

## **ORDINANCE NO. 2022-34**

**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-22-15, BY REZONING APPROXIMATELY 18.61 ACRES OF LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF I-35 SOUTH AND POSEY ROAD FROM “FD” FUTURE DEVELOPMENT DISTRICT AND “AR” AGRICULTURAL RANCH DISTRICT TO “HC” HEAVY COMMERCIAL 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 April 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 District and “AR” Agricultural Ranch District to “HC” Heavy Commercial District for approximately 18.61 acres of land generally located northwest of the intersection of I-35 South 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 May 3, 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 District and “AR” Agricultural Ranch District to “HC” Heavy Commercial 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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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.

**PASSED AND APPROVED** on first reading on May 3, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on May 17, 2022.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A



### ZONING NOTES FOR A 18.61 ACRE TRACT

A **18.61 acre** tract of land out of a portion of a 44.70 acre tract as conveyed to Warren Realty, LTD., of record in Document No. 16010823 of the Official Public Records Hays County, Texas (O.P.R.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the northeast right-of-way line of Posey Road, a variable width right-of-way, for a southerly corner of the 44.70 acre tract and the tract described herein;

**THENCE: N 46°43'00" W**, along and with the common line of Posey Road and the 44.70 acre tract, a distance of **590.68 feet** to a point, for the southwest corner of the tract described herein;

**THENCE:** into and across the 44.70 acre tract the following seven (7) courses:

1. **N 43°17'00" E**, a distance of **368.75 feet** to a point, for an angle point of the tract described herein,
2. **N 39°07'46" E**, a distance of **15.04 feet** to a point, for an angle point of the tract described herein,
3. **N 46°41'52" E**, a distance of **60.54 feet** to a point, for a westerly northwest corner of the tract described herein,
4. **S 46°43'00" E**, a distance of **492.92 feet** to a point, for an interior corner of the tract described herein,
5. **N 43°34'17" E**, a distance of **349.08 feet** to a point, for an angle point of the tract described herein,
6. **N 65°19'05" E**, a distance of **280.91 feet** to a point, for an interior angle point of the tract described herein, and
7. **N 43°46'24" E**, a distance of **285.15 feet** to a point in the southwest line of a 29.42 acre tract, called tract 2, as conveyed to Lemel B. Allen Jr. and Kelly Allen of record in Document No. 16022276 (O.P.R.), for the northeast corner the tract described herein;

**THENCE: S 46°13'36" E**, along and with the common line of the 29.42 acre tract, the 44.70 acre tract, and Lot 1 of the Southpark Commercial Subdivision, a plat of record in Volume 4 Page 59 (P.R.), called Tract 1, as conveyed to Lemuel B. Allen Jr. and Kelly Allen of record in Document No. 16022276 (O.P.R.) a distance of **417.95 feet** to a point in the northwest right-of-way line of Interstate Highway No. 35, a variable width right-of-way, for the common corner of the 44.70 acre tract and Lot 1 of the Southpark Commercial Subdivision, and the east corner of the tract described herein;

**THENCE:** along and with the common line of Interstate Highway No. 35 and the 44.70 acre tract the following four (4) courses:

1. **S 43°33'57" W**, a distance of **1,133.33 feet** to a point, for an exterior angle point of the 44.70 acre tract and the tract described herein,
2. **S 88°15'59" W**, a distance of **72.45 feet** to a point, for an angle point of the 44.70 acre tract and the tract described herein,
3. **N 47°06'55" W**, a distance of **375.07 feet** to a point, for an interior corner of the 44.70 acre tract and the tract described herein, and
4. **S 43°26'31" W**, a distance of **148.05 feet**, to the **POINT OF BEGINNING** and containing 18.61 acres, in the City of San Marcos, Hays County, Texas. Said tract being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Job No.: 19-115  
Prepared by: KFW Surveying  
Date: January 27, 2022  
File: S:\Draw 2019\19-115 Posey Road Detention Project\DOCS\FN 18.61AC.docx



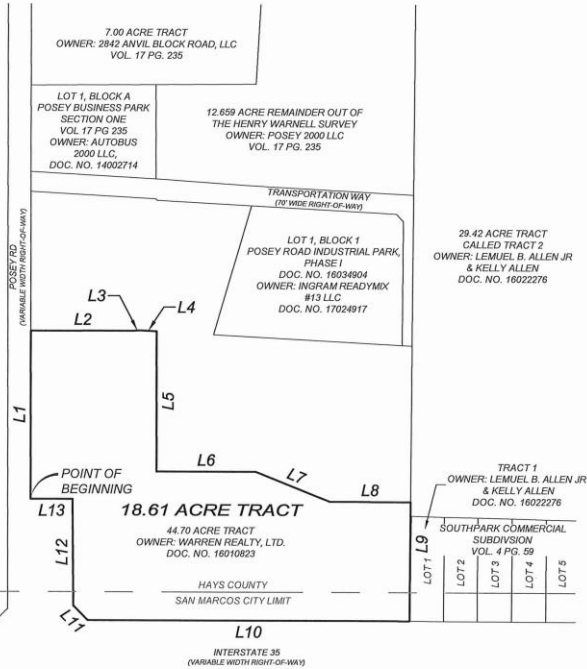
# NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.  
2. METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.  
3. THIS DOCUMENT WAS PREPARED UNDER 22 SUB SECTION TAC663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."



Line Table		
LINE #	LENGTH	DIRECTION
L1	590.68'	N46°43'00"W
L2	368.75'	N43°17'00"E
L3	15.04'	N39°07'46"E
L4	60.54'	N46°41'52"E
L5	492.92'	S46°43'00"E
L6	349.08'	N43°34'17"E
L7	280.91'	N65°19'05"E
L8	285.15'	N43°46'24"E
L9	417.95'	S46°13'36"E
L10	1133.33'	S43°33'57"W
L11	72.45'	S88°15'59"W
L12	375.07'	N47°06'55"W
L13	148.05'	S43°26'31"W

52.93 ACRE TRACT  
OWNER: BOBBIE POLLARD GILBERT  
VOL. 2872 PG. 852



TERESA A. SEIDEL  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5672  
EMAIL: TSEIDEL@KFWENGINEERS.COM  
DATE OF SURVEY: 01/27/2022  
PROJECT NO.: 19-115

ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED  
CAN BE DIRECTED TO:  
THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS (TBPELS)  
1811 N. INTERSTATE 35, SUITE 100, AUSTIN, TEXAS 78761  
PHONE: 817-440-7733, FAX: 817-440-4414, EMAIL: TBPELS@PELS.TEXAS.GOV



ZONING EXHIBIT OF  
A 18.61 ACRE TRACT OF LAND OUT OF A  
44.70 ACRE TRACT, SITUATED IN THE CITY  
OF SAN MARCOS, HAYS COUNTY, TEXAS

REVISIONS:	ISSUE DATE:
JOHN NO. 19-115	
DATE: 01/27/2022	DESIGNER: TAB
ORIGINAL: JPS	CHECKED: TAB



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