

**ORDINANCE NO. 2022-67**

**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-22-26, BY REZONING APPROXIMATELY 48.718 ACRES OF LAND, GENERALLY LOCATED ON THE I-35 SOUTH FRONTAGE ROAD, APPROXIMATELY 1,000 FEET SOUTH OF THE INTERSECTION OF I-35 AND POSEY ROAD FROM “FD” FUTURE DEVELOPMENT AND “AR” AGRICULTURAL RANCH DISTRICTS TO “LI” LIGHT INDUSTRIAL DISTRICT, 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 12, 2022, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development and “AR” Agricultural Ranch Districts to “LI” Light Industrial District for approximately 48.718 acres of land, generally located on the I-35 South Frontage Road, approximately 1,000 feet south of the intersection of I-35 and Posey Road (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 16, 2022, 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 “FD” Future Development and “AR” Agricultural Ranch Districts to “LI” Light Industrial District.

**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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 and the recording of a restrictive covenant agreement in substantially the form in Exhibit B, attached hereto and made a part hereof.

**PASSED AND APPROVED** on first reading on August 16, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on September 20, 2022.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A



### DESCRIPTION OF 48.718 ACRES OR 2,122,139 SQ. FT.

A TRACT OR PARCEL CONTAINING 48.718 ACRES OR 2,122,139 SQUARE FEET OF LAND BEING A PORTION OF A CALLED 35.249 ACRE TRACT OF LAND DESCRIBED IN DEED TO CCM SAN MARCOS, LLC, AS RECORDED UNDER DOC. NO. 21062927, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T.), AND BEING A PORTION OF A CALLED 37.674 ACRE TRACT OF LAND DESCRIBED IN DEED TO SAN MARCOS HAMPTON, LLC, AS RECORDED UNDER DOC. NO. 21040575, O.P.R.H.C.T., SITUATED IN THE W.H. VAN HORN ONE-THIRD LEAGUE, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 48.718 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE" FOUND ON THE NORTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF INTERSTATE HIGHWAY NO. 35 FOR THE SOUTHWEST CORNER OF A CALLED 52.93 ACRE TRACT DESCRIBED IN DEED TO BOBBIE POLLARD GILBERT, AS RECORDED UNDER DOC. NO. 06005849 (VOL. 2872, PG. 852) O.P.R.H.C.T., AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 43 DEG. 32 MIN. 37 SEC. WEST, A DISTANCE OF 386.07 FEET WITH THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35 FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, OVER AND ACROSS SAID 35.249 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 46 DEG. 15 MIN. 40 SEC. WEST, A DISTANCE OF 1,077.34 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 39 DEG. 38 MIN. 28 SEC., AN ARC LENGTH OF 172.97 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 05 DEG. 13 MIN. 51 SEC. WEST, 169.54 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 14 DEG. 35 MIN. 23 SEC. EAST, A DISTANCE OF 161.58 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE POINT OF BEGINNING TO A CURVE TO THE RIGHT;

**THENCE**, WITH A CURVE TO THE RIGHT, OVER AND ACROSS SAID CALLED 35.249 ACRE TRACT AND SAID CALLED 37.674 ACRE TRACT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 58 DEG. 19 MIN. 43 SEC., AN ARC LENGTH OF 254.51 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 14 DEG. 34 MIN. 28 SEC. WEST, 243.66 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, OVER AND ACROSS SAID CALLED 37.674 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

SOUTH 43 DEG. 44 MIN. 20 SEC. WEST, A DISTANCE OF 102.38 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 18 DEG. 55 MIN. 52 SEC., AN ARC LENGTH OF 82.60 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 34 DEG. 16 MIN. 24 SEC. WEST, 82.23 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 24 DEG. 48 MIN. 27 SEC. WEST, A DISTANCE OF 11.70 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 10 DEG. 34 MIN. 14 SEC., AN ARC LENGTH OF 46.12 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 59 DEG. 54 MIN. 31 SEC. EAST, 46.06 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 35 DEG. 58 MIN. 24 SEC. WEST, A DISTANCE OF 209.95 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;


SOUTH 16 DEG. 11 MIN. 47 SEC. WEST, A DISTANCE OF 72.60 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

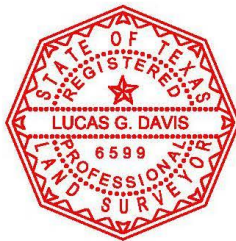
SOUTH 43 DEG. 59 MIN. 30 SEC. WEST, A DISTANCE OF 100.00 FEET TO A POINT FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE NORTHEAST CORNER A CALLED 3.94 ACRE TRACT, DESCRIBED IN DEED TO ROBERT L. AND SHERRYL BOYD, AS RECORDED IN DOC. NO. 1985200883, O.P.R.H.C.T. AND THE SOUTHEAST CORNER OF LOT 7, H&H INDUSTRIAL PARK SECTION 2, A SUBDIVISION AS RECORDED IN VOLUME (VOL.) 13, PAGE (PG.) 341, MAP AND PLAT RECORDS OF HAYS COUNTY, TEXAS (M.P.R.H.C.T.), FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH 79 DEG. 59 MIN. WEST, 0.7 FEET;

**THENCE**, NORTH 46 DEG. 00 MIN. 30 SEC. WEST, WITH THE EAST LINE OF SAID LOT 7, PASSING AT A DISTANCE OF 337.13 FEET A 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOUND FOR THE COMMON CORNER OF SAID LOT 7 AND THE SOUTHEAST R.O.W. LINE OF CENTRAL TEXAS AVENUE, CONTINUING WITH THE NORTHEAST R.O.W. LINE OF SAID CENTRAL TEXAS AVE, A DISTANCE OF 60.00 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOUND FOR THE COMMON CORNER OF SAID CENTRAL TEXAS AVENUE AND LOT 8A, H&H INDUSTRIAL PARK, SECTION 3, A SUBDIVISION RECORDED IN VOL. 15, PG. 110 OF THE M.P.R.H.C.T., CONTINUING WITH THE NORTHEAST LINE OF SAID LOT 8A, PASSING AT A DISTANCE OF 530.01 FEET TO A 5/8 INCH CAPPED IRON ROD STAMPED "PRE TECH" FOUND FOR THE MOST EASTERLY CORNER OF A CALLED 12.88 ACRES DESCRIBED IN DEED TO AMA ONE, LLC, AS RECORDED IN DOC. NO. 20059356 OF O.P.R.H.C.T., CONTINUING WITH SAID NORTHEAST LINE OF SAID CALLED 12.88 ACRES, A DISTANCE OF 567.61 FEET AND A TOTAL DISTANCE OF 1,494.75 FEET TO A POINT ON THE NORTHEAST R.O.W. LINE OF DORADO BLUFFS, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 43 DEG. 44 MIN. 25 SEC. EAST, OVER AND ACROSS SAID CALLED 35.249 ACRE TRACT AND SAID CALLED 37.674 ACRE TRACT, A DISTANCE OF 1,365.83 FEET TO A POINT ON THE WEST LINE OF SAID CALLED 52.93 ACRE TRACT AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, WITH THE COMMON LINE OF SAID CALLED 35.249 ACRE TRACT AND SAID CALLED 52.93 ACRE TRACT, A DISTANCE OF 2,085.34 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 48.718 ACRES OR 2,122,139 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-LIGHT INDUSTRY, PREPARED BY WINDROSE.

  
LUCAS G. DAVIS  
R.P.L.S. NO. 6599  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



04-15-2022  
DATE:  
REVISED: 04-19-2022  
REVISED: 05-31-2022



**NORTH**

SCALE: 1" = 400'

#### GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

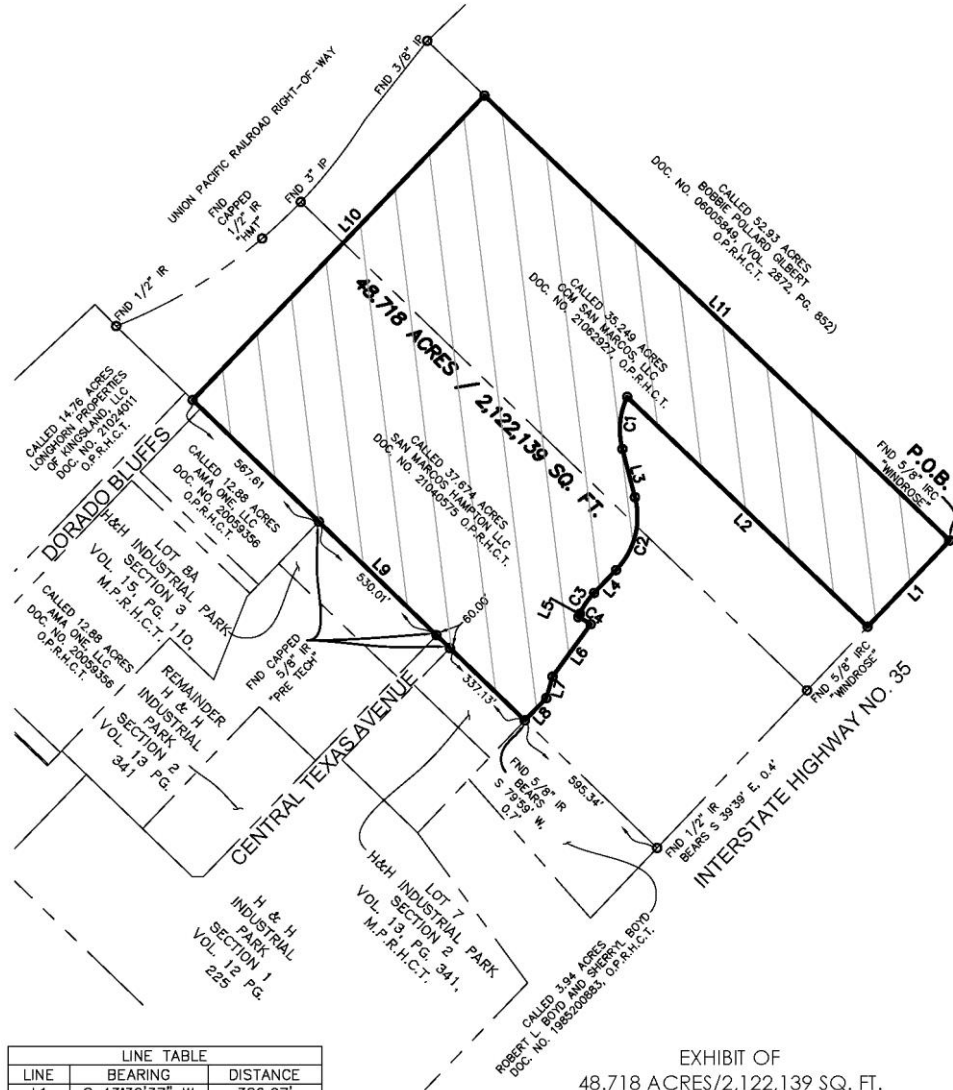


EXHIBIT OF  
48.718 ACRES/2,122,139 SQ. FT.  
SITUATED IN THE  
W.H. VANHORN ONE-THIRD LEAGUE, A-464  
HAYS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 43°32'37" W	386.07'
L2	N 46°15'40" E	1,077.34'
L3	S 14°35'23" E	161.54'
L4	S 43°44'20" W	102.36'
L5	S 46°27'23" E	620.03'
L6	S 43°32'37" W	279.79'
L7	N 46°00'30" W	594.56'
L8	S 43°59'31" W	100.00'
L9	N 46°00'30" W	1,494.75'
L10	N 43°44'25" E	1,365.83'
L11	S 46°15'40" E	2,085.34'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	250.00'	39°38'28"	172.97'	N 05°13'51" E	169.54'
C2	250.00'	58°19'43"	254.51'	N 14°34'28" E	243.66'
C3	250.00'	18°55'52"	82.23'	N 34°16'24" E	82.23'
C4	250.00'	10°34'14"	46.12'	N 59°54'31" W	46.06'

FIELD BY:	-	DATE:	4-15-2022
DRAWN BY:	DB	REV:	4-19-2022
CHECKED BY:	CSC	REV:	5-31-2022
JOB NO.	56955-LIGHT INDUSTRY	REV:	
SHEET 1 OF 3		REV:	



**WINDROSE**  
LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281  
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

**EXHIBIT B**

[ATTACH FORM OF RESTRICTIVE COVENANT AGREEMENT]

City Clerk to complete the following information:

Date Restrictive Covenant Agreement Recorded: \_\_\_\_\_

Instrument No. of Recorded Agreement: \_\_\_\_\_

County in which Recorded: \_\_\_\_\_