

## **ORDINANCE NO. 2021-62**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-21-11 BY REZONING APPROXIMATELY 0.98 ACRES OF LAND, MORE OR LESS, OUT OF LOT 5, BLOCK 1, SAN MARCOS BUSINESS PARK, SECTION 2, LOCATED AT 1909 DUTTON DRIVE, FROM “GC” GENERAL COMMERCIAL DISTRICT TO “CD-4” CHARACTER DISTRICT-4, OR SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On July 13, 2021, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “GC” General Commercial District to “CD-4” Character District-4 for approximately 0.98 acres of land, more or less, out of Lot 5, Block 1, San Marcos Business Park, Section 2, located at 1909 Dutton Drive (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.
2. The Planning and Zoning Commission approved a recommendation to the City Council regarding the request.
3. The City Council held a public hearing on August 3, 2021 regarding the request.
4. All requirements pertaining to Zoning Map amendments have been met.
5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City is amended to rezone the Property, as described in Exhibit A, from “GC” General Commercial District to “CD-4” Character District-4.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on August 3, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on August 17, 2021.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A



STATE OF TEXAS  
COUNTY OF HAYS

LOT 5 – BLK 1 – ZONING PARCEL EX GC  
SAN MARCOS BUSINESS PARK SEC. 2

**BEING A 0.98 ACRE PORTION OF LOT 5 OF BLOCK 1, SAN MARCOS BUSINESS PARK SECTION 2, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 4, PAGE 201 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found at the west corner of said Lot 5, Block 1, for the west corner of the herein described tract of land, same being the common north corner of Lot 4A of the Replat of Lot 4, San Marcos Business Park Section 1, an addition to the City of San Marcos according to the map thereof recorded in Volume 11, Page 139 of the Plat Records of Hays County, Texas, and being in the southeast line of Dutton Drive, a 60 foot public right-of-way, and from which a 1/2" iron rod found with cap marked "Bym" at the north corner of said Lot 5, Block 1, same being at the intersection of the southeast line of Dutton Drive, with a southwest line of said Dutton Drive, 60' public right-of-way, as shown by plat of said San Marcos Business Park Section 2, bears North 43°30'03" East (N 43°32'00" E Record), a distance of 329.20 feet (329.50' Record);

**THENCE** with the northwest line of said Lot 5 and the common southeast line of said Dutton Drive, **North 43°30'03" East** (N 43°32'00" E Record), a distance of 189.20 feet to the north corner of the herein described tract of land;

**THENCE** through and severing said Lot 5, Block 1, **South 46°15'59" East**, a distance of **225.00 feet** to the southeast line of said Lot 5, Block 1 and the common northwest line of Lot 6A of the Replat of Lots 6 and 7 of Block 1, San Marcos Business Park Section 2, an addition to the City of San Marcos according to the map thereof recorded in Volume 7, Page 227, Hays County Plat Records, and from which a point chiseled in concrete at the east corner of said Lot 5, Block 1, and the common north corner of said Lot 6A bears North 43°30'06" East (N 43°32'00" E Record), a distance of 140.19 feet;

**THENCE** with the common line of said Lot 5 and said Lot 6A, **South 43°30'06" West** (S 43°32'00" W Record), a distance of **189.20 feet** to a 1/2" iron rod set with cap "ASH5687" at the south corner of said Lot 5, Block 1, for the south corner of the herein described tract of land, same being in the northeast line of aforesaid Lot 4A, Replat of Lot 4, San Marcos Business Park Section 1;

**THENCE** with the common line of said Lot 5, Block 1 and said Lot 4A, **North 46°15'59" West** (N 46°17'00" W Record), a distance of **225.00 feet** (Record) to the **POINT OF BEGINNING** and **CONTAINING 0.98 ACRES OF LAND.**

Bearing Basis – GPS coordinates (NAD83) adjusted by HARN (High Accuracy Reference Network) and projected to Texas State Plane Coordinates (Texas South Central Zone).

\*This description severing Lot 5 for Zoning Purposes is not intended to subjugate the Development Rules of any State, County or City Ordinance, and all required permits should be obtained before occupying the premises.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a survey performed under my direction during June 2019, and is true and correct to the best of my knowledge and belief.

Richard H. Taylor  
Registered Professional Land Surveyor  
No. 3986 State of Texas

Job: 19-7220

08/09/19  
Date



