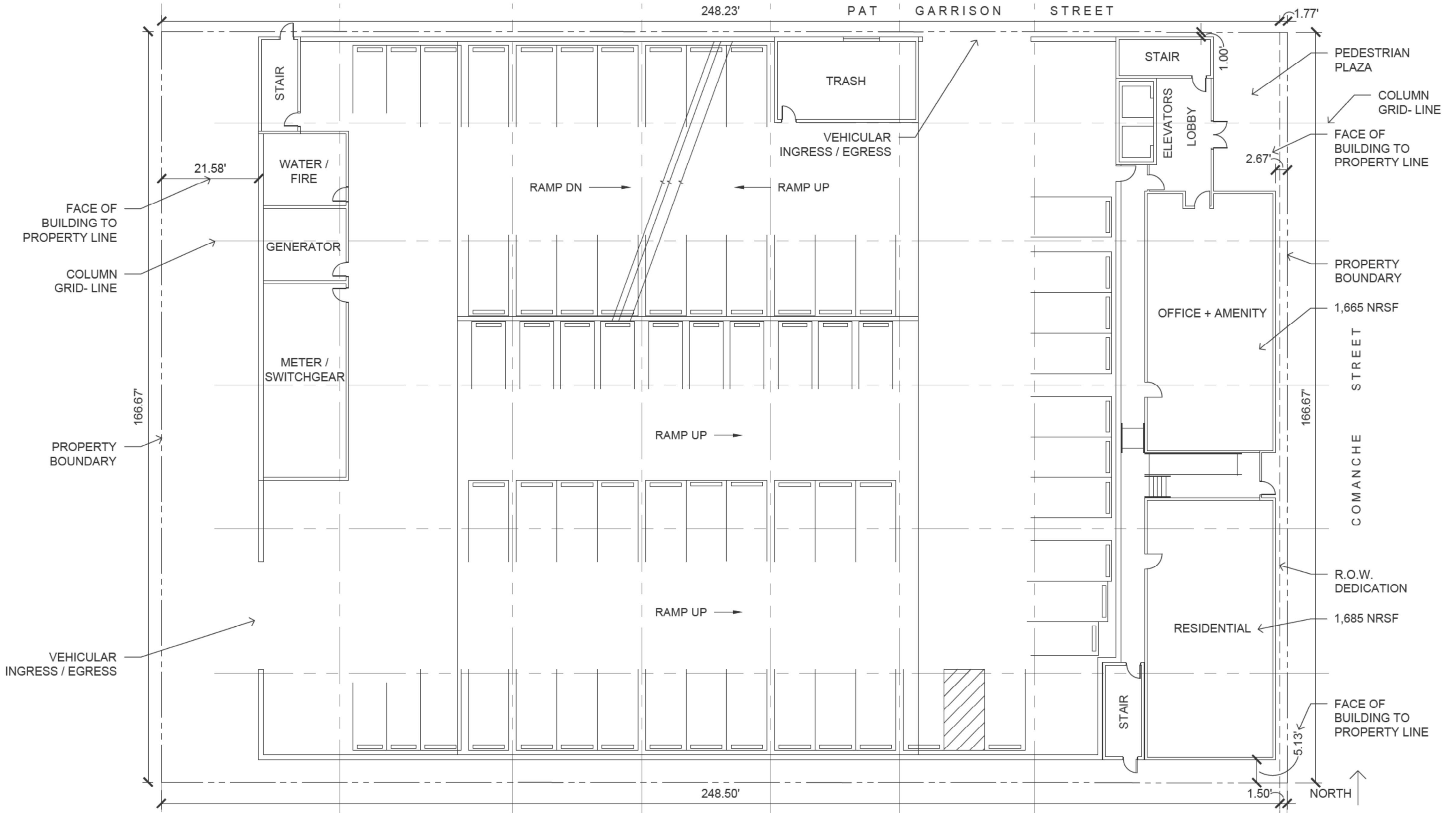
**Exhibit A:
Parking and Unit Layout
Submitted by Applicant 4/30/26**



LOWER LEVEL PLAN
1" = 20'-0"
APRIL 29, 2026



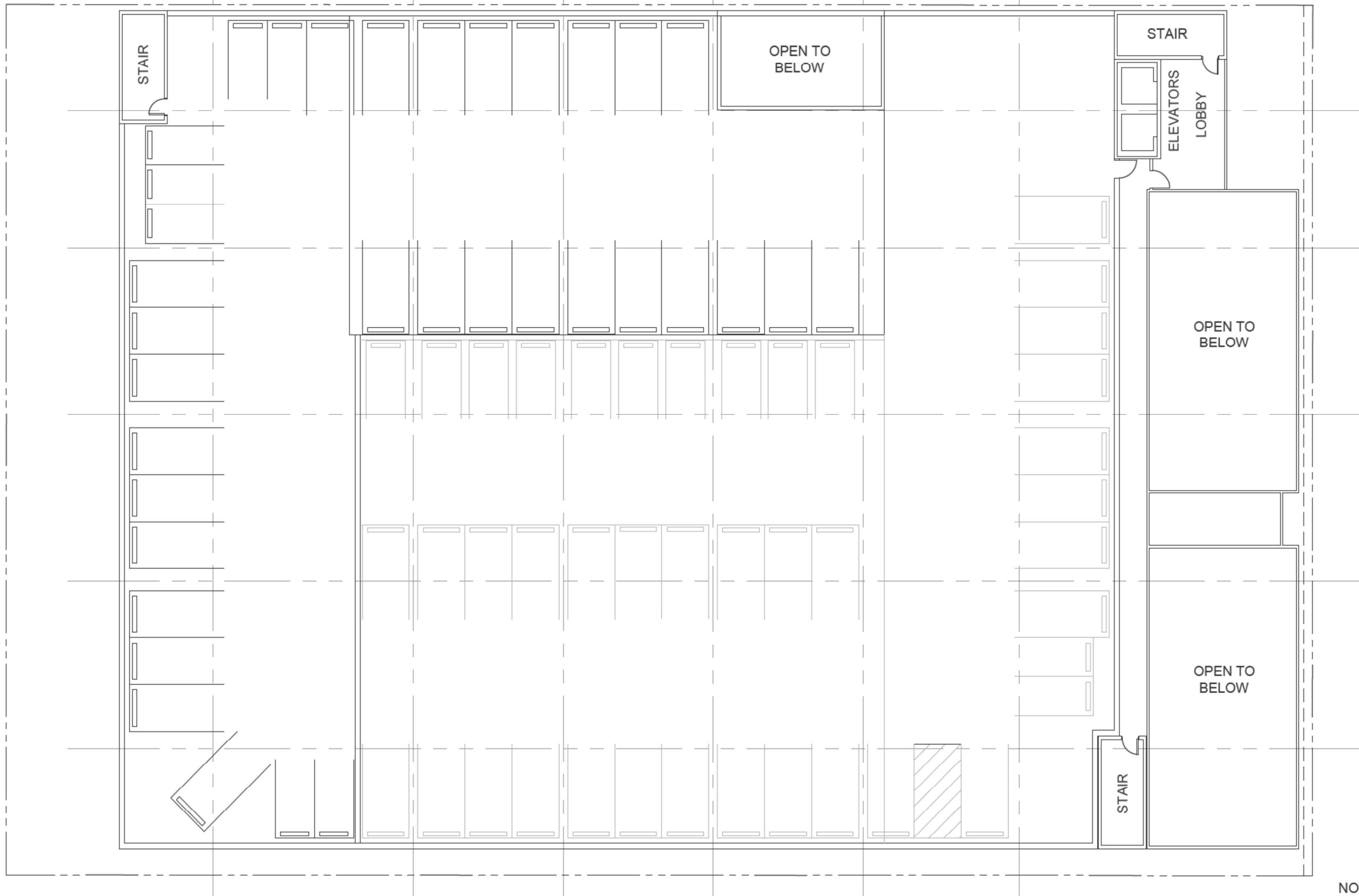
A1.0



GROUND LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

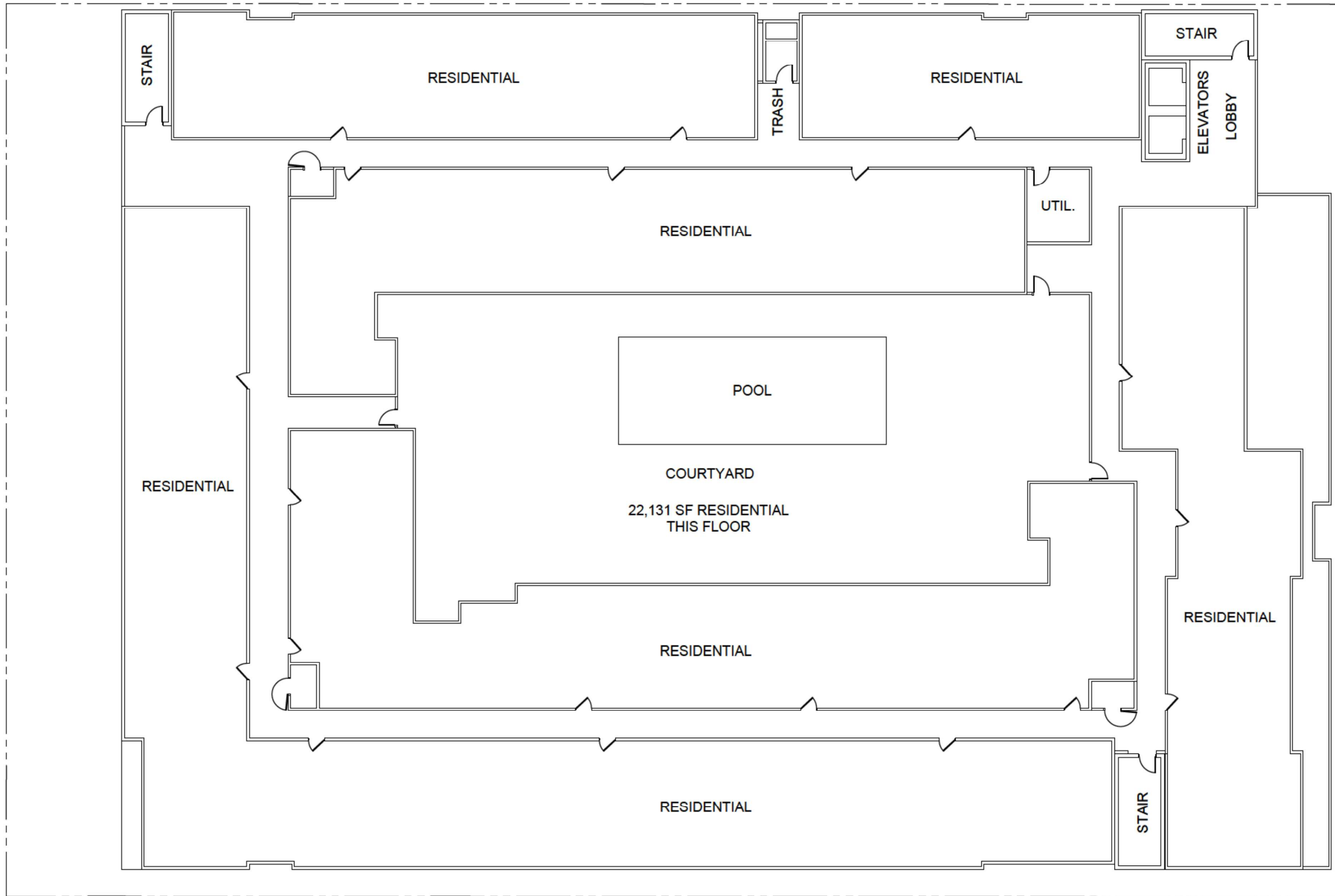
A1.1



SECOND LEVEL PLAN
 1" = 20'-0"
 APRIL 29, 2026



A1.2



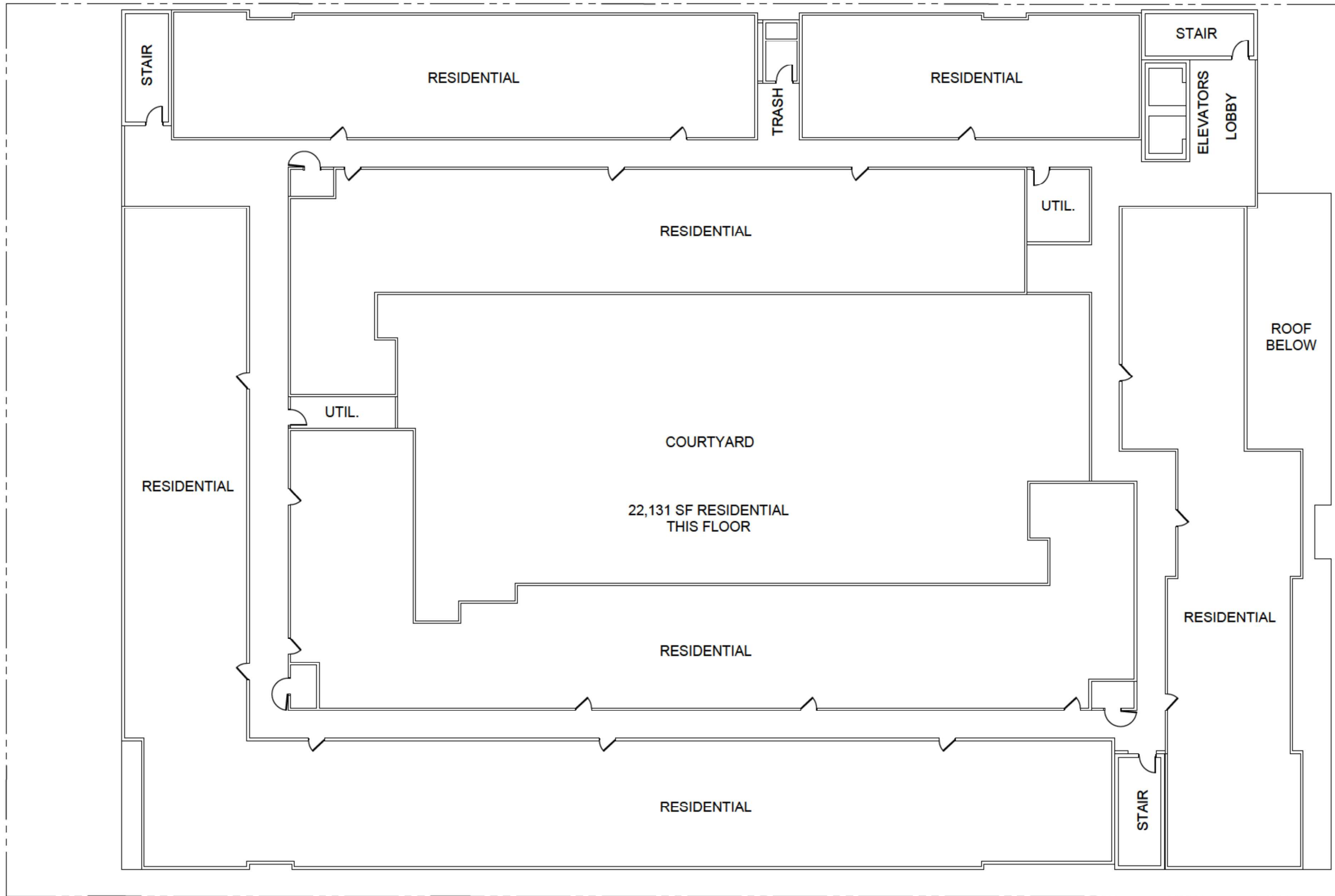
COURTYARD
22,131 SF RESIDENTIAL
THIS FLOOR

NORTH ↑

THIRD LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.3



NORTH ↑

FOURTH - SEVENTH LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.4



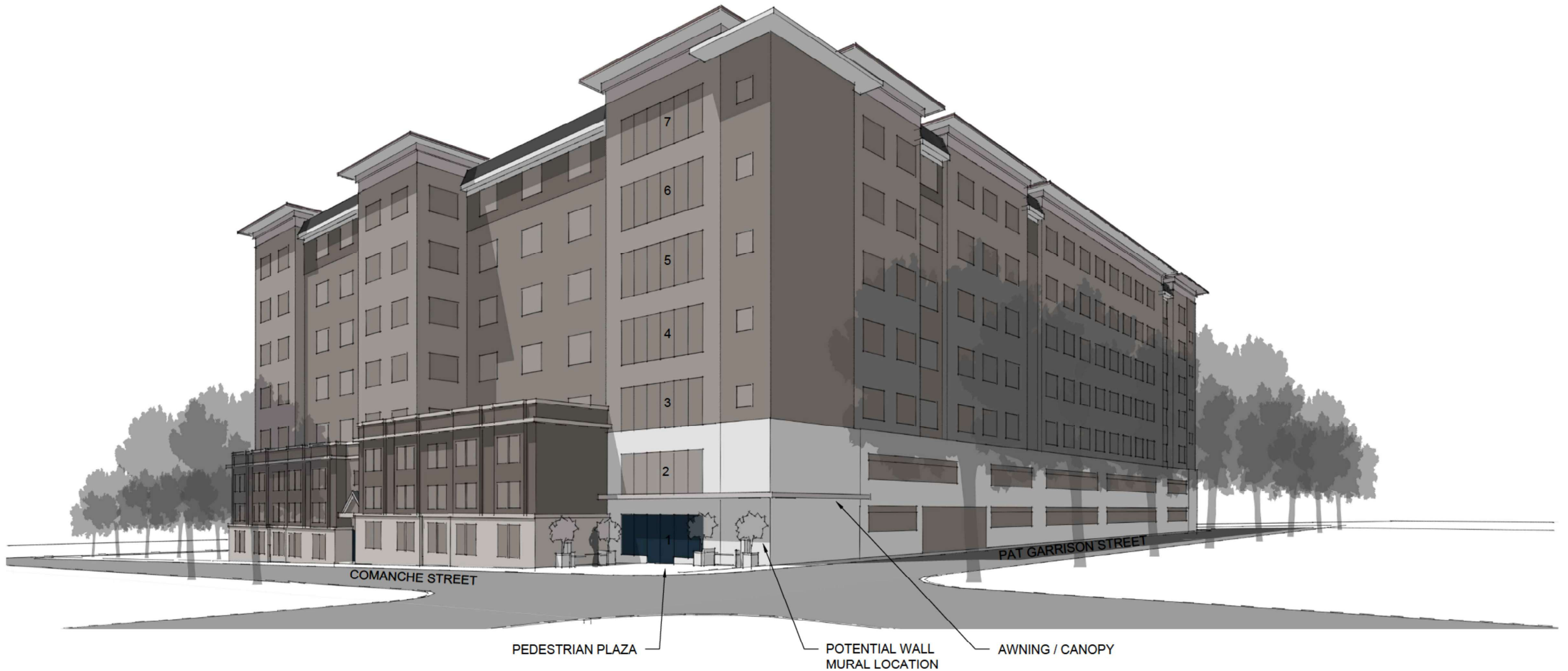
Exhibit B:
Perspective Views
 Submitted by Applicant 4/30/26

SEVEN STORY MODEL SHOWN. FIVE STORY MODEL IS EXACTLY THE SAME HEIGHT AS THE SEVEN STORY MODEL.

CONTEXT VIEW
 LOOKING NORTHWEST
 NO SCALE
 APRIL 29, 2026



A2.0



325 COMANCHE
SAN MARCOS, TEXAS

CONCEPTUAL

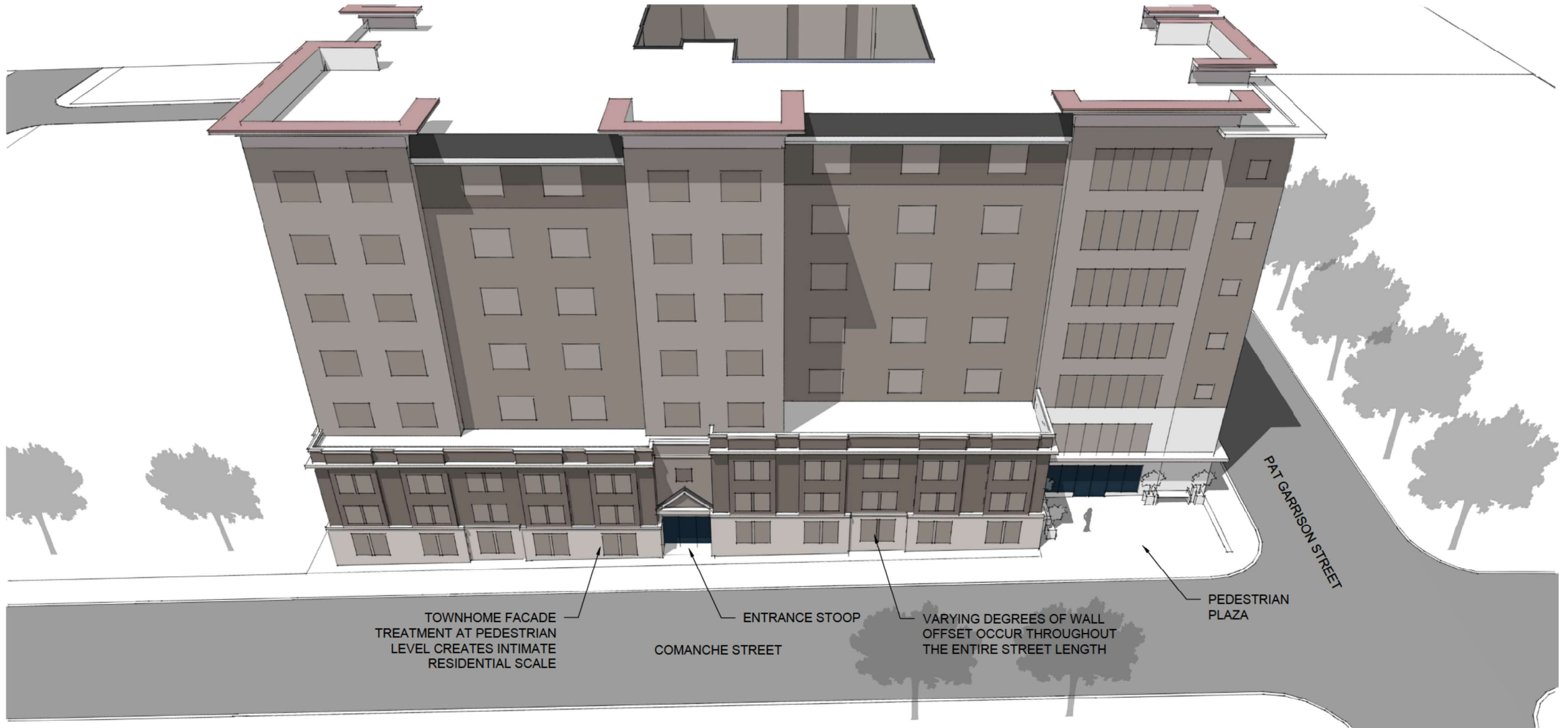
PERSPECTIVE VIEW
LOOKING SOUTHWEST

NO SCALE
APRIL 29, 2026

A2.1

217 S. NEIL STREET SUITE D
CHAMPAIGN, ILLINOIS 61820
IL. PROF. DESIGN FIRM #184.006697

M O D E 3
ARCHITECTURE



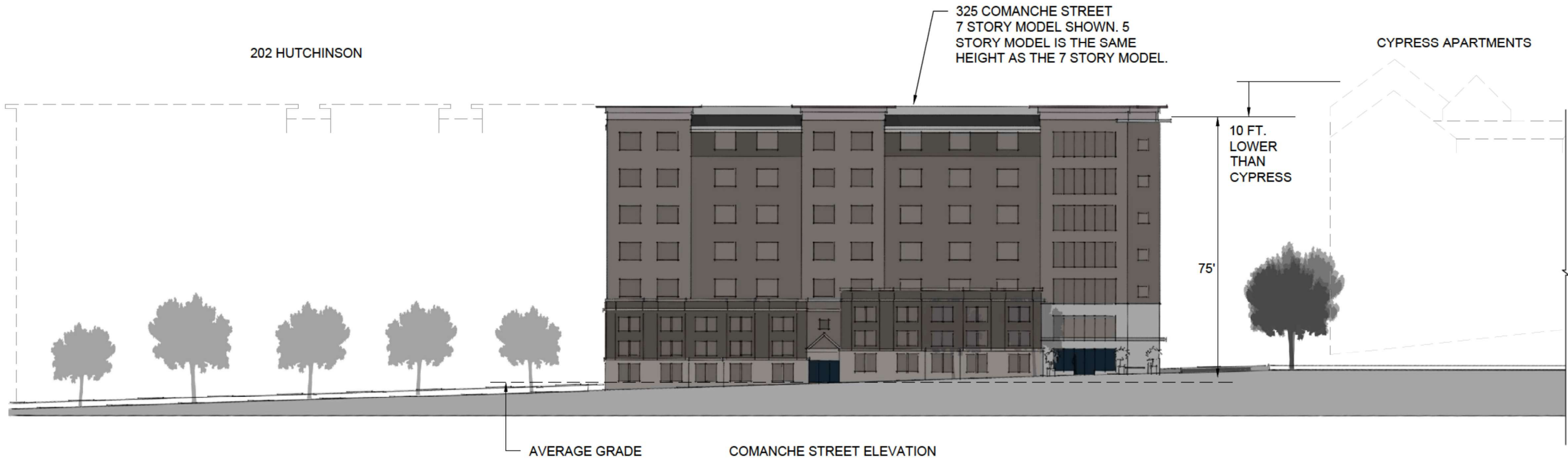
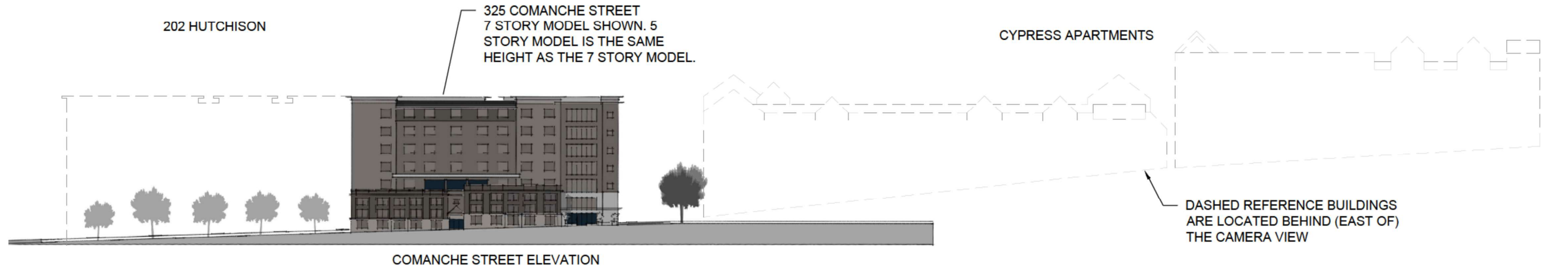
ARTICULATION + EXPRESSION ELEMENTS

SEVEN STORY MODEL

N COMANCHE ST.

NO SCALE
APRIL 29, 2026

A2.2



**BUILDING HEIGHT COMPARISON
LOOKING WEST**

NO SCALE
APRIL 29, 2026

A2.3

COMPARISON OF TALLEST MEAN ROOF HEIGHT
* LATERAL BUILDING PLACEMENT ADJUSTED TO FIT PAGE

CHICAGO TITLE GF# 4300112408796-RJ

Special Warranty Deed

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.

Effective Date: July 1, 2025

Grantor: TWWG, LLC, a Texas limited liability company

Grantor's Mailing Address: 323 North Comanche Street, San Marcos, Texas 78666

Grantee: 202 HUTCH LLC, a Delaware limited liability company

Grantee's Mailing Address: 2516 Waukegan Rd., Unit 343, Glenview, IL 60025

Consideration: The sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by Grantee.

Property:

Being that certain property located in the City of San Marcos, Hays, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "**Land**"), together with all buildings and improvements thereon (the "**Improvements**"); all rights, privileges, easements, and appurtenances pertaining to the Land; all of Grantor's right, title, and interest in and to any alleys, strips, or gores adjoining the Land and all of Grantor's rights of ingress and egress to the Land, including, without limitation, any easements, rights-of-way, rights, or other interests in, on, under, or to any land, highway, street, road, right-of-way, or avenue, open or proposed, in, on, under, across, in front of, abutting, or adjoining the Land; and all of Grantor's right, title, and interest in and to any awards made, or to be made in lieu thereof, and in and to any unpaid awards for damage to the Land by reason of a change of grade thereof; all development rights, utility capacity, governmental approvals, licenses, and permits (including all water, sewer, and drainage capacity currently held by Grantor, if any, for the Land on the date hereof), to the extent they relate to the ownership, use, leasing, maintenance, service, or operation of the Land; all of Grantor's right, title, and interest in and to any oil, gas, and other minerals in, under, and that may be produced from the Land, regardless of whether or not the minerals are considered part of the surface estate or part of the mineral estate; all of Grantor's right, title, and interest in and to all site plans, surveys, environmental studies, soil studies, substrata studies, architectural drawings, plans and specifications, engineering plans and studies, floor plans, landscape plans, and other plans or studies of any kind that relate to the Land or the Improvements (the Land, together with the foregoing interests being referred to herein as the "**Property**").

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

All of the matters described in Exhibit "B", attached hereto and incorporated herein by reference, but only to the extent the same are valid and subsisting and affect the Property.

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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

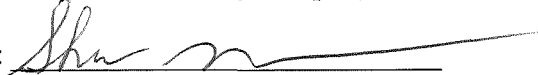
Ad valorem taxes for 2025 have been prorated between Grantor and Grantee and taxes and assessments for such year and subsequent years are assumed by Grantee.

[Signature Page Follows]

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor on the date set forth below, to be effective as of the date and year first written above.

GRANTOR:

TWWG, LLC,
a Texas limited liability company

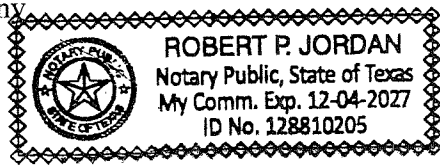
By: 
Name: W. Shane Glosso
Title: Manager

STATE OF TEXAS

COUNTY OF Bexar

§
§
§

This instrument was acknowledged before me on July 7, 2025 by W. Shane Glosso, as Manager of TWWG, LLC, a Texas limited liability company, on behalf of said limited liability company



My Commission Expires: _____



Notary Public in and for the State of Texas

Exhibit "A" – Legal Description of the Land
Exhibit "B" - Exceptions to Conveyance and Warranty

EXHIBIT "A"**LEGAL DESCRIPTION OF THE LAND****TRACT 1:**

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND, BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "T", PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED IN AND CONVEYED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THERETO FOR ALL PERTINENT, LEGAL AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE:

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEK IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN LINE OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG" SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MAG NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

EXHIBIT "B"

EXCEPTIONS TO CONVEYANCE AND WARRANTY

1. Permanent easement granted to the City of San Marcos on June 13, 1978, and recorded in Volume 311, Page 636, Deed Records, Hays County, Texas.
2. The Land lies within the boundaries of Edwards Underground Water District

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

25024942 DEED
07/07/2025 05:01:41 PM Total Fees: \$49.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas



NOTES:

The survey shown hereon has been prepared as the result of an on the ground survey completed on June 18, 2024.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The Surveyor has not abstracted the subject property, nor made any independent investigation or search for easements of record, restrictive covenants or any other encumbrances.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Chicago Title Insurance Company, OF No. sct-48-4300112408796-RJ, effective date October 9, 2024, issue date October 15, 2024. The Surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

By scaling the surveyed tract onto the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 48209C0389F, revised date September 2, 2005, the subject property is in ZONE X (unshaded), defined as areas determined to be outside the 0.2% annual chance floodplain. The Surveyor makes no representation as to the accuracy of said FIRM or that it is the most current published flood map.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

There was not observed evidence of recent earth moving, building construction or building additions.

There was not observed evidence of recent street or sidewalk construction or repairs.

LEGAL DESCRIPTION

TRACT 1:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THEREOF FOR ALL PERTINENT, LEGAL, AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEX IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN CORNER OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

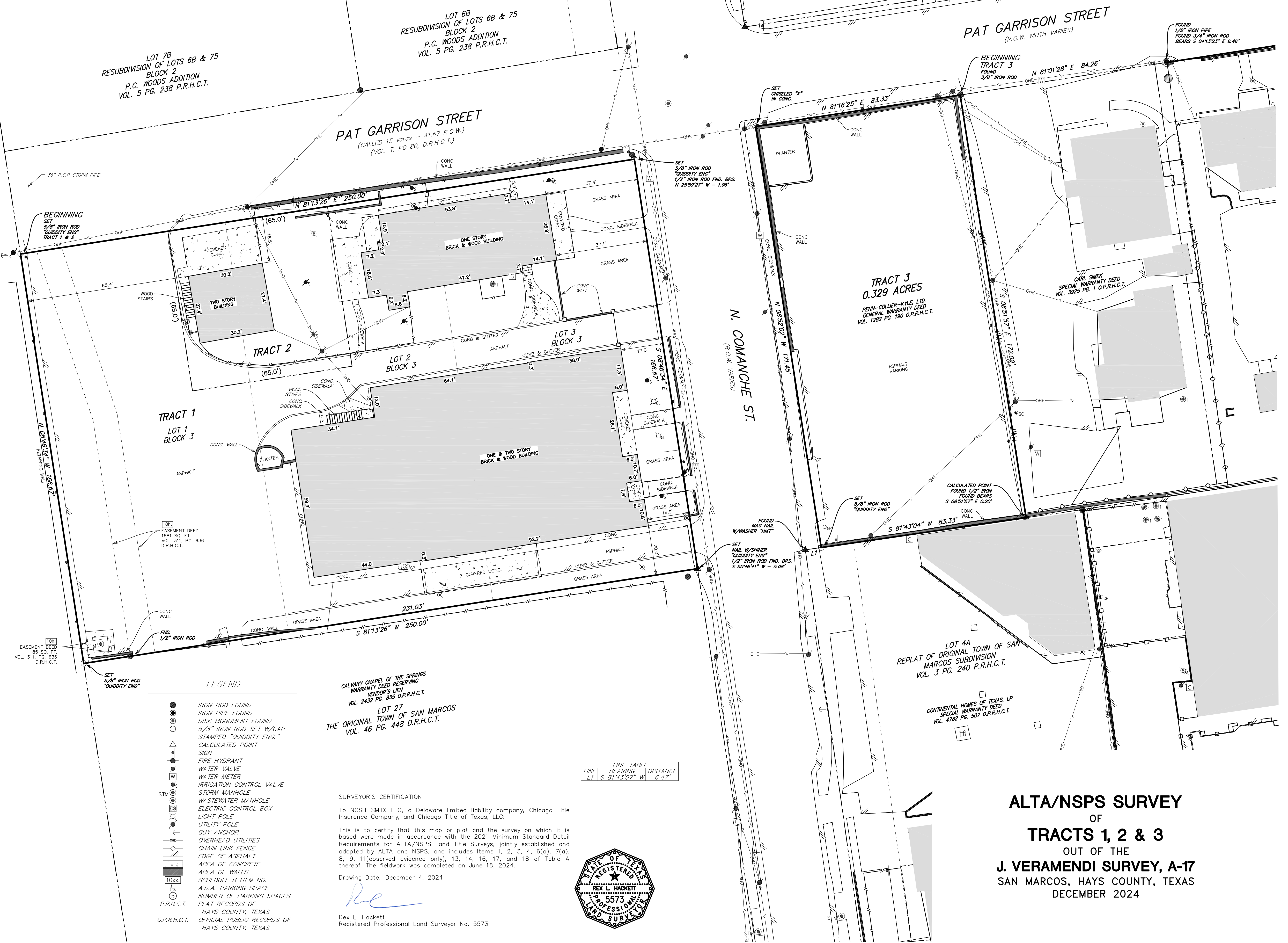
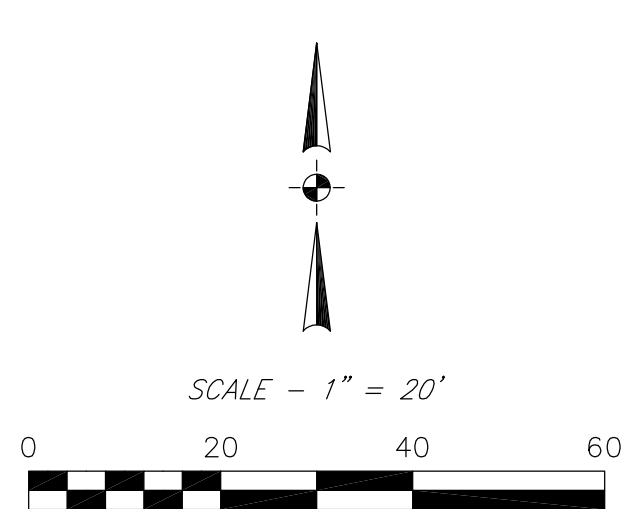
THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG." SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MARK NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

SCHEDULE B ITEMS:

10h. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document. Granted to: City of San Marcos Purpose: Permanent easement Recording Date: June 13, 1978 Recording No: Volume 311, Page 636, Official Public Records of Hays County, Texas AFFECTS Tract 1, shown hereon.



- LEGEND: IRON ROD FOUND, IRON PIPE FOUND, DISK MARKER FOUND, 5/8" IRON ROD SET W/CAP STAMPED "QUIDDITY ENG.", CALCULATED POINT, SIGN, FIRE HYDRANT, WATER VALVE, WATER METER, IRRIGATION CONTROL VALVE, STORM MANHOLE, WASTEWATER MANHOLE, ELECTRIC CONTROL BOX, LIGHT POLE, UTILITY POLE, GUY ANCHOR, OVERHEAD UTILITIES, CHAIN LINK FENCE, EDGE OF ASPHALT, AREA OF CONCRETE, AREA OF WALLS, SCHEDULE B ITEM NO., A.D.A. PARKING SPACE, NUMBER OF PARKING SPACES, PLAT RECORDS OF HAYS COUNTY, TEXAS, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

CALVARY CHAPEL OF THE SPRINGS WARRANTY DEED RESERVING VENDOR'S LIEN VOL. 2432 PG. 835 O.P.R.H.C.T. LOT 27 THE ORIGINAL TOWN OF SAN MARCOS VOL. 46 PG. 448 D.R.H.C.T.

SURVEYOR'S CERTIFICATION To NCSH SMX LLC, a Delaware limited liability company, Chicago Title Insurance Company, and Chicago Title of Texas, LLC: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11 (observed evidence only), 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on June 18, 2024. Drawing Date: December 4, 2024



Rex L. Hockett Registered Professional Land Surveyor No. 5573

ALTA/NSPS SURVEY OF TRACTS 1, 2 & 3 OUT OF THE J. VERAMENDI SURVEY, A-17 SAN MARCOS, HAYS COUNTY, TEXAS DECEMBER 2024





Student Housing Parking Utilization Study

Prepared for

Mr. Patrick Quinn

NCSH SMTX LLC

2516 Waukegan Rd, Unit 343

Glenview, IL 60025

By

Capitol Market Research, Inc.

1102 West Avenue, Suite 100

Austin, Texas 78701

On

March 28, 2025



Real Estate Research, Land Development Economics & Market Analysis

March 28, 2025

Mr. Patrick Quinn
NCSH SMTX LLC
2516 Waukegan Rd, Unit 343
Glenview, IL 60025

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

Dear Mr. Quinn:

As you requested, we have 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, on Hutchison Street, in downtown San Marcos, Texas. Our survey covered 8 properties that contain a total of 3,221 beds in 1,273 units. At these 8 properties, there are 2,282 parking spaces available for students to lease (Table 1). The average number of spaces per bed is 0.73 and the average vacancy rate is 5.0%, but a majority of the vacant spaces are at the two most “overparked” projects, Cheatham Street Flats and The View on the Square (Table 2). Based on the current occupancy rates, the current ratio of spaces leased per leased bed is 0.70 (Table 3).

Based on this analysis, Capitol Market Research suggests a parking ratio of 0.69 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

Capitol Market Research, Inc.
1102 West Avenue, Suite 100
Austin, Texas 78701
Phone: (512) 476-5000
cheimsath@cmraustin.com

Table (1)
Garage Parking Analysis
 San Marcos Student Housing

Map No.	Project	YOC	Total Units	No. Beds	Parking Cost per month	Total Spaces	Vacant Spaces
Built 2010 +							
1	Aspire San Marcos	2020	225	755	\$90 S / \$150 R	514	0
2	Ceatham Street Flats	2020	143	234	\$100	162	24
3	Pointe San Marcos	2017	109	345	\$125	265	21
4	The Local	2017	96	304	\$74.95	200	0
5	The Lyndon*	2019	233	515	\$60 S / \$85 R	314	0
6	The Parlor	2021	261	452	\$90 S uncovered / \$120 S / \$150 R	350	0
7	The View on the Square	2021	120	386	\$90 uncovered / \$100 covered	249	28
8	Vie Lofts at San Marcos	2016	86	230	\$40 S / \$50 R	228	13
Total			1,273	3,221		2,282	86

Source: Capitol Market Research, telephone survey of each property, March 2025

parking_sm.xls

* S = Standard

* R = Reserved

Table (2)
Resident Parking Information
 Number of Beds and Parking Spaces

Map No.	Project	YOC	Total Units	No. Beds	Total Spaces	Spaces Per Bed	Vacant Spaces	Vacancy Rate
Built 2010 +								
1	Aspire San Marcos	2020	225	755	514	0.68	0	0.0%
2	Cheatham Street Flats	2020	143	234	162	0.69	24	14.8%
3	Pointe San Marcos	2017	109	345	265	0.77	21	7.9%
4	The Local	2017	96	304	200	0.66	0	0.0%
5	The Lyndon*	2019	233	515	314	0.61	0	0.0%
6	The Parlor	2021	261	452	350	0.77	0	0.0%
7	The View on the Square	2021	120	386	249	0.65	28	11.2%
8	Vie Lofts at San Marcos	2016	86	230	228	0.99	13	5.7%
Total			1,273	3,221	2,282	0.73	86	5.0%

Source: Capitol Market Research, apartment community survey March 2025

parking_sm.xls

The properties selected were recently completed (2010+) and had a parking garage

With the exception of The Lyndon, all are located with one mile from Hutchison Street.

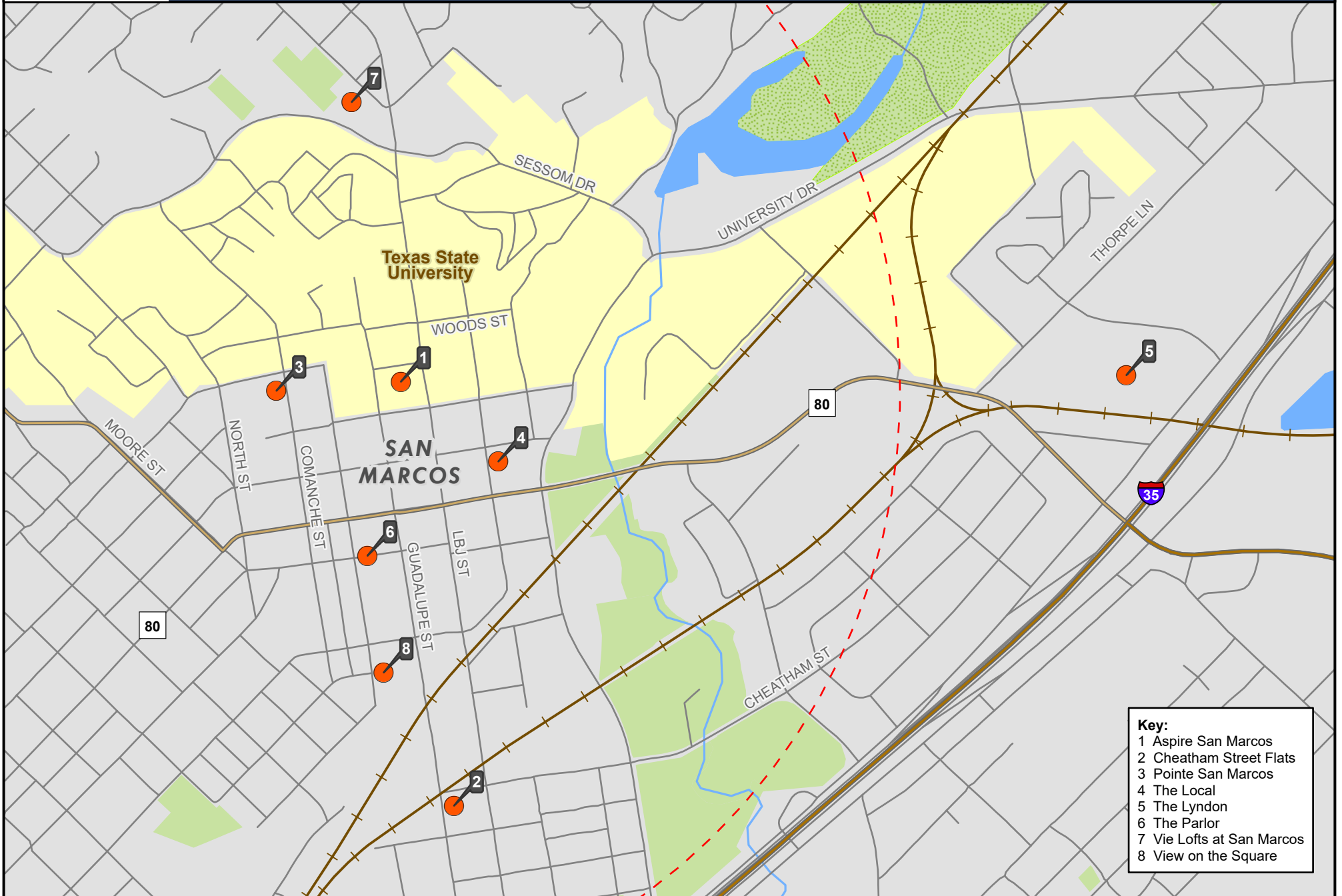
Table (3)
Resident Parking Information
 Parking Ratios Based on Occupied Beds

Map No.	Project	YOC	Total Units	Total Number of Beds	Beds Leased	Total Spaces	Spaces Leased	Ratio of Spaces Leased Per Leased Bed
Built 2010 +								
1	Aspire San Marcos	2020	225	755	755	514	514	0.68
2	Cheatham Street Flats	2020	143	234	234	162	138	0.59
3	Pointe San Marcos	2017	109	345	345	265	244	0.71
4	The Local	2017	96	304	304	200	200	0.66
5	The Lyndon*	2019	233	515	506	314	314	0.62
6	The Parlor	2021	261	452	452	350	350	0.77
7	The View on the Square	2021	120	386	364	249	221	0.61
8	Vie Lofts at San Marcos	2016	86	230	230	228	215	0.93
Total			1,273	3,221	3,190	2,282	2,196	0.70

Source: Capitol Market Research, apartment community survey March 2025

parking_sm.xls

*The properties selected were recently completed (2010+) and had a parking garage
 With the exception of The Lyndon, all are located within one mile from Hutchison Street.*



- Key:**
- 1 Aspire San Marcos
 - 2 Cheatham Street Flats
 - 3 Pointe San Marcos
 - 4 The Local
 - 5 The Lyndon
 - 6 The Parlor
 - 7 Vie Lofts at San Marcos
 - 8 View on the Square

2. The Responsible Official shall provide posted notice of a public hearing in accordance with Section 2.3.2.1 and Table 2.1 for a CUP related to the on-premise consumption of alcohol or a CUP related to purpose built student housing.
- B. Planning and Zoning Commission Action.** Conditional use permits shall be decided by the Planning and Zoning Commission, subject to appeal to City Council, unless otherwise stated in this Development Code.
1. The Planning and Zoning Commission shall conduct a public hearing on the application in accordance with Section 2.3.3.1.
 2. The Planning and Zoning Commission shall determine whether to approve, approve with conditions or modifications, or deny the permit.
 3. The Planning and Zoning Commission may require modifications in the proposed use and attach conditions to the conditional use permit deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this Section.
- C. City Council Action.** Conditional use permits expressly determined by this code to be decided by the City Council shall first receive a recommendation by the Planning and Zoning Commission then follow the procedure below:
1. The City Council shall conduct a public hearing on the application in accordance with Article 3, Division 3 of this Chapter 2.
 2. The City Council shall decide whether to approve, approve with conditions or modifications, or deny the permit.
 3. The City Council may require modifications in the proposed use and attach conditions to the conditional use permit deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this Section.
- D. Conditions Listed in Permit.** Each approved conditional use permit shall list all applicable conditions.

Section 2.8.3.4 Criteria for Approval

- A.** When considering an application for a conditional use permit, the Planning and Zoning Commission or City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:
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 small area plan or neighborhood character study for the area.
 3. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 4. 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;
 5. 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;
 6. 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;
 7. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
 8. 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.

Section 5.1.4.4 Two-Family

- A. Defined.** Two dwelling units located on a single lot which may or may not be located in a single principal structure. An accessory dwelling unit on the same lot as a single family home is not considered a two family lot.
- B. Use Standards.** Where two-family dwelling units are allowed as a limited use the following standards apply:
- Occupancy of each unit is restricted to a family and up to one other person who is not related to any of the other family members by blood, legal adoption, marriage, or conservatorship.

Section 5.1.4.5 Single Family Attached

- A. Defined.** Two or more units in a single principal structure where each unit is attached vertically by a common side wall and is located on a separate lot. Units cannot be vertically mixed.
- B. Use Standards.** Where single family attached units are allowed as a limited use the following standards apply:
- Occupancy of each unit is restricted to a family and up to one other person who is not related to any of the other family members by blood, legal adoption, marriage, or conservatorship.

Section 5.1.4.6 Small Multi-Family (up to 9 units)

- A. Defined.** Three to nine dwelling units on a single lot that do not meet the definition of single family attached or cottage court above.
- B. Use Standards.** Where small multi-family is allowed as a limited use the following standards apply:
- Occupancy of each unit is restricted to a family and up to one other person who is not related to any of the other family members by blood, legal adoption, marriage, or conservatorship; and
 - No more than three bedrooms are permitted to be constructed per unit.

Section 5.1.4.7 Courtyard Housing (up to 24 units)

- A. Defined.** Up to 24 dwelling units arranged around a common courtyard and located on a single lot or up to 24 attached units arranged around a common courtyard.
- B. Use Standards.** Where courtyard housing is allowed as a limited use the following standards apply:
- Occupancy of each unit is restricted to a family and up to one other person who is not related to any of the other family members by blood, legal adoption, marriage, or conservatorship; and
 - No more than three bedrooms are permitted to be constructed per unit.

Section 5.1.4.8 Multi Family (10 or more units)

- A. Defined.** Ten or more dwelling units on a single lot.
- B. Use Standards.** No more than three bedrooms are permitted to be constructed per unit.

Section 5.1.4.9 Purpose-Built Student Housing

- A. Defined.** 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.

B. Use Standards

- 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.”

- a. Before execution of any such lease, applicant or applicant's successor or assignee operating the purpose built student housing allowed by a conditional use permit shall, first, provide a copy of its form lease to the City for review and written approval consistent with this paragraph.
 - b. In the event of a late delivery, the applicant or applicant's successor or assignee operating the purpose built student housing allowed by a conditional use permit shall, first, provide a copy of any correspondence communicating information about the late delivery and/or the student's options for temporary housing to the City for review and written approval.
2. Where purpose built student housing is allowed as a conditional use it may be permitted by the City Council upon a recommendation by the Planning and Zoning Commission in accordance with Section 2.8.3.1. A conditional use permit request for purpose built student housing shall not become effective except by the favorable vote of three-fourths of all members of the City Council when the P&Z recommends denial of the request and be subject to the following criteria:
- 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; and
 - e. Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies.

Section 5.1.4.10 Manufactured Home

- A. **Defined.** A single family unit located on a single lot and manufactured to meet the requirements of a HUD-Code Manufactured Home.

Section 5.1.4.11 Mobile Home Community / Manufactured Home Park / Tiny Home Village

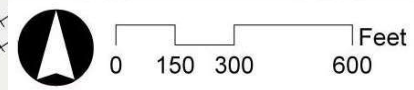
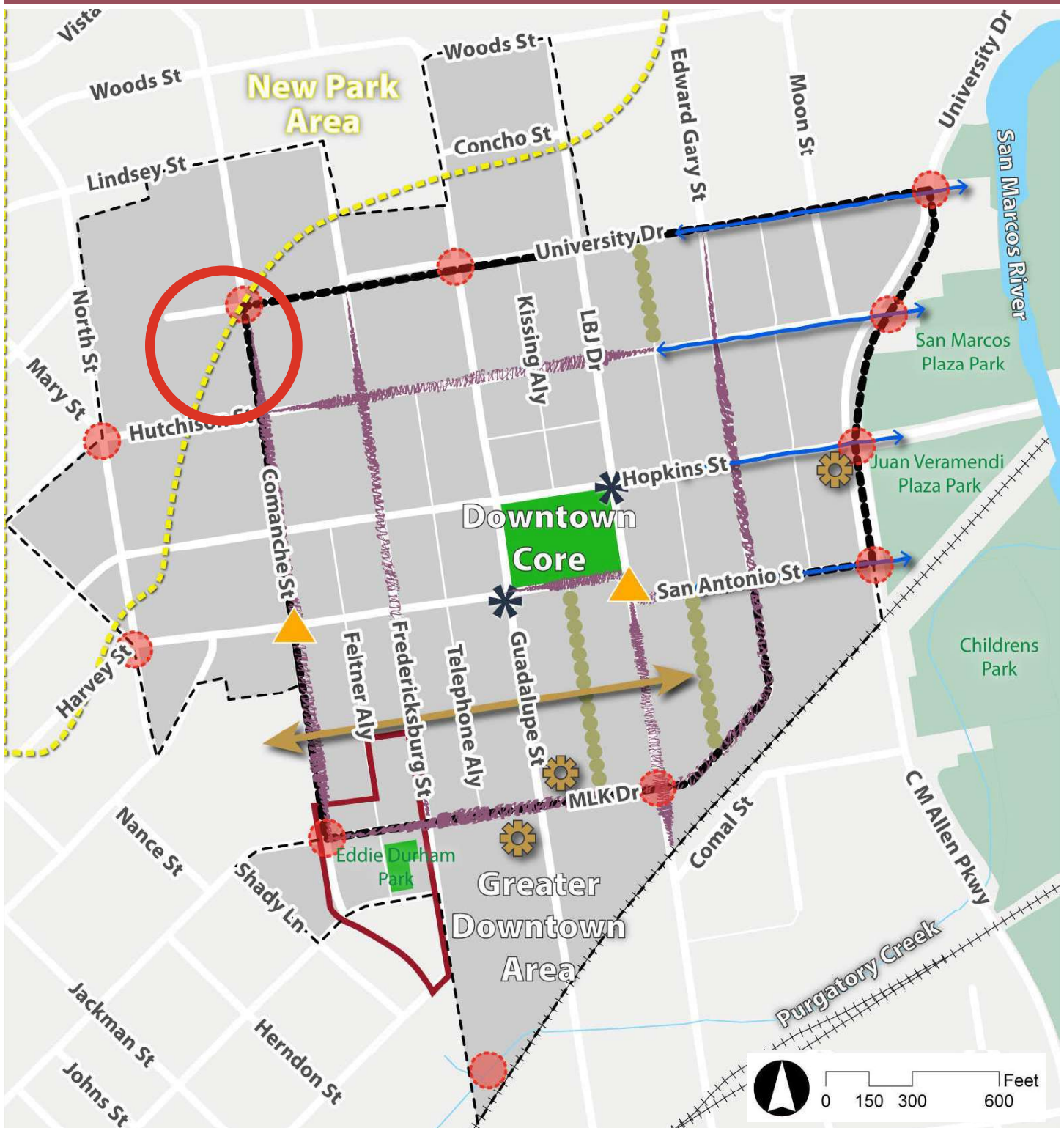
- A. **Defined.** A site, lot or tract of land where two or more Mobile Homes and/or HUD-code Manufactured Homes are located.
- B. **Tiny Home Village.** A lot where multiple tiny homes are situated on individual spaces in accordance with Section 7.6.1.1.

(Ord. No. 2020-60, 9-1-2020)

Section 5.1.4.12 Group Living

- A. **Defined.** Residential occupancy of a structure by not more than 6 people that does not meet the definition of household living. Generally, group living areas have a common eating area for residents. Group living includes the following:
 1. Community home.
 2. Fraternity or sorority.
- B. **Community Home**
 1. **Defined.** A place where no more than six persons are provided room and board, as well as supervised care and rehabilitation by no more than two persons. The limitation on the number of persons applies regardless of the legal relationship of those persons to one another.
 2. **Use Standards.** Where a community home use is limited, residents include no more than six physically or mentally impaired or handicapped persons being provided room and board, as well as supervised care and rehabilitation by no more than two persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code - Community Homes for Disabled Persons Location Act). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

DOWNTOWN HIGHLIGHTED RECOMMENDATIONS



Legend

- Downtown Core
- Greater Downtown Area
- Railroad
- Streets
- River and Creeks
- Parks

- Riverfront Park Connections
- Existing Park for Improvement
- New Park Area
- Mid-Block Connections
- Streetscape Improvements

- Courthouse Square Transit Stops
- Priority Intersections
- Priority Green Alleys
- Infill Development Sites
- Cultural District



Legislation Text

File #: AC-25-09(b), **Version:** 1

AGENDA CAPTION:

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)

Meeting date: May 12, 2026

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 - Housing Opportunities for Texas State Students in appropriate areas
- Parks, Public Spaces & Facilities - Well maintained public facilities that meet needs of our community
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: Vision SMTX Comprehensive Plan

Background Information:

The application is being submitted as part of a series of requests for redevelopment of an existing commercial site to a 7-story Purpose-Built Student Housing complex south of the Texas State University campus. In April, 2025, City Council approved a Conditional Use Permit (CUP-25-02) for Purpose-Built Student Housing and an associated Alternative Compliance (AC-25-02) to allow up to 7 stories in height for an adjacent block bounded by Pat Garrison St., N. Comanche St., W. Hutchison St., and N. Fredericksburg St. (see the “Nearby Approvals Map” for reference). The current request will represent Phase 2 of the abovementioned project.

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 a pedestrian plaza with seating at the intersection of Pat Garrison Street and N. Comanche Street 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-25-71)
- Replat of Lots 1, 2, and 3, Block 3 of P. C. Woods Addition (PC-26-01)
- Demolition Permit for 323 & 325 N. Comanche St. & 305 Pat Garrison St. (2024-52542) - issued

The surrounding neighborhood exhibits a range of building heights. Buildings to the south, including a church, converted single family homes, and H-E-B grocery store are 1 story. Nearby Balcones Hall to the west and Cypress Apartments to the north exhibit heights of 5 to 6 stories. The subject property sits at the transition between the University and historic Downtown and requires sensitivity to the unique neighborhood context.

Council Committee, Board/Commission Action:

N/A

Alternatives:

Click or tap here to enter text.

Recommendation:

Due to varying factors including lack of clarity on incorporation of the metrics of Section 4.3.4.6 and on compatibility with the San Marcos Design Manual, staff is providing a **denial** recommendation.

Should the Commission choose to recommend approval of AC-25-09, staff propose the following conditions:

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.

Alternative Compliance – 7 Story Building Height AC-25-09	325 N. Comanche St. Building Height
--------------------------------------------------------------------------	-----------------------------------------------------



Summary

Request:	Alternative Compliance to increase from 5 to 7 story building height		
Applicant:	Shannon Mattingly, Drenner Group 2705 Bee Cave Rd #100 Austin, TX 78746	Property Owner:	202 Hutch LLC 2516 Waukegan Road #343 Glenview IL 60025-1774

Notification

Posted:	N/A	Personal:	April 24, 2026
Response:	None as of date of this report		

Property Description

Legal Description:	Block 3, Lots 1, 2, & 3, P. C. Woods Addition		
Location:	Southwest corner of Pat Garrison St./ N. Comanche St. intersection, north of Calvary Chapel and W. Hutchison St.		
Acreage:	0.96 acre	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Funeral home, duplex – demo permit issued	Proposed Use:	Purpose Built Student Housing
Preferred Scenario:	Mixed Use Medium within Regional Preferred Scenario Center	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – Medium

Alternative Compliance – 7 Story Building Height AC-25-09	325 N. Comanche St. Building Height
--------------------------------------------------------------------------	-----------------------------------------------------



<u>Surrounding Area</u>	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 - Downtown (CD-5D), Public (P), Multifamily 24 (MF-24)	Purpose Built Student Housing (The Pointe, Cypress), multifamily, fraternity house, Texas State University	Mixed Use Medium, Commercial/ Employment Medium
South of Property:	CD-5D	Grocery store (H-E-B), church, single family residential/ converted homes, laundromat	Mixed Use Medium
East of Property:	CD-5D	Vacant, personal services, parking lot, church	Mixed Use Medium, Conservation/ Cluster
West of Property:	CD-5D, Mixed Use (MU), Public (P), Neighborhood Commercial (NC)	Balcones residence hall, restaurant (Jo's Café), single and duplex housing	Mixed Use Medium, Mixed Use Low

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Partial approval with Conditions	<input checked="" type="checkbox"/> Denial
<p>Due to varying factors including lack of clarity on incorporation of the metrics of Section 4.3.4.6 and on compatibility with the San Marcos Design Manual, staff is providing a denial recommendation.</p> <p>Should the Commission choose to recommend approval of AC-25-09, 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, 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. 		
Staff: Lauren Clanton, AICP	Title: Chief Planner	Date: May 1, 2026

Alternative Compliance – 7 Story Building Height AC-25-09	325 N. Comanche St. Building Height
--------------------------------------------------------------------------	-----------------------------------------------------



History

The application is being submitted as part of a series of requests for redevelopment of an existing commercial site to a 7-story purpose-built student housing complex south of the Texas State University campus. In April 2025, City Council approved a Conditional Use Permit (CUP-25-02) for Purpose-Built Student Housing and an associated Alternative Compliance (AC-25-02) to allow up to 7 stories in height for an adjacent block bounded by Pat Garrison St., N. Comanche St., W. Hutchison St., and N. Fredericksburg St. (see the “Nearby Approvals Map” for reference). The current request will represent Phase 2 of the abovementioned project.

Additional Analysis

Nearby zoning consists of Character District 5 – Downtown (CD-5D) in the immediate vicinity; Public and Multifamily – 24 districts to the north; and Mixed Use and other legacy commercial districts to the west. Purpose Built Student Housing including The Pointe and the university-owned Cypress apartments exist to the north. To the west is Balcones residence hall. Additional retail and services are located on all sides.

The church directly to the south is 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 Street. The Cypress apartments are approximately 6 stories. The adjacent block east of Comanche Street was granted a maximum building height of 7 stories not to exceed 75 feet through a Council-approved Alternative Compliance request (AC-25-02). With 5 to 7-story buildings to the north and 1-story buildings to the south, the subject property sits at the transition between the University and historic Downtown.

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 a pedestrian plaza with seating at the intersection of Pat Garrison Street and N. Comanche Street and enhanced pedestrian amenities along Comanche Street 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-25-71)
- Replat of Lots 1, 2, and 3, Block 3 of P. C. Woods Addition (PC-26-01)
- Demolition Permit for 323 & 325 N. Comanche St. & 305 Pat Garrison St. (2024-52542) – issued

The buildings at 323 and 325 North Comanche Street were evaluated with a Medium preservation priority in the 2019 Historic Resources Survey, and demolition permits were subject to a 90-day delay according to Section 2.7.4.1 of the Development Code. The Historic Preservation Commission determined that the buildings were considered historically significant and determined that the demolition delay be extended an additional 90 days. The demolition delay expired on June 25, 2025.

Comments from Other Departments

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

**Alternative Compliance –
7 Story Building Height
AC-25-09**

**325 N. Comanche St.
Building Height**



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 setbacks 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. The Pedestrian Gateway is 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, while the intent is to provide 4 and 5 bedroom units to encourage affordability, affordable housing will not be provided 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>

**Alternative Compliance –
7 Story Building Height
AC-25-09**

325 N. Comanche St.

Building Height



Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
	<u>X</u>		<p>The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; <i>The applicant has stated that the opportunity for professional or commercial space is available; however, the allocation of this space is not demonstrated through the Parking and Unit Layout or building elevations, and the applicant has not agreed to a condition to provide professional or commercial space.</i></p>
	<u>X</u>		<p>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></p>
	<u>X</u>		<p>The additional stories provide an opportunity to include childcare within the facility; <i>The applicant has stated that the opportunity for a child care facility is available; however, the allocation of this space is not demonstrated through the Parking and Unit Layout or building elevations, and the applicant has not agreed to a condition to provide child care.</i></p>
		<u>X</u>	<p>The additional stories provide an opportunity to add public parking in or adjacent to the downtown; <i>The applicant has neither confirmed that there will be excess spaces nor specified whether those spaces will be paid parking. The associated development directly to the east across Comanche St. and this request both offer a reduced parking ratio below the minimum requirement of 1.05 spaces per bedroom per the Development Code with fee in lieu required for spaces not provided.</i></p>
	<u>X</u>		<p>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></p>

**Alternative Compliance –
7 Story Building Height
AC-25-09**

325 N. Comanche St.

Building Height



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. <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. If a condition is applied that limits the height to 75 feet, the density of units will remain the same regardless of the allowed height. While the additional stories are not consistent with the context per the Design Manual, the increased density will allow for clustering of student residences near the university in an area already characterized by student housing development and similar building heights. The proposed height is demonstrated in the Perspective Views which are provided for reference only.</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. <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>

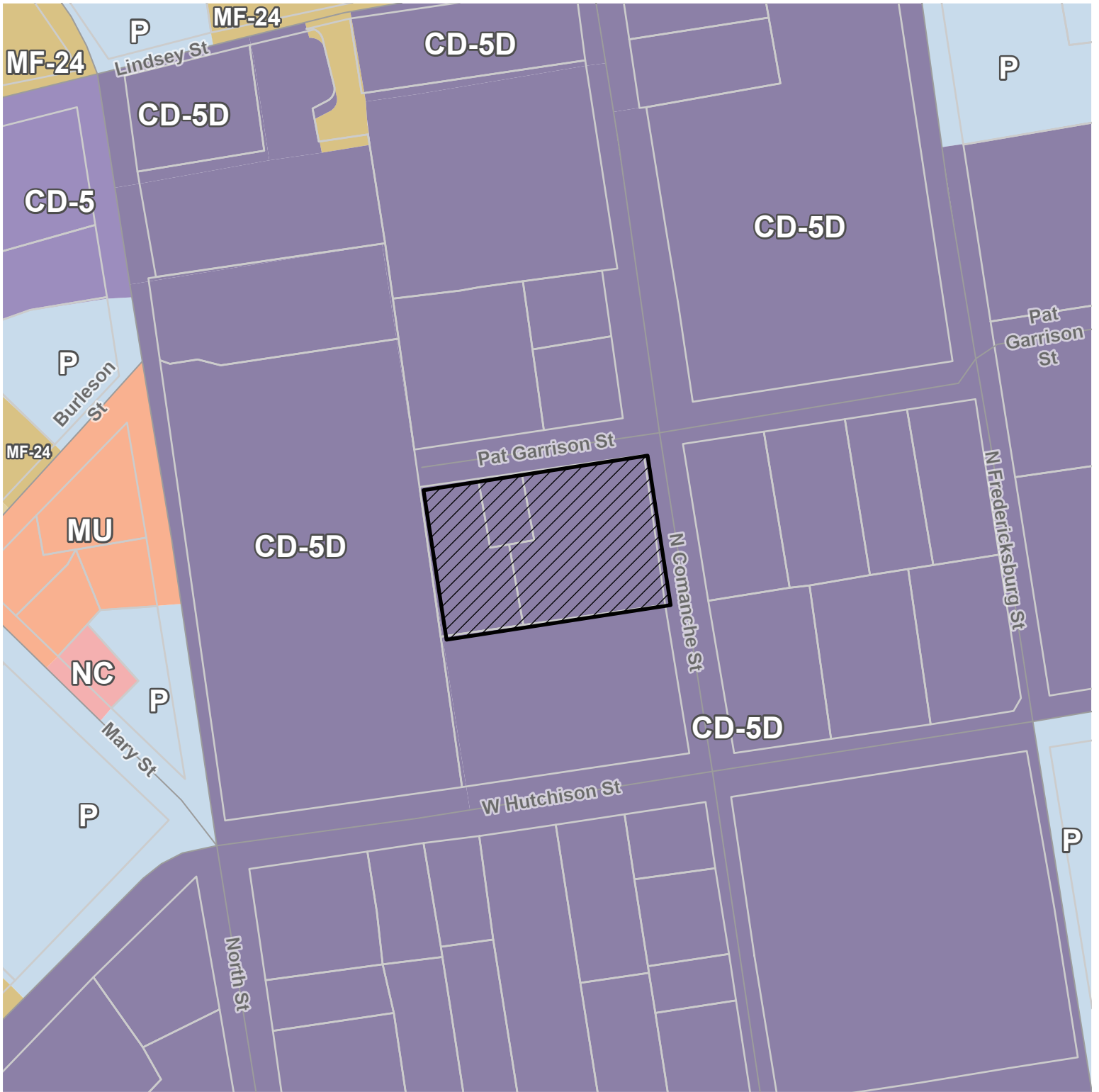










- Subject Property
- Texas State
- Parcel
- City Limit

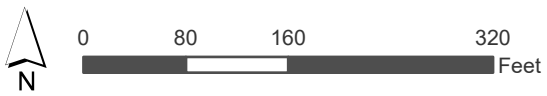


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 1/6/2026



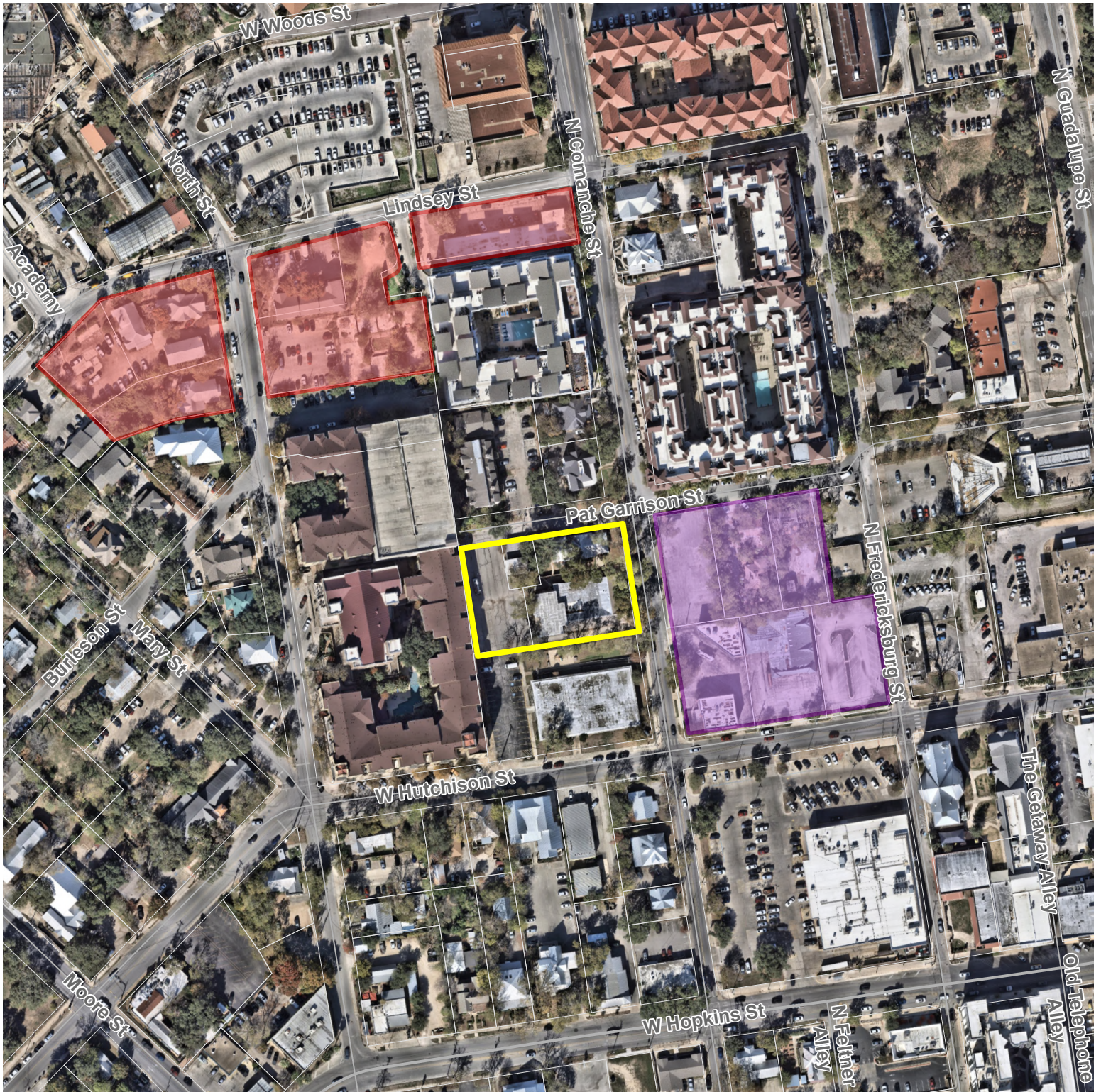
-  Subject Property
-  CD-5
-  CD-5D
-  MF-18
-  MF-24
-  MU
-  NC
-  P



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: 1/6/2026





- Subject Property
- Comanche & Hutchison St.
- North & Lindsey St.
- Parcel



Site Location



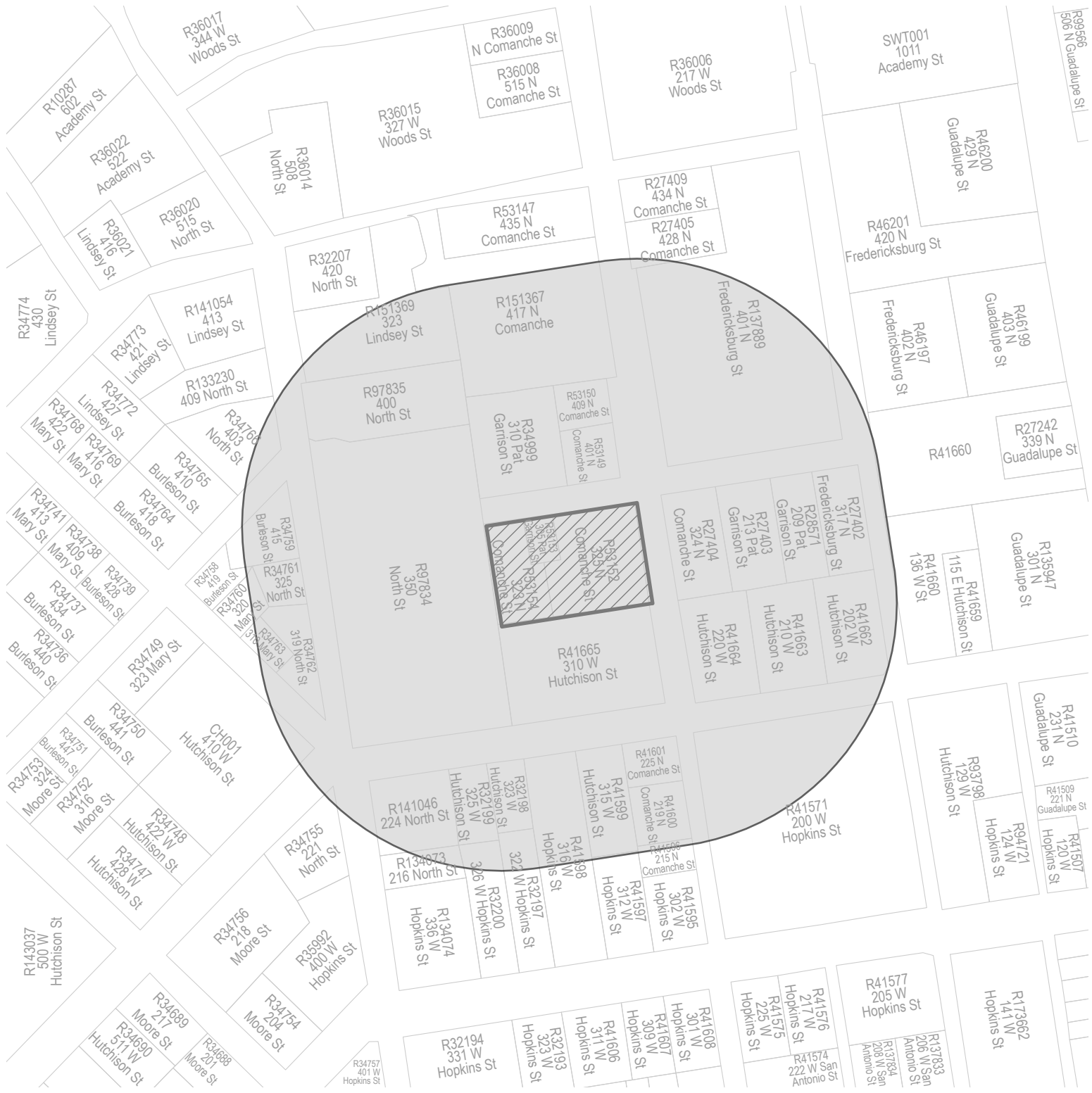
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Date: 1/14/2026

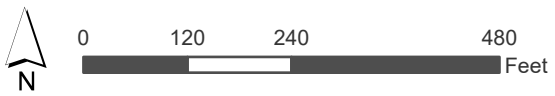
7-Story Building Height 325 N. Comanche St.

AC-25-09

Notification Map



- 400 Ft Notification Buffer
- Subject Property
- Parcel



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Date: 4/22/2026

PLANNING AND DEVELOPMENT SERVICES



4/24/26

AC-25-09

**Notice of Public Hearing
Alternative Compliance
7-Story Building Height
325 N. Comanche St.**

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)

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, May 12, 2026**, 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, June 2, 2026**, 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/citizencommentsignup

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-25-09**.

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

PLANNING AND DEVELOPMENT SERVICES

Enclosure: Map (See Reverse)

Property ID	Property Address	Owner/ Contact	Owner Address	Owner City/ State/ Zip
28571	209 PAT GARRISON, SAN MARCOS, TX 78666	202 HUTCH LLC c/o NEXT CHAPTER PROPERTIES LLC	2516 WAUKEGAN RD, STE 243	GLENVIEW, IL 60025-1774
41597	312 W HOPKINS ST, SAN MARCOS, TX 78666	312 VENTURES LLC	312 W HOPKINS ST	SAN MARCOS, TX 78666-4404
155307	NORTH ST, SAN MARCOS, TX 78666	410 NORTH STREET LLC % EXECUTIVE FINANCIAL CONSULTANTS LLC	6724 PERIMETER LOOP RD, STE 180	DUBLIN, OH 43017-3202
35004	310 PAT GARRISON ST, SAN MARCOS, TX 78666	ALDEN ELIZABETH	4603 TANNER PEAK	SAN ANTONIO, TX 78247-5813
34761	325 NORTH ST, SAN MARCOS, TX 78666	APANTE INVESTMENTS LP	PO BOX 160788	AUSTIN, TX 78716-0788
41665	310 W HUTCHISON ST, SAN MARCOS, TX 78666	CALVARY CHAPEL OF THE SPRINGS	310 W HUTCHISON ST	SAN MARCOS, TX 78666-4410
95398	310 PAT GARRISON ST, SAN MARCOS, TX 78666	CHANCLA HOLDINGS LLC	27306 KEYSTONE BEND CT	SPRING, TX 77386-3514
34766	403 NORTH ST @ BURLESON ST, SAN MARCOS, TX 78666	DELTA ZETA NATIONAL HOUSING CORP	202 E CHURCH ST	OXFORD, OH 45056
32197	322 W HOPKINS ST, SAN MARCOS, TX 78666	DILLON PRESTON ROBERT JR & KATHRYN COATS	1000 BURLESON ST	SAN MARCOS, TX 78666
34762	319 NORTH ST, SAN MARCOS, TX 78666	EMMA RANCH HOLDINGS LLC	PO BOX 118	BUDA, TX 78610-0118
41598	319 W HUTCHISON ST, SAN MARCOS, TX 78666	EPSILON ZETA CHAPTER OF ALPHA DELTA PI HOUSE CORPATION	319 W HUTCHISON ST	SAN MARCOS, TX 78666-4409
43609	320 FREDERICKSBURG ST, SAN MARCOS, TX 78666	FIRST UNITED METHODIST CHURCH OF SAN MARCOS	129 W HUTCHISON ST	SAN MARCOS, TX 78666
35009	310 PAT GARRISON ST, SAN MARCOS, TX 78666	FRIZZELL BRIAN & MICHELE	273 EMMA LOOP	AUSTIN, TX 78737-1437
34755	221 NORTH ST, SAN MARCOS, TX 78666	GERMER HOLDINGS LLC	799 HIGHWAY 71	BASTROP, TX 78602
95397	310 PAT GARRISON ST, SAN MARCOS, TX 78666	GONZALEZ MARIO E & RUIZ MARGARITA	211 AINSWORTH ST	AUSTIN, TX 78745-4078
41571	200 W HOPKINS ST, SAN MARCOS, TX 78666	H-E-B LP	646 S FLORES ST	SAN ANTONIO, TX 78204-1219
41599	315 W HUTCHISON ST, UNIT #2, SAN MARCOS, TX 78666	HIGGS PROPERTIES LLC	605 MOUNTAIN VIEW DR	SAN MARCOS, TX 78666-4907
35005	310 PAT GARRISON ST, SAN MARCOS, TX 78666	HUTCHISON FAMILY TRUST % RALPH HUTCHISON	1857 N 10TH DR	WASHOUGAL, WA 98671
35000	310 PAT GARRISON ST, SAN MARCOS, TX 78666	JONES, CHRISTOPHER	236 E BURTON ST	LONGVIEW, TX 75603-4330
41601	225 N COMANCHE ST, SAN MARCOS, TX 78666	KATZ CHASE BENJAMIN	490 AQUIFER OAKS TRL	SAN MARCOS, TX 78666-4981
141046	224 NORTH ST, SAN MARCOS, TX 78666	KATZ DEVELOPMENT LLC	719 AQUIFER OAK TRL	SAN MARCOS, TX 78666
32200	326 W HOPKINS ST, SAN MARCOS, TX 78666	LETOILE ERIC & CORLEY	601 ALTO ST	SAN MARCOS, TX 78666-3240
27405	428 N COMANCHE ST, SAN MARCOS, TX 78666	MCNABB MARK W & RUTH A	203 N PERKINS	BASTROP, TX 78602
35008	310 PAT GARRISON ST, SAN MARCOS, TX 78666	MOK DAVID	708 BERNSTEIN ST	AUSTIN, TX 78745-5528
32199	325 HUTCHISON, SAN MARCOS, TX 78666	MUZUN INVESTMENTS LLC	P O BOX 160788	AUSTIN, TX 78716-0788
41662	202 W HUTCHISON ST, SAN MARCOS, TX 78666	NCSH SMTX LLC	2516 WAUKEGAN RD, STE 243	GLENVIEW, IL 60025-1774
41596	215 COMANCHE ST, SAN MARCOS, TX 78666	NELSON AMANDA & MUNDY JESSE	7907 TIGER EYE CV	AUSTIN, TX 78749
34763	310 MARY, SAN MARCOS, TX 78666	NEXT DOOR HOMES LLC	310 MARY ST	SAN MARCOS, TX 78666-4437
27404	324 N COMANCHE ST, SAN MARCOS, TX 78666	PENN COLLIER KYLE LTD	323 N COMANCHE ST	SAN MARCOS, TX 78666-5644
53153	305 PAT GARRISON ST, SAN MARCOS, TX 78666	PENNINGTON, WILLIAM C	323 N COMANCHE ST	SAN MARCOS, TX 78666-5644
151367	417 N COMANCHE ST, SAN MARCOS, TX 78666	POINTE SAN MARCOS PARTNERS LP	589 5TH AVE, FL 16	NEW YORK, NY 10017-7288
34999	310 PAT GARRISON ST, SAN MARCOS, TX 78666	PUTHURAYA AKSHATHA & UDAYABHASKAR SUMANA	310 PAT GARRISON ST, APT B1	SAN MARCOS, TX 78666-5646
41600	219 N COMANCHE ST, SAN MARCOS, TX 78666	REAL MATTER LLC	109 S BISHOP ST	SAN MARCOS, TX 78666-5301
34758	419 BURLESON, SAN MARCOS, TX 78666	ROPER, GRADY	419 BURLESON ST	SAN MARCOS, TX 78666-4476
35007	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SC WEINGARTEN LLC	4025 TEALWOOD	AUSTIN, TX 78731-1341
35010	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SCHNEIDER HAYDEN MICHAEL & REINKORT MARLIIS	336 LACEY OAK LOOP	SAN MARCOS, TX 78666-2896
35006	310 PAT GARRISON ST, SAN MARCOS, TX 78666	SGK-CEK SERIES LLC-SERIES C	14723 CINDYWOOD DR	HOUSTON, TX 77079-6409
35003	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TACKABERRY JONATHAN & TACKABERRY CRYSTAL	310 PAT GARRISON ST	SAN MARCOS, TX 78666-5690
137889	401 N FREDERICKSBURG ST, SAN MARCOS, TX 78666	TEXAS STATE UNIVERSITY	601 UNIVERSITY DR	SAN MARCOS, TX 78666
95396	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TRAN, VIET & LUAN	2311 WOODWAY	ROUND ROCK, TX 78681-4092
35002	310 PAT GARRISON ST, SAN MARCOS, TX 78666	TRIMBLE MICHAEL & MARKS-TRIMBLE AMANDA	7908 WHEEL RIM CIR	AUSTIN, TX 78749-2892
27402	317 N FREDERICKSBURG ST, SAN MARCOS, TX 78666	VASQUEZ RONNIE L & CYNTHIA M	320 WILDCAT HOLLOW	KYLE, TX 78640
53149	401 N COMANCHE ST, SAN MARCOS, TX 78666	WARSHAUER INVESTMENTS LLC	2265 SUMMIT RIDGE DR	SAN MARCOS, TX 78666-4945
		Samantha Benavides	455 Lindsey St	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaidis	1131 W MLK Dr	SAN MARCOS, TX 78666

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: September 2025

CONTACT INFORMATION

Applicant's Name	Shannon Mattingly	Property Owner	202 Hutch LLC
Company	The Drenner Group	Company	
Applicant's Mailing Address	2705 Bee Cave Road, Suite 100 Austin, TX 78746	Owner's Mailing Address	2516 Waukegan Road, Unit 343, Glenview, IL 60025-1774
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

PROPERTY INFORMATION

Subject Property Address: 325 N . Comanche Street, San Marcos , Texas

Zoning District: CD- 5D Tax ID #: R53152, R53153, R53154

Legal Description: Lot _____ Block _____ Subdivision See attached description

DESCRIPTION OF REQUEST

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

An alternative compliance request to allow for 7 stories instead of 5 stories but keeping the allowed 75 foot height requirement to allow a Purpose-Built Student Housing development to be constructed at 325 N. Comanche Street.

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 \$1,050* Technology Fee \$15 TOTAL COST \$1,065

Renewal/Amendment Filing Fee \$783* Technology Fee \$15 TOTAL COST \$798

**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, Kelly Quinn (owner name) on behalf of
202 Hutch LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
325 Comanche St, San Marcos Texas (address).

I hereby authorize Shannon Mattingly (agent name) on behalf of
The Drenner Group (agent company) to file this application for
AC/CUP application - Purpose Built Student Housing (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Kelly Quinn* Date: Feb 16, 2026
Kelly Qu in (Nov 18, 2025 15:27 52 CST)

Printed Name, Title: Kelly Quinn, Authorized Signatory

Signature of Agent: *Shannon Mattingly* Date: Feb 16, 2026

Printed Name, Title: Shannon Mattingly, Agent

**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 \$158 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 \$158 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: *Kelly Quinn*
Kelly Quinn (Nov 19, 2025 15:27:52 CST)

Date: Feb. 16, 2026

Print Name: Kelly Quinn

DRENNER
GROUP

Shannon Mattingly
[Redacted]
[Redacted]

February 16, 2026

Terry Floyd
Planning Director
City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Via Electronic Delivery

Re: Conditional Use Permit and Alternative Compliance request applications for the property bounded by Commanche St, and Pat Garrison St. located at 325 Commanche Street in the City of San Marcos, Hays County, Texas (the "Property")

Dear Mr. Floyd:

As representatives of the owner of the Property, we respectfully submit the enclosed applications for a Conditional Use Permit for purpose-built student housing and an Alternative Compliance request to allow for up to 7 stories on site, which will be within the allowable building height of 75 feet per code.

The purpose of the PBSH CUP application is to allow the construction of a multifamily project containing 1-5-bedroom units. The inclusion of wide range of units will provide a bedroom count that meets the housing needs of a diverse residential community.

Our request also includes an application for Alternative Compliance to allow 7 versus 5 stories but within the allowable 75 feet building height. The height is primarily driven by parking, which for the CUP is substantially higher at 1.05 spaces per bedroom versus 1 space per unit per code for conventional multi-family. Due to the higher number of parking spaces, a full 2-2.5 floors of structured parking will be required and will still likely result in a parking buydown. The proposed design plan reflects compatibility with the immediate neighbors both in use and in height. The Commanche Street façade will be compatible with the future 202 Hutch project and reflect a similar massing design.

In preparation for our submittal, we met with representatives of Texas State University to discuss the school's projected growth and to discuss the immediate and future housing needs of the university. Texas State's growth has been substantial in the last 5 years with a projected

enrollment of over 40,000 students. The representatives emphasized the need for student-oriented housing within walking or biking distance of the campus and expressed their desire for rents to remain affordable to the student body.

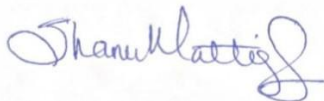
We believe that this location is ideal for accommodating the increased student population, and the need for student housing adjacent or very near to the University. By allowing more dense student housing at key locations, such as this, the city is helping solve many commonly heard issues in the community 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. The proximity 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 feature a public plaza at the Downtown Gateway and have ample indoor secured bike parking.

To serve the needs of our residents that chose to live downtown and given the very limited number of sites that exist near the University and not adjacent to single family neighborhoods, an increase in stories is necessary to achieve the parking and density to make the project beneficial for all. We have previously met with the Fire Chief and Fire Marshall and will incorporate all their recommendations to improve fire safety and access to the site.

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.

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

Very truly yours,

A handwritten signature in blue ink that reads "Shannon Mattingly". The signature is fluid and cursive, with a large initial "S" and "M".

Shannon Mattingly, AICP
Director of Land Use and Entitlements

Alternative Compliance Criteria Responses
Submitted by Applicant 12/26/25

Section 2.8.4.4 Criteria for Approval

- A. **Factors.** When considering an application for alternative compliance, the Planning and Zoning Commission or City Council where applicable shall evaluate the impact of the proposed alternative compliance on and its compatibility with surrounding properties to ensure the appropriateness of the requested alternative compliance for the particular location, and shall consider the extent to which:
1. The request is consistent with the policies embodied in the adopted Comprehensive Plan; **Yes.**
 2. The request is consistent with the general purpose, intent and character of the development regulations applicable to the property; **Yes**
 3. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property; **The shape of the site creates design inefficiencies impacting the amount and flow of the parking and floors above. The natural topography of the site creates a condition where the overall height of the buildings is impacted by the highest point of the site effectively losing a floor due to the slope.**
 4. The request is detrimental to the public health, safety or welfare, or injurious to other property within the area; **No.**
 5. The request either:
 - a. 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 the proposed use is consistent with the neighboring uses both in numbers of stories and uses.**
 - b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts. **Improvements will be made along Comanche including road widening and street improvements.**
 6. 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; **No**
 7. 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; and **the proposed use is compatible with existing and proposed developments in both use and stories within character of the district.**
 8. 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. **Yes.**

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. **Yes.**
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; **While not a traditional "Affordable Housing" residential project as defined by the U.S. Departments of Housing and Urban Development, the request for additional height was to add more density and increase the capacity for four and five bedroom units which helps students with affordability. After conducting our own research and meeting with Texas State University, it was determined that ultra luxury apartment units are not what's in demand within the market but pedestrian friendly living options for students at reasonable rates that would reduce the traffic from students driving in from the communities that are too far to walk or that lack a reliable shuttle option.**
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; **Our project will cater to the student population at Texas State University. Although we offer our units to anyone that qualifies, we make our best efforts to inform non-student renters of the anticipated tenant base to ensure everyone can live in harmony. As such we would not cater to the needs of the population of workforce housing.**
4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities; **Yes.**
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; **LEED is very difficult for this residential construction type to achieve. We've found that we can deploy other methods to make our building that act like a LEED building without the cost of the certification which is an annual cost that's typically passed on to the residents thereby increasing the market rates. These technologies include the use of responsibly sourced materials, solar (which the application can vary by State), high efficiency windows, energy efficient appliances and smart thermostats to name a few.**
6. The additional stories provide an opportunity to include child care within the facility; **Yes**
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown; **Possibly**
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.. **No.**
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; and. **Yes**
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. **Street level engagement along Comanche to retain the neighborhood character.**

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 **Yes**
2. The building has a frontage greater than sixty (60) feet in width. **Yes**

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; [Proposed project is consistent with 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;. [We have attached a conceptual 3-D rendering and we will keep the street level engaged by using exterior material which will keep the neighborhood character.](#)
3. Ensure that a traditional scale at the street level is maintained in order to reflect the design of historic buildings downtown; and [See note above](#)
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. [No views of landmarks will be impacted.](#)

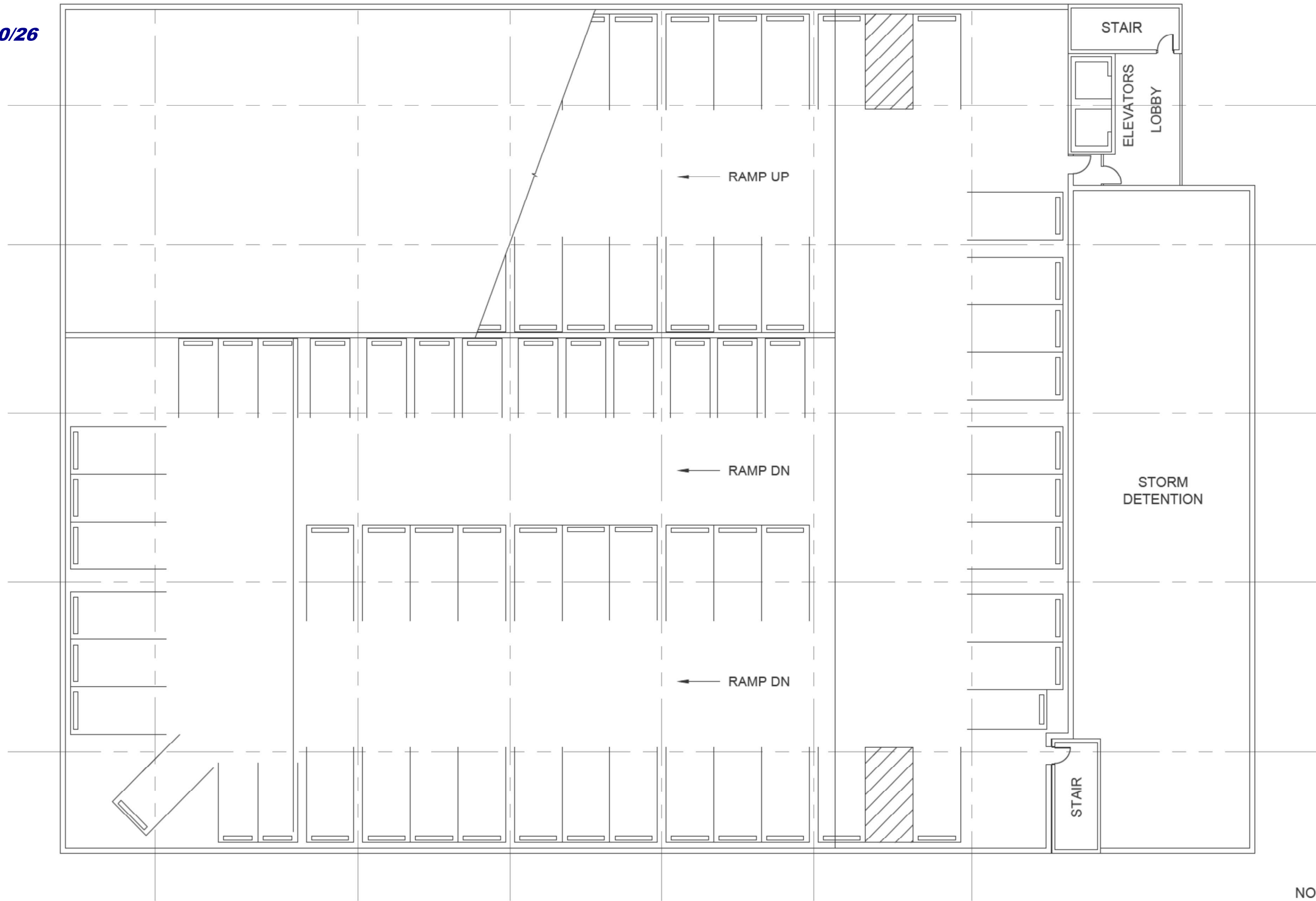
C. General Standards. The varied massing requirements can be achieved through the selection of one of the following options:

1. Option 1: A minimum of forty (40%) percent of the building facade over three (3) stories in height shall be set back a minimum of twenty (20) feet from the front property line. (Figure 4.14)
2. Option 2: A minimum of fifty (50%) percent of the building facade over three (3) stories in height shall be set back a minimum of fifteen (15) feet from the front property line. (Figure 4.15) [The project will meet Option 2](#)
3. Option 3: A minimum of forty (40%) percent of the building facade over three (3) stories is stepped back a minimum of fifteen (15) feet from the front property line and a forecourt is incorporated (see Forecourt standards in Table 4.14). (Figure 4.16)

D. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the varied massing requirements, subject to the following findings.

1. The approved alternate meets the intent of the varied upper floor massing requirements; [We intend to comply with the Design Contents as approved in the Downtown Design Guidelines.](#)
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.

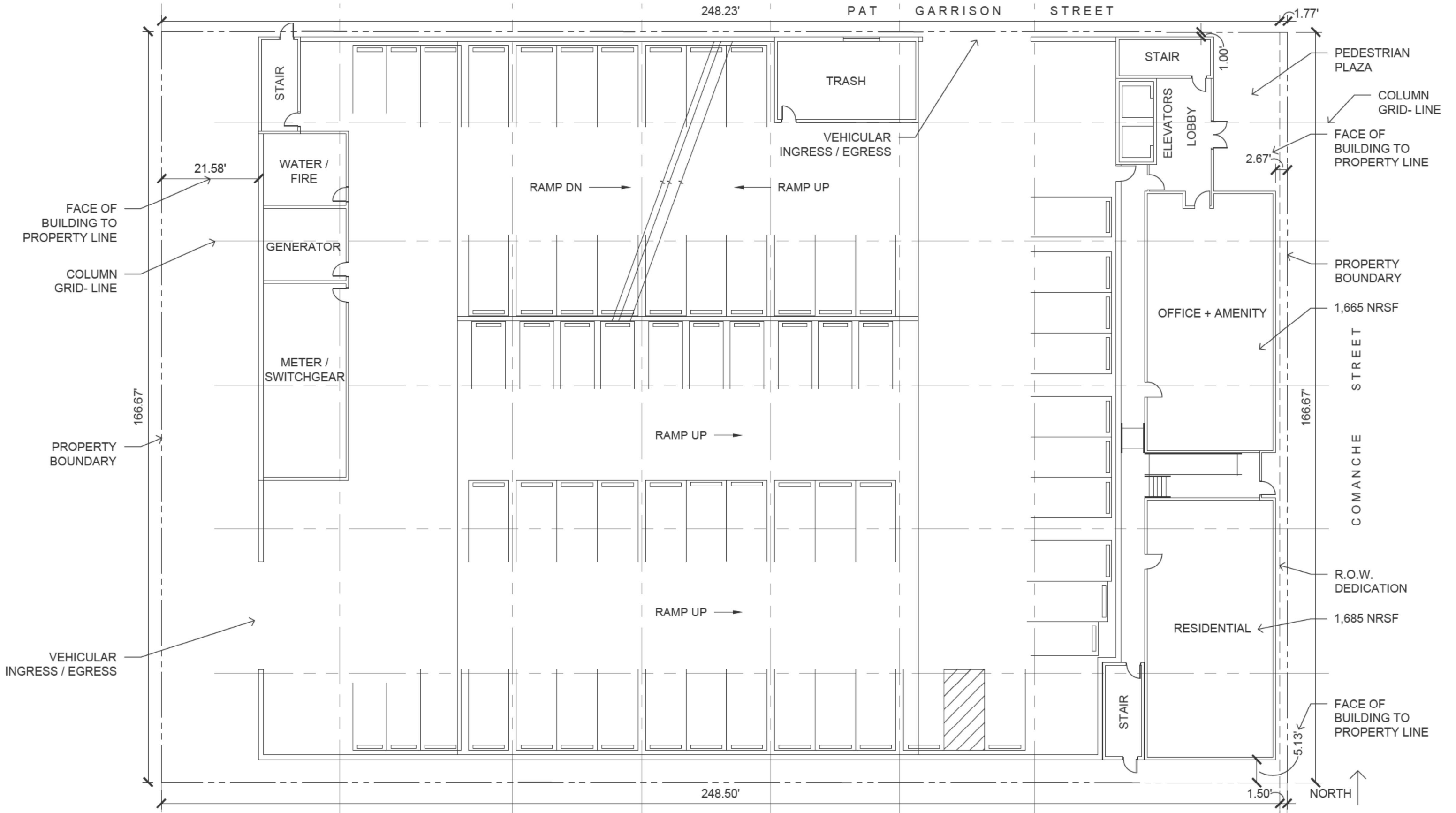
Exhibit A:
Parking and Unit Layout
Submitted by Applicant 4/30/26



LOWER LEVEL PLAN
1" = 20'-0"
APRIL 29, 2026



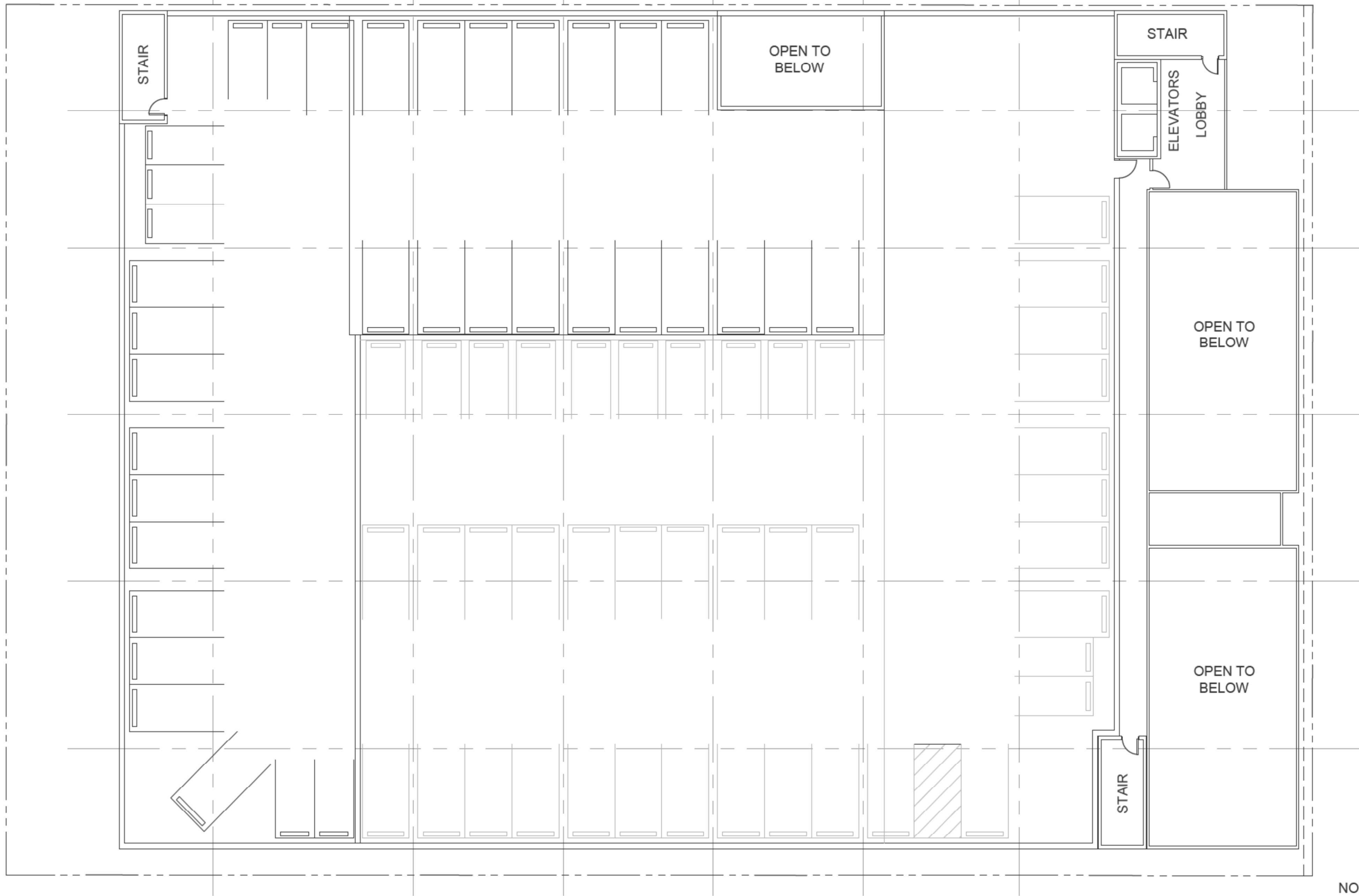
A1.0



GROUND LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

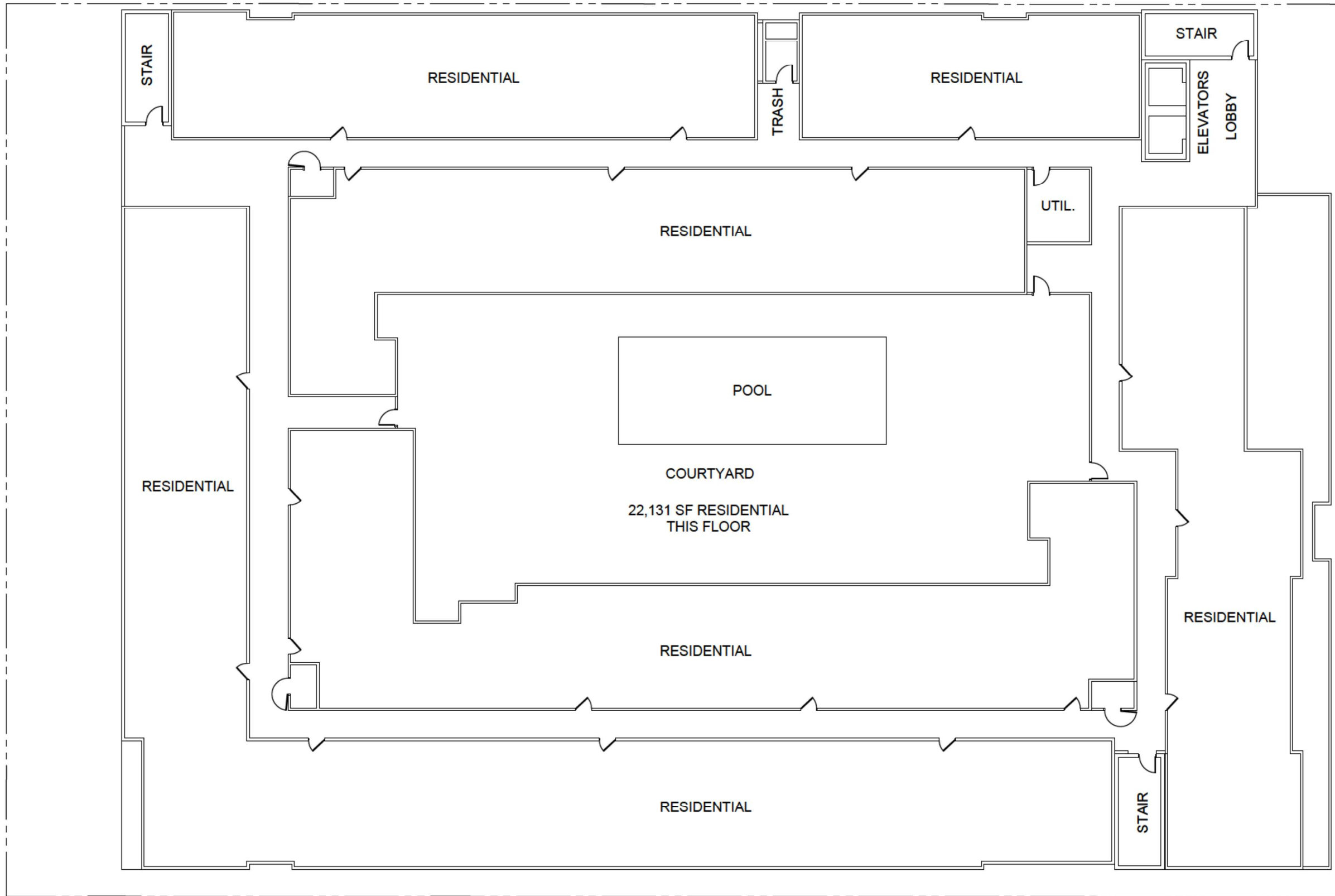
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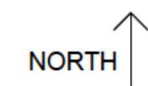
SECOND LEVEL PLAN
 1" = 20'-0"
 APRIL 29, 2026

NORTH ↑

A1.2



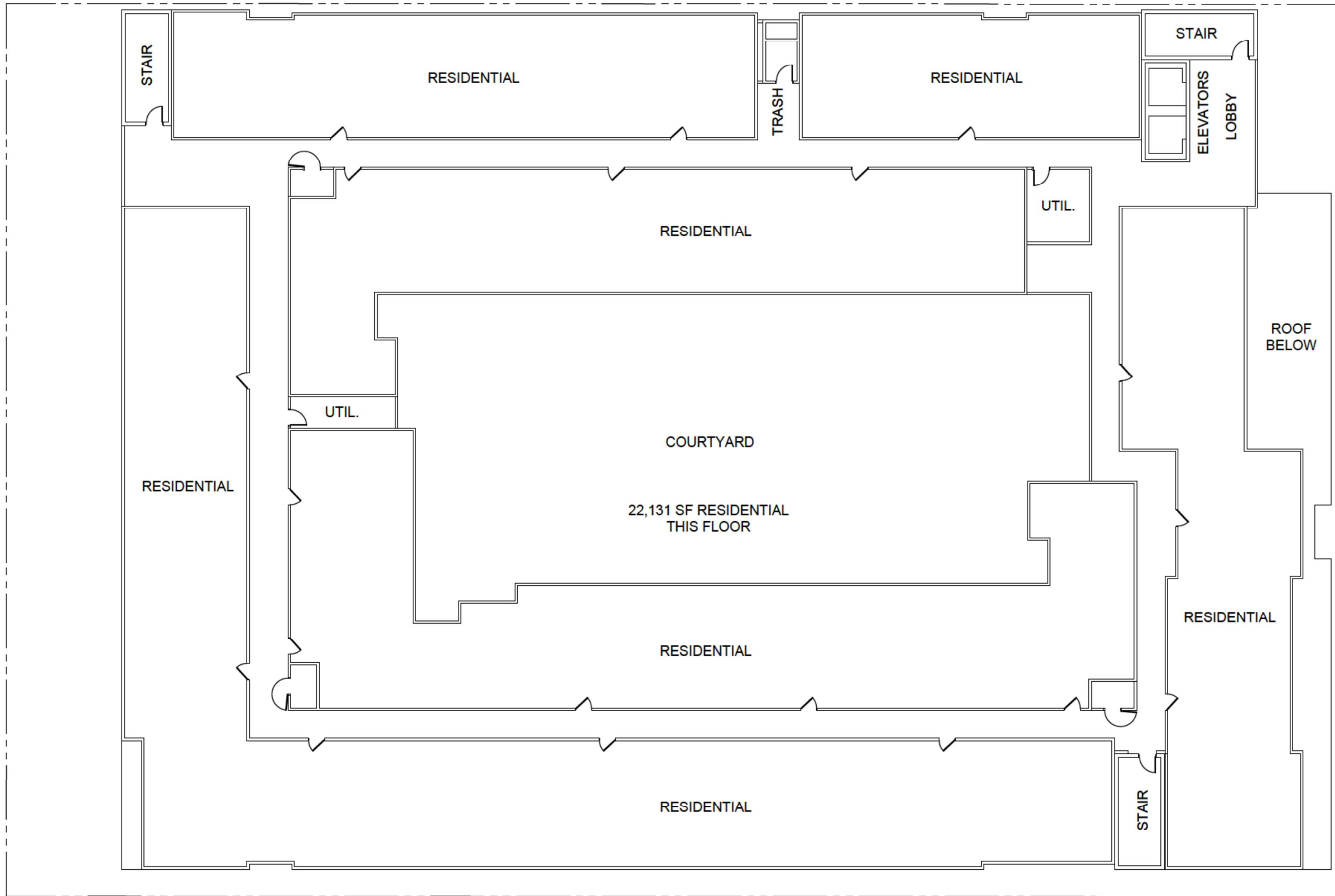
POOL
COURTYARD
22,131 SF RESIDENTIAL
THIS FLOOR



THIRD LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.3



NORTH ↑

FOURTH - SEVENTH LEVEL PLAN

1" = 20'-0"
APRIL 29, 2026

A1.4



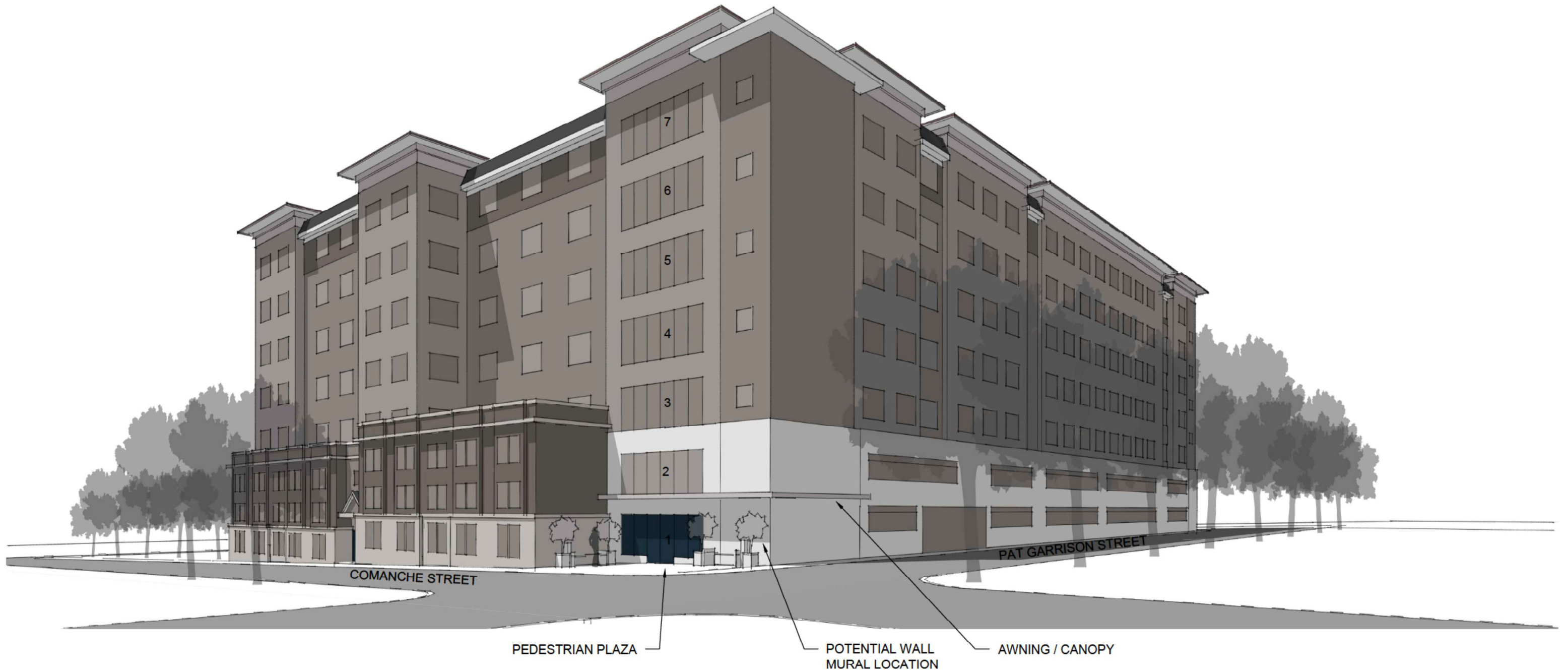
Exhibit B:
Perspective Views
 Submitted by Applicant 4/30/26

SEVEN STORY MODEL SHOWN. FIVE STORY MODEL IS EXACTLY THE SAME HEIGHT AS THE SEVEN STORY MODEL.

CONTEXT VIEW
 LOOKING NORTHWEST
 NO SCALE
 APRIL 29, 2026

NORTH ↗

A2.0



325 COMANCHE
SAN MARCOS, TEXAS

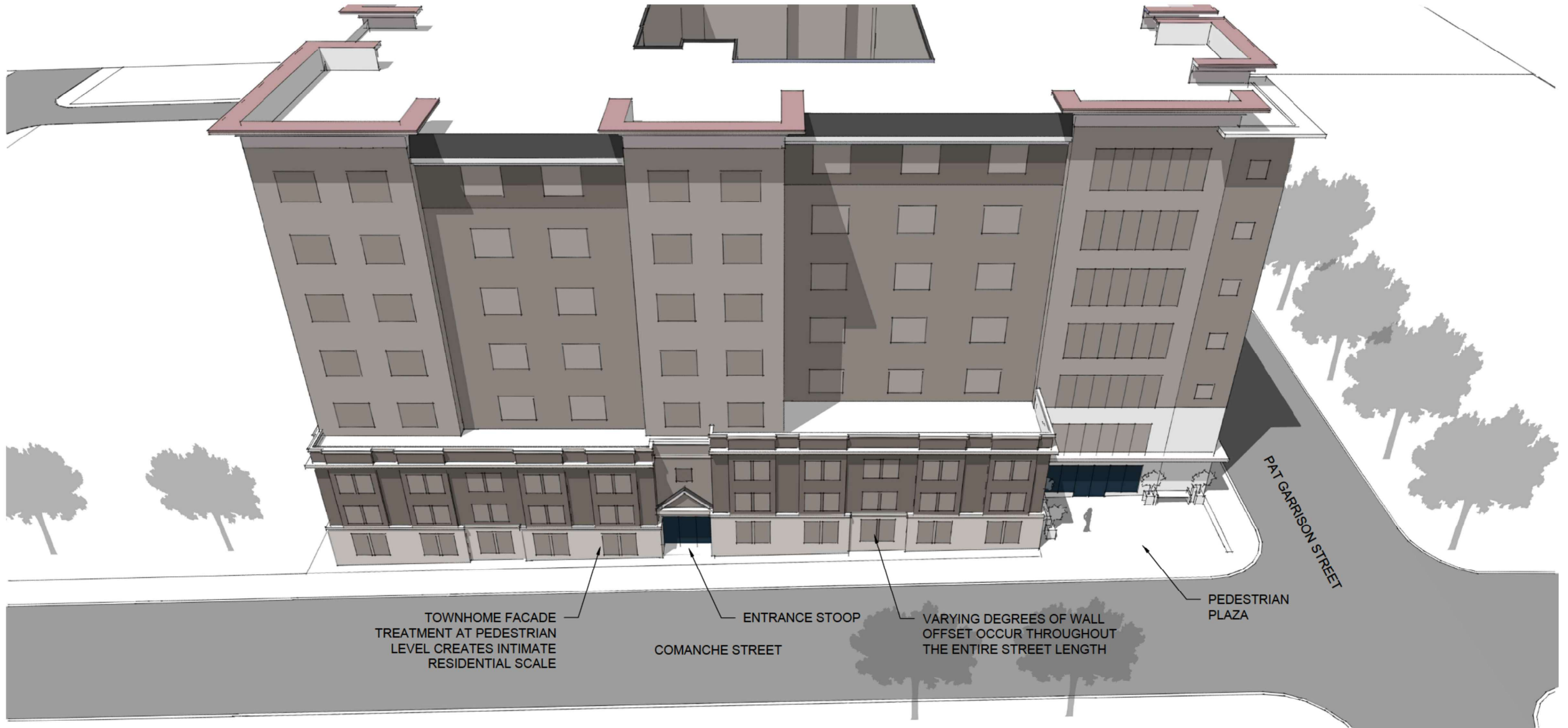
CONCEPTUAL

PERSPECTIVE VIEW
LOOKING SOUTHWEST

NO SCALE
APRIL 29, 2026

A2.1





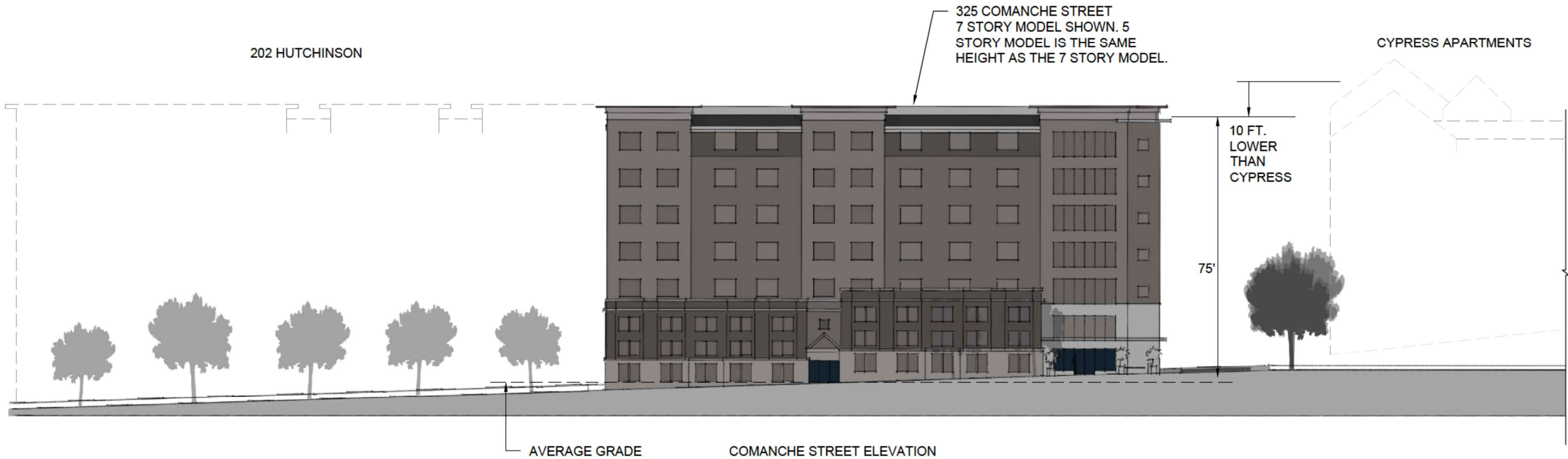
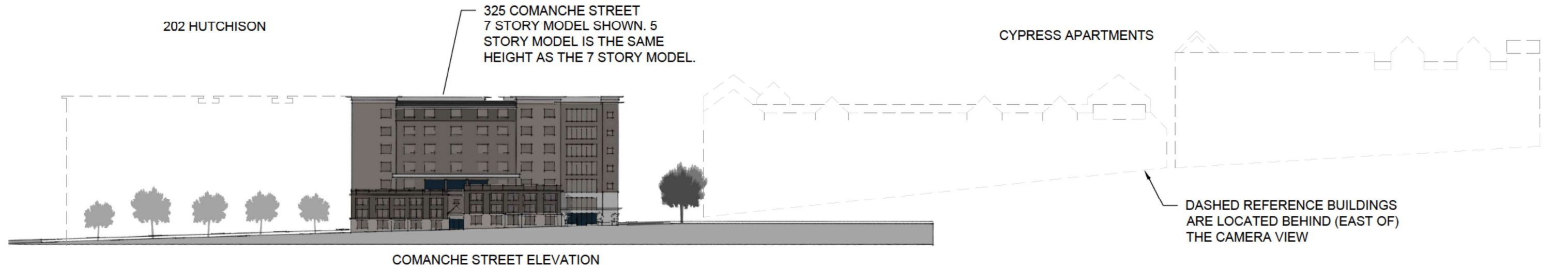
ARTICULATION + EXPRESSION ELEMENTS

SEVEN STORY MODEL

N COMANCHE ST.

NO SCALE
APRIL 29, 2026

A2.2



COMPARISON OF TALLEST MEAN ROOF HEIGHT
 * LATERAL BUILDING PLACEMENT ADJUSTED TO FIT PAGE

**BUILDING HEIGHT COMPARISON
 LOOKING WEST**

NO SCALE
 APRIL 29, 2026

A2.3

CHICAGO TITLE GF# 4300112408796-RJ

Special Warranty Deed

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.

Effective Date: July 1, 2025

Grantor: TWWG, LLC, a Texas limited liability company

Grantor's Mailing Address: 323 North Comanche Street, San Marcos, Texas 78666

Grantee: 202 HUTCH LLC, a Delaware limited liability company

Grantee's Mailing Address: 2516 Waukegan Rd., Unit 343, Glenview, IL 60025

Consideration: The sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by Grantee.

Property:

Being that certain property located in the City of San Marcos, Hays, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "**Land**"), together with all buildings and improvements thereon (the "**Improvements**"); all rights, privileges, easements, and appurtenances pertaining to the Land; all of Grantor's right, title, and interest in and to any alleys, strips, or gores adjoining the Land and all of Grantor's rights of ingress and egress to the Land, including, without limitation, any easements, rights-of-way, rights, or other interests in, on, under, or to any land, highway, street, road, right-of-way, or avenue, open or proposed, in, on, under, across, in front of, abutting, or adjoining the Land; and all of Grantor's right, title, and interest in and to any awards made, or to be made in lieu thereof, and in and to any unpaid awards for damage to the Land by reason of a change of grade thereof; all development rights, utility capacity, governmental approvals, licenses, and permits (including all water, sewer, and drainage capacity currently held by Grantor, if any, for the Land on the date hereof), to the extent they relate to the ownership, use, leasing, maintenance, service, or operation of the Land; all of Grantor's right, title, and interest in and to any oil, gas, and other minerals in, under, and that may be produced from the Land, regardless of whether or not the minerals are considered part of the surface estate or part of the mineral estate; all of Grantor's right, title, and interest in and to all site plans, surveys, environmental studies, soil studies, substrata studies, architectural drawings, plans and specifications, engineering plans and studies, floor plans, landscape plans, and other plans or studies of any kind that relate to the Land or the Improvements (the Land, together with the foregoing interests being referred to herein as the "**Property**").

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

All of the matters described in Exhibit "B", attached hereto and incorporated herein by reference, but only to the extent the same are valid and subsisting and affect the Property.

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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

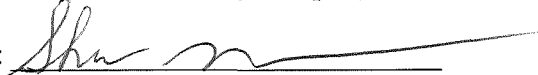
Ad valorem taxes for 2025 have been prorated between Grantor and Grantee and taxes and assessments for such year and subsequent years are assumed by Grantee.

[Signature Page Follows]

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor on the date set forth below, to be effective as of the date and year first written above.

GRANTOR:

TWWG, LLC,
a Texas limited liability company

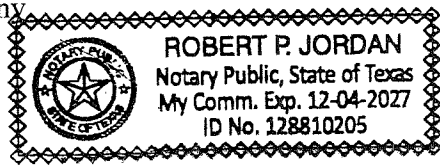
By: 
Name: W. Shane Glosson
Title: Manager


STATE OF TEXAS

COUNTY OF Bexar

§
§
§

This instrument was acknowledged before me on July 7, 2025 by W. Shane Glosson, as Manager of TWWG, LLC, a Texas limited liability company, on behalf of said limited liability company




Notary Public in and for the State of Texas

My Commission Expires: _____

Exhibit "A" – Legal Description of the Land
Exhibit "B" - Exceptions to Conveyance and Warranty

EXHIBIT "A"**LEGAL DESCRIPTION OF THE LAND****TRACT 1:**

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND, BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME "T", PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED IN AND CONVEYED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THERETO FOR ALL PERTINENT, LEGAL AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE:

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEK IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN LINE OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG" SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MAG NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

EXHIBIT "B"

EXCEPTIONS TO CONVEYANCE AND WARRANTY

1. Permanent easement granted to the City of San Marcos on June 13, 1978, and recorded in Volume 311, Page 636, Deed Records, Hays County, Texas.
2. The Land lies within the boundaries of Edwards Underground Water District

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

25024942 DEED
07/07/2025 05:01:41 PM Total Fees: \$49.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas



NOTES:

The survey shown hereon has been prepared as the result of an on the ground survey completed on June 18, 2024.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The Surveyor has not abstracted the subject property, nor made any independent investigation or search for easements of record, restrictive covenants or any other encumbrances.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Chicago Title Insurance Company, OF No. sct-48-4300112408796-RJ, effective date October 9, 2024, issue date October 15, 2024. The Surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

By scaling the surveyed tract onto the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 48209C0389F, revised date September 2, 2005, the subject property is in ZONE X (unshaded), defined as areas determined to be outside the 0.2% annual chance floodplain. The Surveyor makes no representation as to the accuracy of said FIRM or that it is the most current published flood map.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

There was not observed evidence of recent earth moving, building construction or building additions.

There was not observed evidence of recent street or sidewalk construction or repairs.

LEGAL DESCRIPTION

TRACT 1:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN HAYS COUNTY, TEXAS, AND BEING ALL OF LOTS NOS. ONE (1), TWO (2), AND THREE (3), IN BLOCK NO. THREE (3) OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGE 80 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE SAME REAL PROPERTY AS THAT CONVEYED AND DESCRIBED IN A DEED FROM MRS. MARY S. MCGEE, A WIDOW TO WILLIAM A. PENNINGTON AND EDRA C. PENNINGTON, DATED FEBRUARY 1, 1950, AND RECORDED IN VOLUME 145, PAGES 533-535 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, LESS AND EXCEPT, HOWEVER, A PORTION OF SAID LOTS NOS. ONE (1) AND TWO (2) IN BLOCK NO. THREE (3) OF SAID P.C. WOODS ADDITION, BEING SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, AND BEING MORE FULLY DESCRIBED BY A DEED FROM WILLIAM C. ALLBRIGHT AND EDRA PENNINGTON ALLBRIGHT TO WILLIAM C. PENNINGTON AND LINDA K. PENNINGTON, DATED SEPTEMBER 22, 1970, AND RECORDED IN VOLUME 239, PAGES 397-400 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

TRACT 2:

ALL OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING A SMALL TRACT OF LAND SIXTY-FIVE (65) FEET BY SIXTY-FIVE (65) FEET, A PORTION OF LOTS NOS. ONE (1) AND TWO (2), IN BLOCK NO. THREE OF THE P.C. WOODS ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NO. ONE (1) AT A POINT IN THE SOUTH LINE OF PAT GARRISON STREET;

THENCE WITH SAID SOUTH LINE OF PAT GARRISON STREET IN AN EASTERLY DIRECTION FOR 60 FEET TO THE ACTUAL PLACE OF BEGINNING OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE CONTINUING WITH SAID SOUTH LINE OF PAT GARRISON STREET IN THE SAME EASTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE MUTUAL BOUNDARY LINE BETWEEN LOTS ONE (1) AND TWO (2), IN A SOUTHERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH THE SAID SOUTH LINE OF PAT GARRISON STREET, IN A WESTERLY DIRECTION FOR 65 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND;

THENCE AT RIGHT ANGLE TO THE LAST-MENTIONED CALL AND PARALLEL WITH SAID MUTUAL BOUNDARY LINE OF LOTS ONE (1) AND TWO (2) IN A NORTHERLY DIRECTION FOR 65 FEET TO THE NORTHWEST CORNER OF SAID 65 BY 65 FOOT PORTION OF LAND, SUCH CORNER BEING THE PLACE OF BEGINNING, AND SAID MAP OR PLAT AND ITS SAID RECORD ARE HERE REFERRED TO AND MADE A PART THEREOF FOR ALL PERTINENT, LEGAL, AND DESCRIPTIVE PURPOSES.

TRACT 3:

BEING A 0.329 ACRE TRACT OF LAND SITUATED IN THE J. VERAMENDI SURVEY, ABSTRACT NO. 17, BEING A PART OF FARM LOT 21 OF THE ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO PENN-COLLIER-KYLE, LTD IN VOLUME 1282, PAGE 190 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.329 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

BEGINNING: AT A 3/8-INCH IRON ROD FOUND ON THE SOUTHEASTERN LINE OF PAT GARRISON STREET (R.O.W. VARIES) FOR THE NORTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE NORTHWESTERN CORNER OF A CALLED 0.3314-ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CARL SIMEX IN VOLUME 3925, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

THENCE: SOUTH 08°51'57" EAST A DISTANCE OF 172.09 FEET ALONG THE WESTERN LINE OF THE SAID 0.3314-ACRE TRACT, THE EASTERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A CALCULATED POINT ON THE NORTHWESTERN CORNER OF LOT 4A, REPLAT OF ORIGINAL TOWN OF SAN MARCOS SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE SOUTHEASTERN CORNER OF THIS HEREIN DESCRIBED TRACT, THE SOUTHWESTERN CORNER OF THE SAID 0.3314-ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 08°51'57" EAST A DISTANCE OF 0.20 FEET;

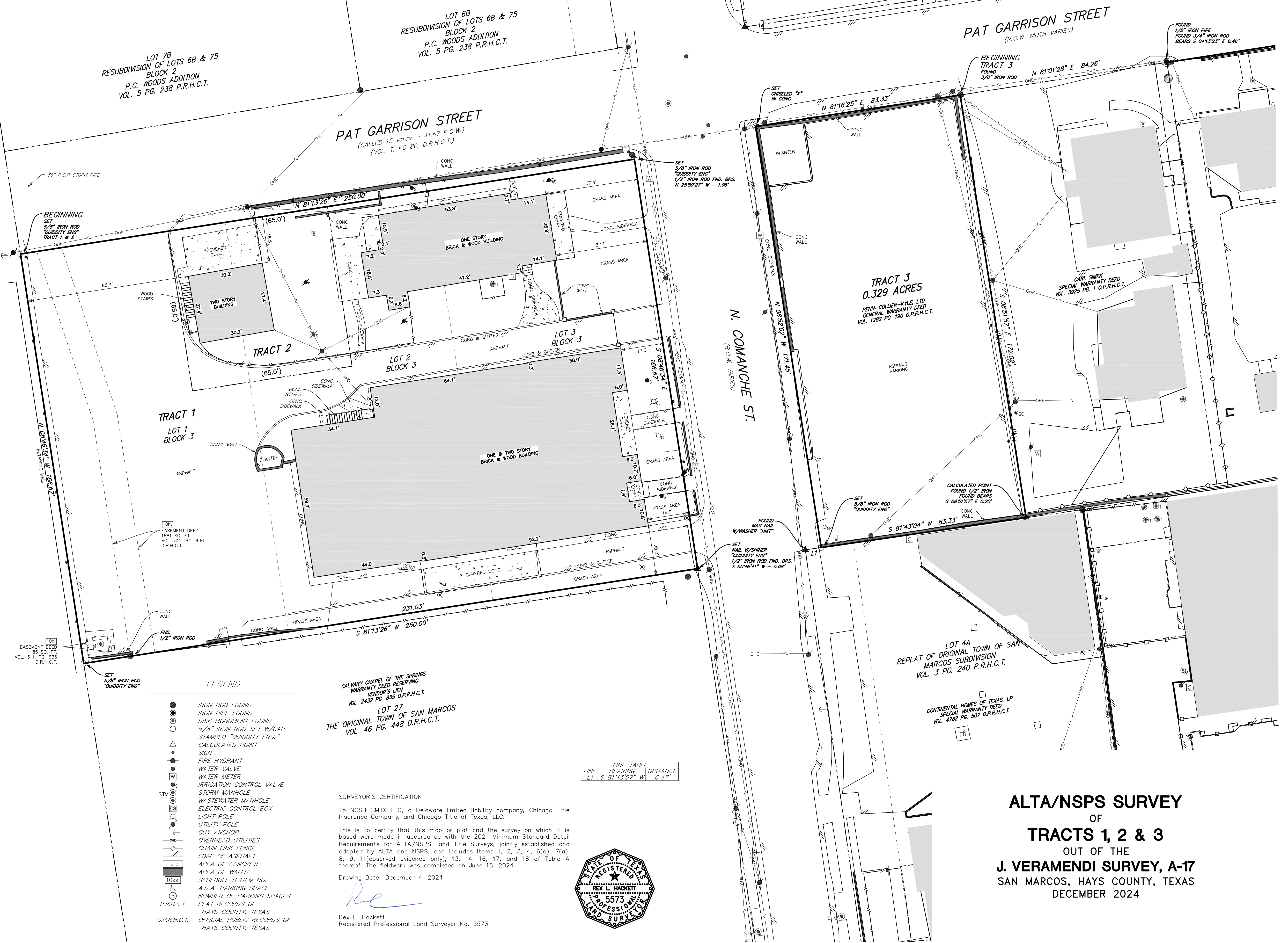
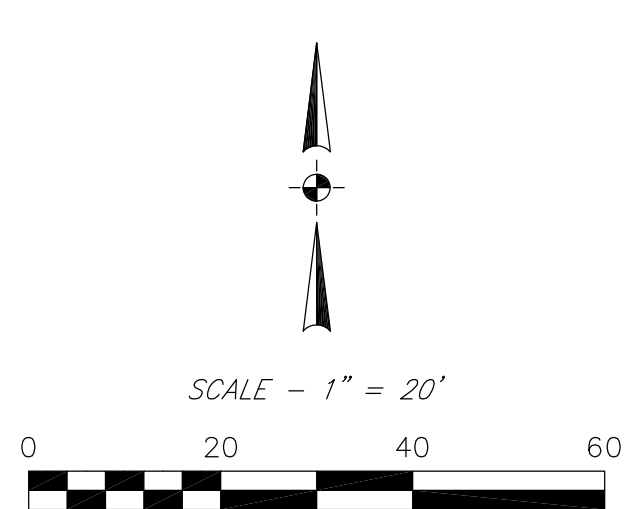
THENCE: SOUTH 81°43'04" WEST A DISTANCE OF 83.33 FEET ALONG THE NORTHERN LINE OF SAID LOT 4A, THE SOUTHERN LINE OF THE SAID TRACT IN VOLUME 1282, PAGE 190 TO A 5/8-INCH IRON ROD WITH CAP STAMPED "QUIDDITY ENG." SET ON THE NORTHEASTERN LINE OF N. COMANCHE STREET (R.O.W. VARIES) FOR THE SOUTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT, FROM WHICH A MARK NAIL WITH WASHER STAMPED "HMT" FOUND FOR THE NORTHWESTERN CORNER OF SAID LOT 4A BEARS SOUTH 81°43'07" WEST A DISTANCE OF 6.47 FEET;

THENCE: NORTH 08°52'02" WEST A DISTANCE OF 171.45 FEET ALONG THE NORTHEASTERN LINE OF SAID N. COMANCHE STREET TO A CHISELED "X" IN CONCRETE SET AT THE INTERSECTION OF N. COMANCHE STREET AND PAT GARRISON STREET, FOR THE NORTHWESTERN CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: NORTH 81°16'25" EAST A DISTANCE OF 83.33 FEET ALONG THE SOUTHEASTERN LINE OF SAID PAT GARRISON STREET TO THE POINT OF BEGINNING AND CONTAINING 0.329-ACRES OF LAND.

SCHEDULE B ITEMS:

10h. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document.
Granted to: City of San Marcos
Purpose: Permanent easement
Recording Date: June 13, 1978
Recording No: Volume 311, Page 636, Official Public Records of Hays County, Texas
AFFECTS Tract 1, shown hereon.



- LEGEND
IRON ROD FOUND
IRON PIPE FOUND
DISK MARKER FOUND
5/8" IRON ROD SET W/CAP STAMPED "QUIDDITY ENG."
CALCULATED POINT
SIGN
FIRE HYDRANT
WATER VALVE
WATER METER
IRRIGATION CONTROL VALVE
STORM MANHOLE
WASTEWATER MANHOLE
ELECTRIC CONTROL BOX
LIGHT POLE
UTILITY POLE
GUY ANCHOR
OVERHEAD UTILITIES
CHAIN LINK FENCE
EDGE OF ASPHALT
AREA OF CONCRETE
AREA OF WALLS
SCHEDULE B ITEM NO.
A.D.A. PARKING SPACE
NUMBER OF PARKING SPACES
PLAT RECORDS OF
HAYS COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS OF
HAYS COUNTY, TEXAS

CALVARY CHAPEL OF THE SPRINGS
WARRANTY DEED RESERVING
VENDOR'S LIEN
VOL. 2432 PG. 835 O.P.R.H.C.T.
LOT 27
THE ORIGINAL TOWN OF SAN MARCOS
VOL. 46 PG. 448 D.R.H.C.T.

LINE TABLE
LINE BEARING DISTANCE
L1 S 81°43'07" W 6.47'

SURVEYOR'S CERTIFICATION
To NCSH SMX LLC, a Delaware limited liability company, Chicago Title Insurance Company, and Chicago Title of Texas, LLC:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11 (observed evidence only), 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on June 18, 2024.
Drawing Date: December 4, 2024



Rex L. Hockett
Registered Professional Land Surveyor No. 5573

LOT 1
SKYLINE SUBDIVISION
VOL. 16 PG. 220-221 P.R.H.C.T.

TRACT 3
0.329 ACRES
PENN-COLLIER-KYLE LTD
GENERAL WARRANTY DEED
VOL. 1282 PG. 190 O.P.R.H.C.T.

LOT 4A
REPLAT OF ORIGINAL TOWN OF SAN
MARCOS SUBDIVISION
VOL. 3 PG. 240 P.R.H.C.T.

CONTINENTAL HOMES OF TEXAS, LP
SPECIAL WARRANTY DEED
VOL. 4786 PG. 507 O.P.R.H.C.T.

ALTA/NSPS SURVEY
OF
TRACTS 1, 2 & 3
OUT OF THE
J. VERAMENDI SURVEY, A-17
SAN MARCOS, HAYS COUNTY, TEXAS
DECEMBER 2024



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.

DIVISION 3: DESIGN CONTEXTS**Section A.1.3.1 Description of Context Areas**

A. Purpose. This section includes goal statements for each of the downtown design contexts as well as the Midtown Entertainment District (see Figure 1.1, Downtown and Midtown Entertainment District Design Context Map). These contexts are areas identified by community workshop participants as having unique character, constraints and/or design goals. Please note the Downtown Historic District area is not included, as a separate design review system is in place for the historic district.

- 1. University Edge.** The University Edge context creates a pedestrian-friendly connection between campus and the Downtown Core context. New buildings may be larger in scale here, in keeping with campus scale, while drawing upon downtown's design traditions.

Of special note are key public views, both north to campus and south to the Downtown Historic District. New development should preserve and enhance these views by varying building massing and creating outdoor spaces that permit views through to key landmarks.

Key Characteristics.

- a. Scale:** Larger buildings here can be compatible with the scale of the university. Buildings in the University Edge should act as a transition in scale from the Downtown Core to the Texas State University Campus.
- b. Building massing:** Buildings vary in their massing, to express modules similar in form to those seen historically.
- c. Street level character:** Building fronts are visually interesting are activated primarily with stoops and forecourts. Storefronts and display cases may be appropriate in some cases.
- d. Frontages and setbacks:** A high percentage of each building front aligns at the sidewalk edge, however with some variation in setbacks for active outdoor spaces.

- e. Parking:** Parking is accessed from alleys and is concealed from the street, in tuck-under designs or structures.

- 2. Downtown Core.** The Downtown Core frames the Downtown Historic District and draws closely upon its design traditions to establish a sense of visual continuity between the two areas. New buildings express a scale at the street frontage that appears similar to that of buildings in the historic district. While compatibility with the historic styles is appropriate and important in the Downtown Core, replication of historic styles is inappropriate.

Variations in the articulation of building fronts and in overall massing reflect the scale of the historic district, with expression elements that define traditional building widths and building heights that step down to traditional heights for portions of larger buildings. The rhythm of new building fronts reflects the width and rhythm of historic buildings. New building designs draw on and are compatible with the historic character, but are designed to be "of their time."

Buildings in the Downtown Core should be pedestrian-friendly design that includes wide sidewalks, activated ground levels – transparent windows and display cases for example – and shaded walkways. The use of trees and overhangs to provide shade is crucial.

Key Characteristics.

- a. Scale:** Buildings express heights between two and three floors at the street edge. Upper floors are set back from the front.
- b. Building massing:** Buildings vary in their massing, to express modules similar in form to those seen historically.
- c. Street level character:** Building fronts convey active uses inside (including storefronts and offices) with a high degree of visibility.
- d. Frontages and setbacks:** A high percentage of each building front aligns at the sidewalk edge, however with some variation in setbacks for active outdoor spaces.

DIVISION 4: DESIGN GUIDELINES

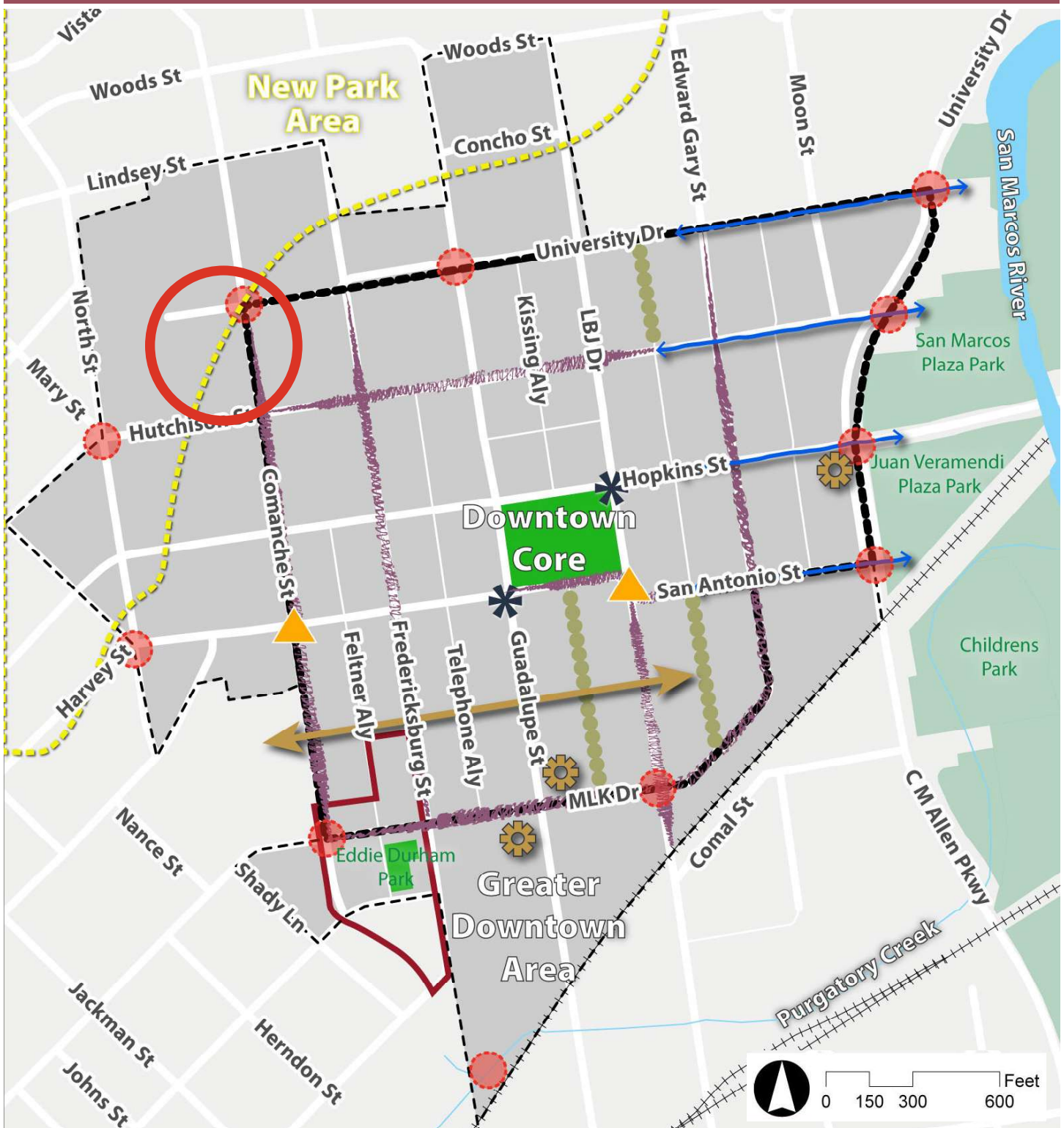
Section A.1.4.1 Building Height

A. The variety in building heights that exist helps to define the character of the area. New development should continue the tradition of height variation, expressing and supporting human scale and architectural diversity in the area. New buildings above three stories should set back upper floors to maintain a sense of human scale at the street and minimize impacts to lower scale historic structures in the district. The following Table 1.1 should be used when analyzing requests for additional height.

TABLE 1.1: HEIGHT STRATEGY BY CONTEXT

DESIGN CONTEXT	GOAL(S)	ADDITIONAL HEIGHT IN FIRST AND SECOND LAYER	ADDITIONAL HEIGHT IN THIRD LAYER
UNIVERSITY EDGE	Preserve key public views up the hill to campus. Create a transition in height from the Downtown Core to the University.	Alternatives which maintain sufficient public access to key views up the hill may be considered. Building height that relates to traditional building heights in the Downtown Historic District is appropriate.	Alternatives may be considered where taller structures will provide greater residential opportunities within proximity to campus and key views are sufficiently maintained. Additional height may be considered when it is found to meet the requirements for alternative compliance and especially the design guidelines for varied massing and expression within the First and Second Layers.
DOWNTOWN CORE	Maintain compatibility with traditional buildings in the Downtown Historic District.	Building height should be compatible with the historic buildings in the Downtown Historic District.	No additional height adjacent to the Downtown Historic District. Additional height may be considered where it will not obscure key views, but additional height above five stories is discouraged in this design context.
RESIDENTIAL/ TRANSITION EDGE	Maintain a sense of scale that relates to the adjacent residential zoning districts and uses. Create a transition from higher scale development in the Downtown Core. Provide a transition in scale between the CD-5D zoning and the neighborhoods.	No additional height.	No additional height.
TRANSIT NEIGHBORHOOD	Variety and creativity in building design, including height, is appropriate in this context. Taller buildings may be appropriate in this context as long as the height at the street is designed with the pedestrian in mind.	Additional height at the street wall may be appropriate where the building maintains a sense of human scale and a pedestrian-friendly streetscape.	Additional height may be appropriate here where the building maintains a sense of human scale and maintains a pedestrian-friendly streetscape.

DOWNTOWN HIGHLIGHTED RECOMMENDATIONS



Legend

- Downtown Core
- Greater Downtown Area
- Railroad
- Streets
- River and Creeks
- Parks

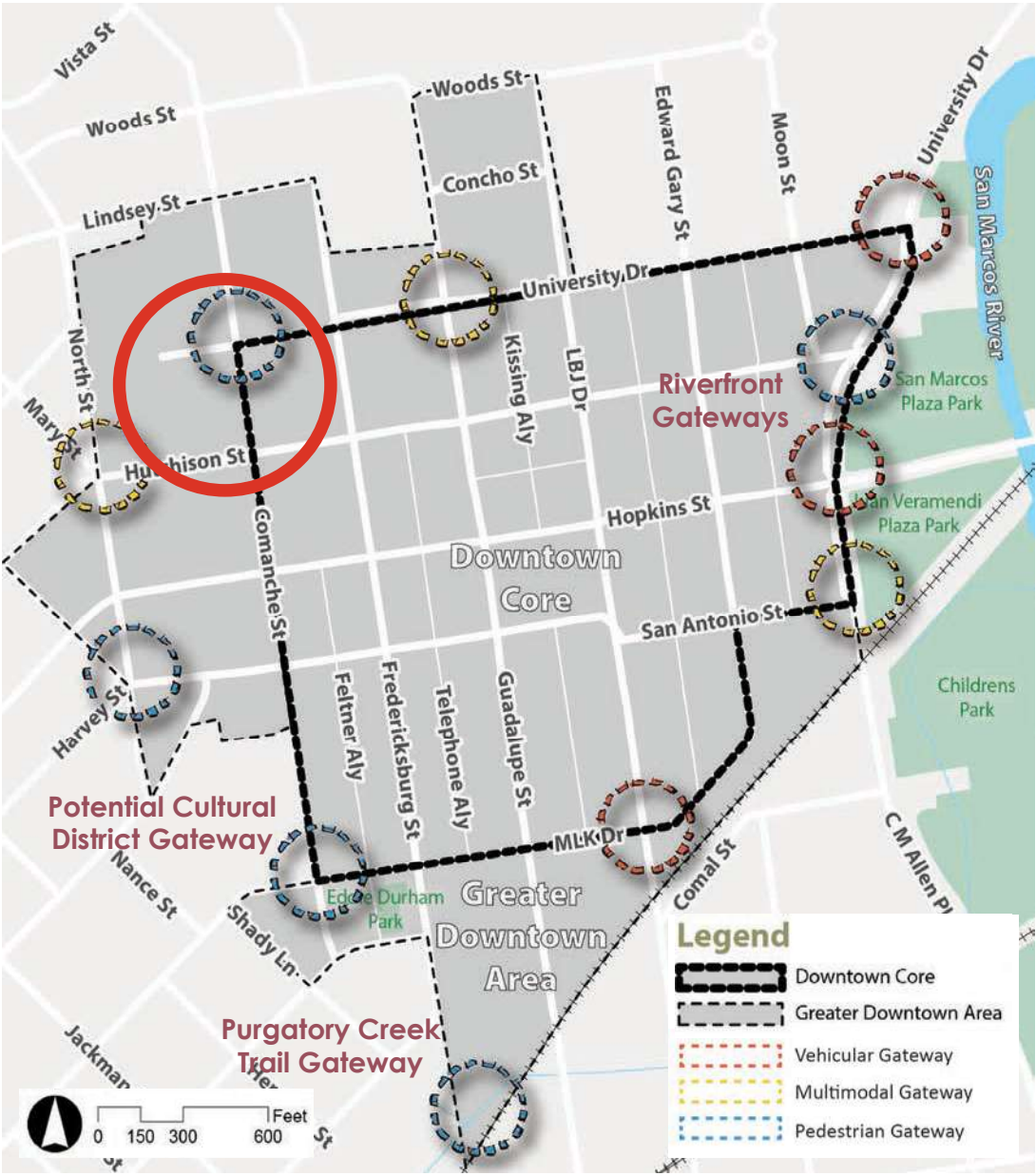
- Riverfront Park Connections
- Existing Park for Improvement
- New Park Area
- Mid-Block Connections
- Downtown Gateways
- Streetscape Improvements

- Courthouse Square Transit Stops
- Priority Intersection Improvements
- Priority Green Alleys
- Infill Development Sites
- Cultural District

PRIORITY STREETScape IMPROVEMENTS

DOWNTOWN GATEWAYS *(Recommendation D.7)*

A gateway can be designed in many different ways and serves as a landmark that tells you that you’ve arrived in a new place while expressing the identity of that place. Examples of include, but are not limited to, a sign, landscaping, a park, monument or public art piece, or a park or distinctive architecture within an area. The map below illustrates potential locations for gateway elements into Downtown San Marcos by mode of travel that would improve the sense of arrival for visitors and residents alike.





Public Hearing

AC-25-09

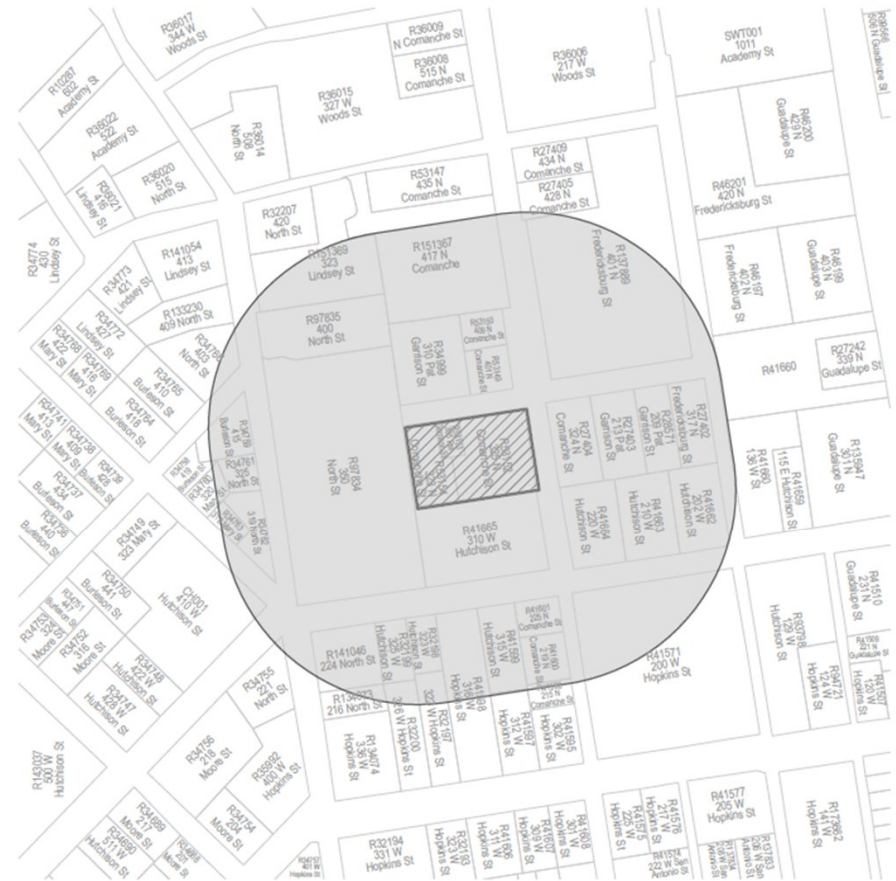
325 N. Comanche St.

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)

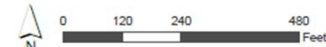
Property Information

- Approximately 0.96 acres
- Located at southwest corner of Pat Garrison St. and N. Comanche St.
- South of Texas State University campus
- Concurrent application for Conditional Use Permit for Purpose Built Student Housing (CUP-25-71)

AC-25-09 325 N Comanche St - Alternate Compliance Notification Map



- 400FTBuffer
- ▨ Subject Property
- Parcel



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.

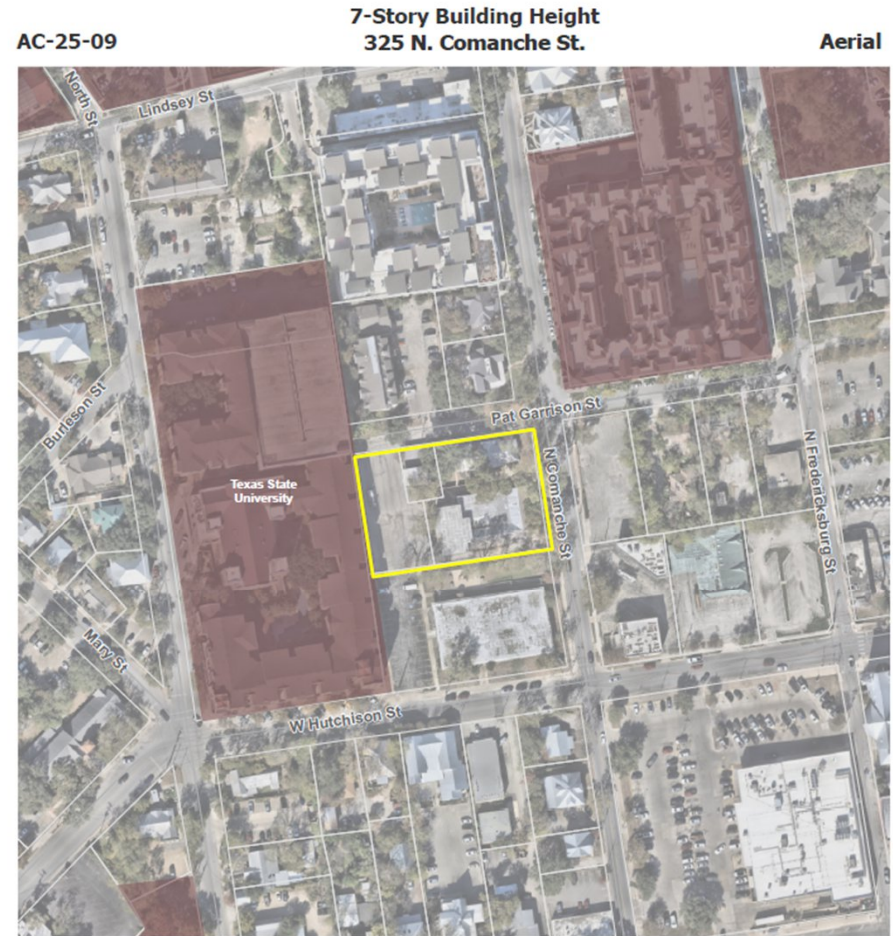
Date: 1/8/2026

SAN MARCOS Planning and Development Services

JV

Context & History

- **Existing uses on the site:** Pennington’s Funeral Home, duplex
- **Surrounding Uses:** Balcones Hall, purpose built student housing, grocery, church, multifamily, Texas State University
- Adjacent 6-story (approx.) Cypress Apartments (formerly Vistas)
- Surrounding buildings are 5 to 7 stories



- Subject Property
- Texas State
- Parcel
- City Limit



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Date: 1/6/2026

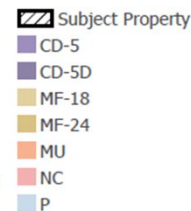
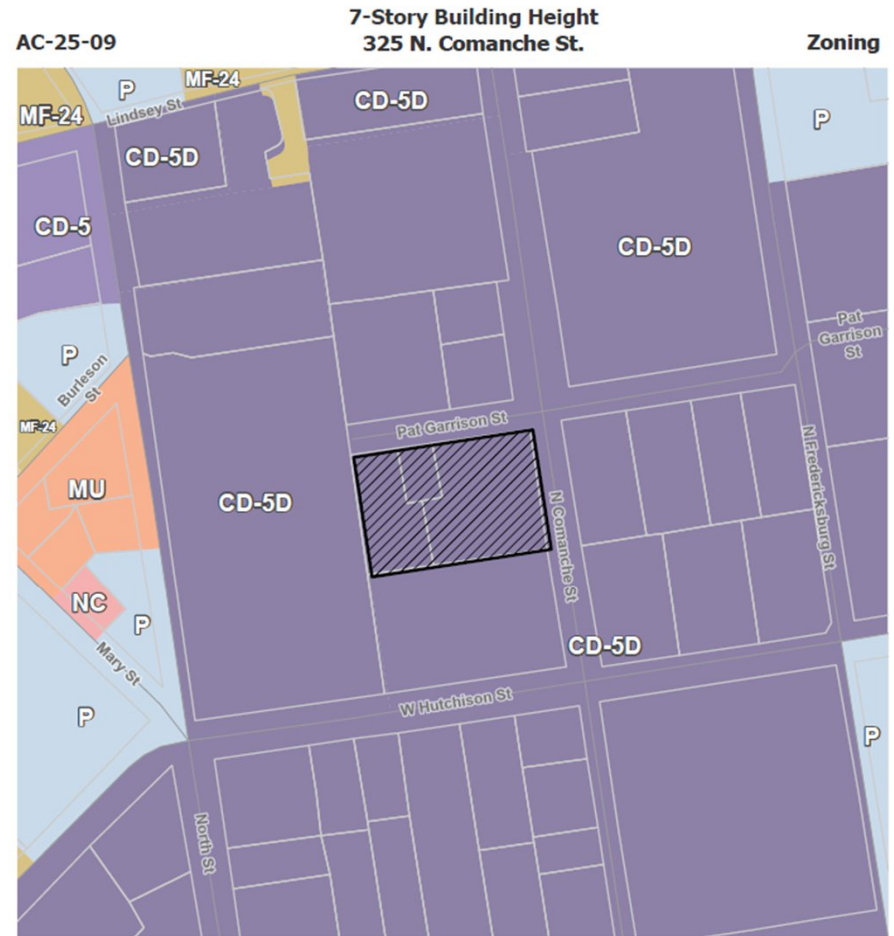
SAN MARCOS Planning and Development Services



JOV

Context & History

- Existing Zoning: Character District 5 Downtown (CD-5D)
 - 5 stories allowed by right
- Proposed Use: Purpose Built Student Housing



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: 1/6/2026

SAN MARCOS Planning and Development Services



JV

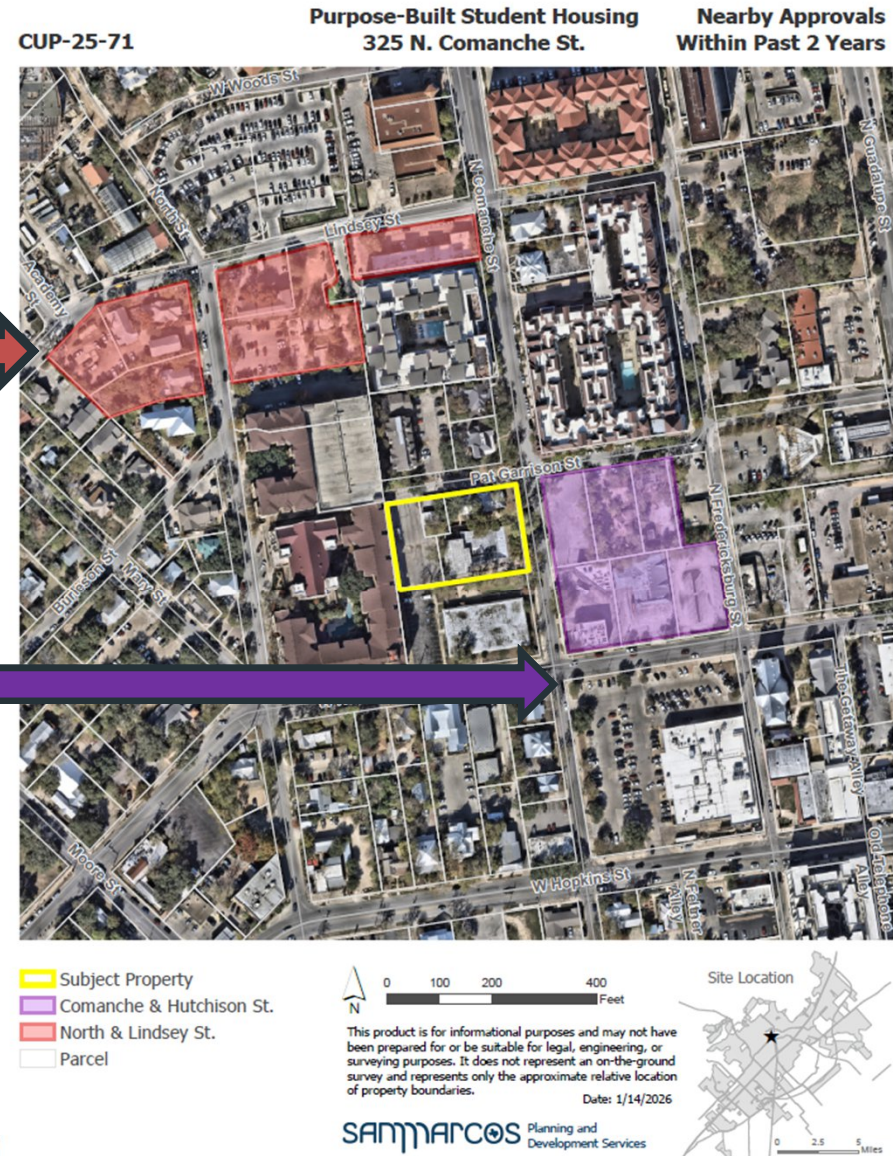
Surrounding Recently Approved Requests

North & Lindsey St. (Approved 2024)

- CUP approved for the use of Purpose Built Student Housing (CUP-23-22)
- Alternative Compliance approved for 7-story building height on portion of site (AC-23-09)

Comanche & Hutchison St. (Approved 2025)

- CUP approved for the use of Purpose Built Student Housing (CUP-25-02)
- Alternative Compliance approved for 7-story building height (75 feet) (AC-25-02)





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**



Criteria for Approval (Section 4.3.4.6)

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; **Not 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; **Partially met (to be determined)**
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. **Not met**



Criteria for Approval (Section 4.3.4.6)

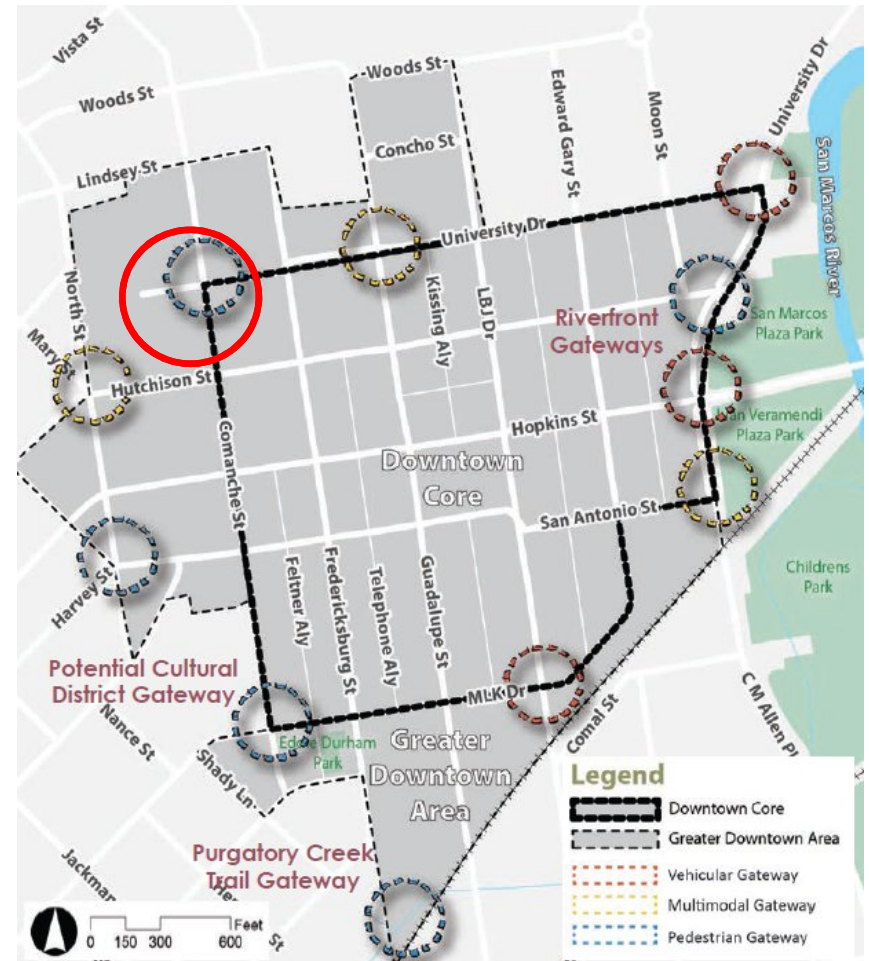
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines. **Partially met**
10. Architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level. **Met**



Downtown Area Plan (Adopted Nov 6th, 2023)

Downtown Gateways

- Pat Garrison St./ Comanche St. intersection is designated as a Pedestrian Gateway
- Recommendation D.7 (p. 91)
“Create vehicular, multimodal, and pedestrian gateways into Downtown to provide an arrival experience and increase sense of place...”

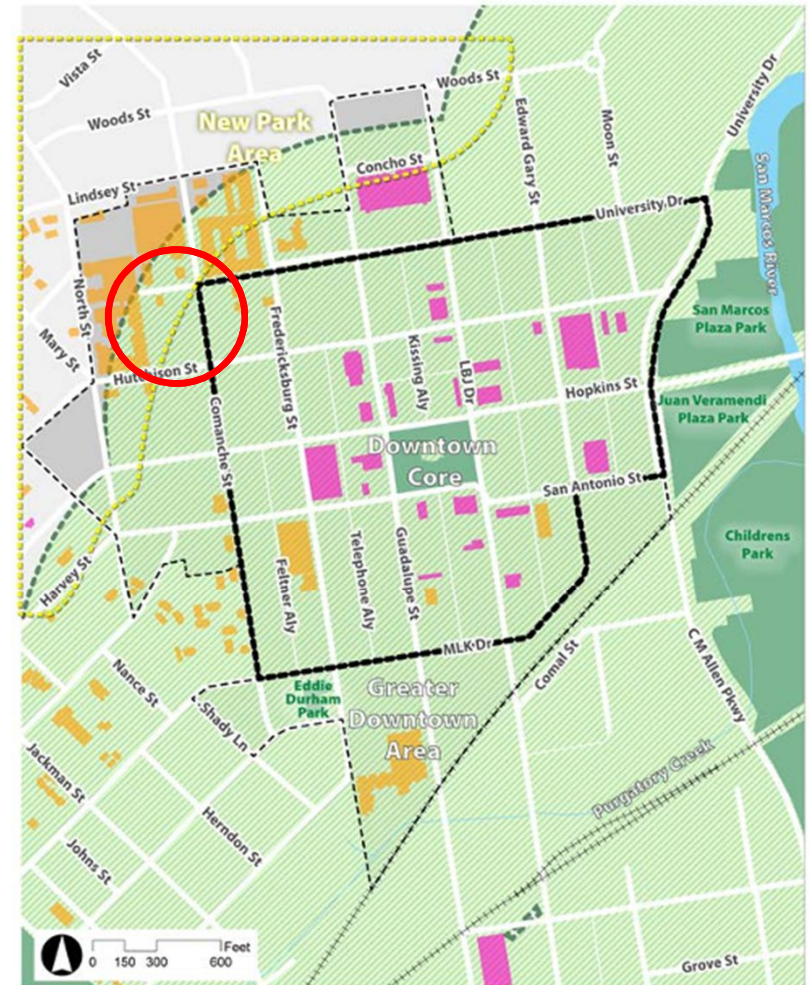


Downtown Area Plan (Adopted Nov 6th, 2023)

New Park Area

- New Park Area designated in northwest Downtown
- Public spaces and amenities to accommodate growing Downtown population
- Recommendation E.6 (p. 105)

“Study the potential for new parks throughout Downtown to serve the density of residents in northwest Downtown...”



Legend

Downtown Core	Parks Access	Multi-Family
Greater Downtown Area	Parks	Mixed Use
Rivers and Creeks	1/4 Mile Park Access	
Railroad	New Park Area	





San Marcos Design Manual

Figure 1.1 Design Context Map

Project site falls within the Downtown Core design context





San Marcos Design Manual

Table 1.1: Height Strategy by Context

- **Downtown Core/ Additional Height in the Third Layer**

“No additional height adjacent to the Downtown Historic District. Additional height may be considered where it will not obscure key views, but additional height above five stories is discouraged in this design context.” (p. A:10)



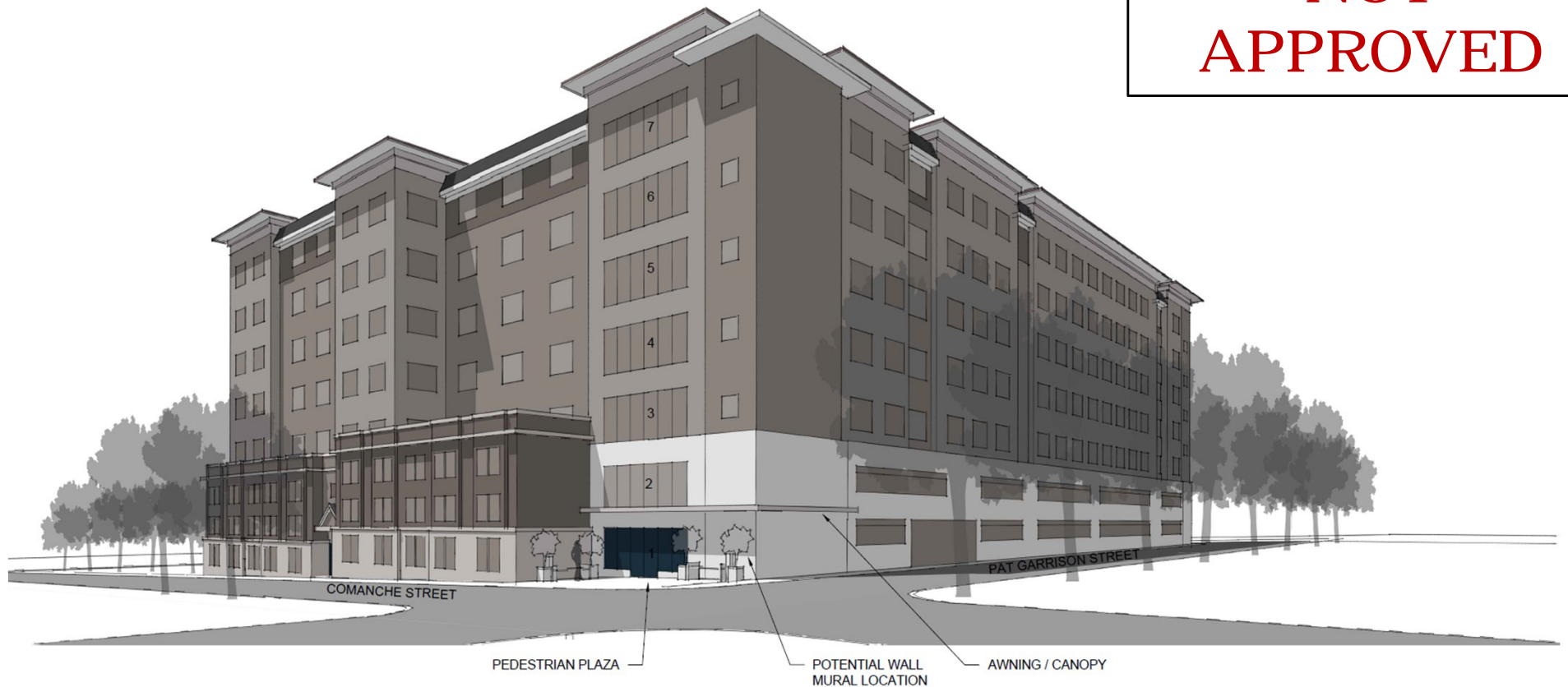
Birds Eye View – W. Hutchison St. / N. Comanche St. (original rendering submitted by applicant)





Street Level View – Pat Garrison St. / N. Comanche St. (original rendering submitted by applicant)

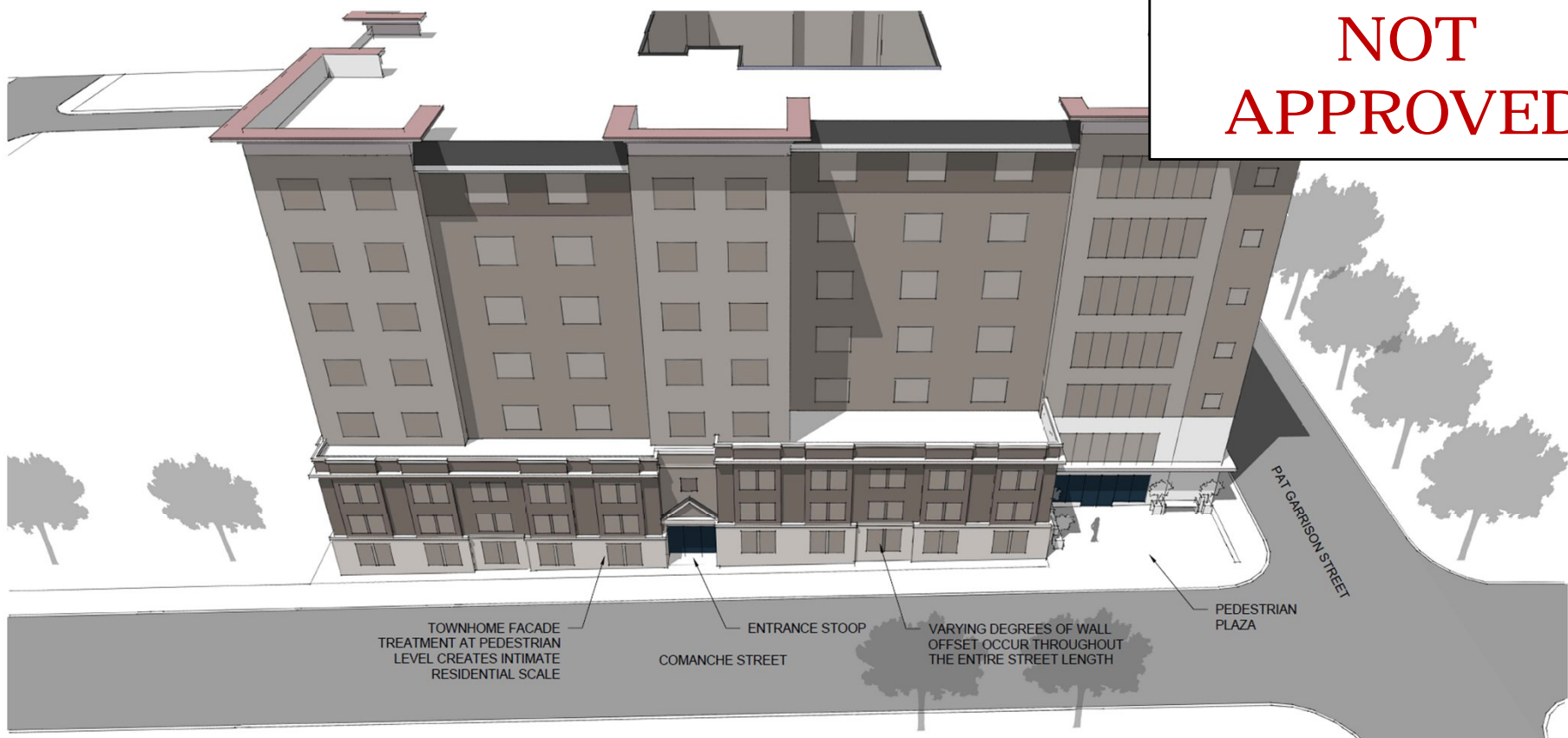
**NOT
APPROVED**





Front Façade View – N. Comanche St. (original rendering submitted by applicant)

**NOT
APPROVED**





Recommendation

Staff recommends **denial**.

Should the Commission choose to recommend approval, staff has provided a list of conditions for the Commission's consideration.

(Conditions on next slide)



Potential Conditions

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.

(Continued on next slide)

Potential Conditions (continued)



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.