

<b>Alternative Compliance – 7 Story Building Height AC-25-09</b>	<b>325 N. Comanche St.  Building Height</b>
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**Summary**

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

**Notification**

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

**Property Description**

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

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	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
<b>South of Property:</b>	CD-5D	Grocery store (H-E-B), church, single family residential/ converted homes, laundromat	Mixed Use Medium
<b>East of Property:</b>	CD-5D	Vacant, personal services, parking lot, church	Mixed Use Medium, Conservation/ Cluster
<b>West of Property:</b>	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

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**Commission Recommendation**

Approval as Submitted	<b>X</b>	Approval with Conditions / Alternate	Denial
<p><b>Speakers in favor or opposed</b>            Kelly Quinn (in favor)            Ed Theriot (in favor)            Shannon Mattingly (in favor)</p> <p><b>Recommendation from the Planning and Zoning Commission Meeting held May 12, 2026.</b></p> <p>A motion was proposed by Chair Case, second by Commissioner Costilla to recommend <b>approval with staff conditions</b>. Conditions are listed in the Staff Recommendation on the following page. An amendment was proposed by Commissioner Johnson to Condition 2 to specify the size of the pedestrian plaza. The amendment passed and is <u>emphasized</u> in the text.</p> <p>The motion passed with a 5-4 vote.  <b>For: 5</b> (Bryan, Case, Costilla, Hardy, Johnson)  <b>Against: 4</b> (Agnew, Burleson, Dunn, Van Oudekerke)  <b>Absent: 0</b></p> <p><b><u>Discussion Topics</u></b></p> <p><b>Alternative Compliance criteria</b> – Commissioners Agnew and Bryan observed that the majority of criteria in Section 4.3.4.6 for height alternative compliance are not met. There was brief discussion on other metrics that could be provided, including childcare or affordable housing.</p> <p><b>LEED Certification</b> – Commissioner Johnson asked why the development does not offer the minimum LEED certification for the building. The applicant stated that they have chosen not to pursue LEED due to the annual fee and intend to integrate other environmental components into the building.</p> <p><b>Maximum bedroom count</b> – Commissioner Bryan inquired whether there is any limit to the number of total units or bedrooms within the site. Staff responded that there is no condition or specific requirement in the Development Code establishing a limit.</p> <p><b>Design Manual</b> – Commissioner Agnew asked for clarification on the location of the first, second, and third layer as defined by the Development Code, which was provided by staff. In reference to Table 1.1, Height Strategy by Context, Commissioner Agnew inquired about the height recommendation for the first and second layer, and staff clarified that the guidance related to building height compatible with historic buildings only applies when adjacent to the Downtown Historic District.</p>			

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**Staff Recommendation**

Approval as Submitted	Partial approval with Conditions	<b>X</b>	<b>Denial</b>
<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 <b>denial</b> recommendation. Staff proposed the following conditions to the Planning and Zoning Commission, should they choose to recommend approval of AC-25-09.</p> <p>The following conditions were approved by the Planning and Zoning Commission:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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. <u>The publicly accessible plaza shall be equal to or greater in size than the area of the plaza as shown on the plat application currently in review.</u> The plaza will incorporate amenities including: bike pump station, water bottle refill station, benches, lighting, and shade canopy.</li> <li>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.</li> <li>4. The height of the building shall not exceed 75 feet.</li> <li>5. The development shall comply with all other Development Code regulations. Packet materials are provided for informational purposes only.</li> </ol>			
<b>Staff:</b> Lauren Clanton, AICP	<b>Title:</b> Chief Planner	<b>Date:</b> May 1, 2026	

**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.

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**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**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
		<u>X</u>	<p>The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable. The Vision SMTX Comprehensive Plan envisions medium-to-high intensity uses ranging from 2 to 7 stories in the Mixed Use Medium Preferred Scenario Type. However, the Downtown Area Plan encourages infill development only where contextually appropriate for the surrounding neighborhood and proposes height 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><b>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;</b></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><b>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;</b></p> <p>While the applicant states that some residents may meet the income threshold for workforce housing under Section 4.3.1.1, no units are proposed specifically for that purpose.</p>

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
	<u>X</u>		<p><b>The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities;</b>  <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><b>The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program;</b>  <i>The applicant has stated that the building will not be LEED certified.</i></p>
	<u>X</u>		<p><b>The additional stories provide an opportunity to include childcare within the facility;</b>  <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><b>The additional stories provide an opportunity to add public parking in or adjacent to the downtown;</b>  <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><b>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.</b>  <i>The applicant has stated that they do not intend to include open space within the site design.</i></p>

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Evaluation			Criteria for Approval (Sec. 4.3.4.6)
Met	Not Met	Neutral / Partially Met	
		<u>X</u>	<p><b>In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.</b>  <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><b>The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level.</b>  <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>