

ORDINANCE NO. 2022-68

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-22-27, BY REZONING APPROXIMATELY 15.6 ACRES OF LAND, GENERALLY LOCATED ON THE I-35 SOUTH FRONTAGE ROAD, APPROXIMATELY 1,400 FEET SOUTH OF THE INTERSECTION OF I-35 AND POSEY ROAD FROM “FD” FUTURE DEVELOPMENT AND “AR” AGRICULTURAL RANCH DISTRICTS 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 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 “HC” Heavy Commercial District for approximately 15.6 acres of land, generally located on the I-35 South Frontage Road, approximately 1,400 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 “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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 and the recording of a restrictive covenant agreement concerning the Property 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 15.600 ACRES OR 679,447 SQ. FT.

A TRACT OR PARCEL CONTAINING 15.600 ACRES OR 679,447 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 11.588 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):

COMMENCING, AT A 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, BEING 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 SAID CALLED 35.249 ACRE TRACT;

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

THENCE, SOUTH 43 DEG. 32 MIN. 37 SEC. WEST, CONTINUING WITH THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, A DISTANCE OF 888.99 FEET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING THE NORTHWEST R.O.W. LINE OF SAID INTERSTATE HIGHWAY NO. 35, OVER AND ACROSS SAID CALLED 37.674 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 46 DEG. 00 MIN. 30 SEC. WEST, A DISTANCE OF 594.56 FEET TO A POINT FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

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

NORTH 35 DEG. 58 MIN. 24 SEC. EAST, A DISTANCE OF 209.95 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE LEFT;

WITH A CURVE TO THE LEFT, 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 NORTH 59 DEG. 54 MIN. 31 SEC. WEST, 46.06 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 24 DEG. 48 MIN. 27 SEC. EAST, A DISTANCE OF 11.70 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE RIGHT;

WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.000 FEET, A CENTRAL ANGLE OF 18 DEG. 55 MIN. 52 SEC., AN ARC LENGTH OF 82.23 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 34 DEG. 16 MIN. 24 SEC. EAST, 82.23 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 43 DEG. 44 MIN. 20 SEC. EAST, A DISTANCE OF 102.36 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE POINT OF BEGINNING TO A CURVE TO THE LEFT;

THENCE, WITH A CURVE TO THE LEFT, THROUGH AND ACROSS SAID CALLED 35.249 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 NORTH 14 DEG. 34 MIN. 28 SEC. EAST, 243.66 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, OVER AND ACROSS SAID CALLED 35.249 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

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

WITH A CURVE TO THE RIGHT, 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 NORTH 05 DEG. 13 MIN. 51 SEC. EAST, 169.54 FEET TO A POINT FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, A DISTANCE OF 1,077.34 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 15.600 ACRES OR 679,447 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-COMMERCIAL, 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" = 200'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS 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.

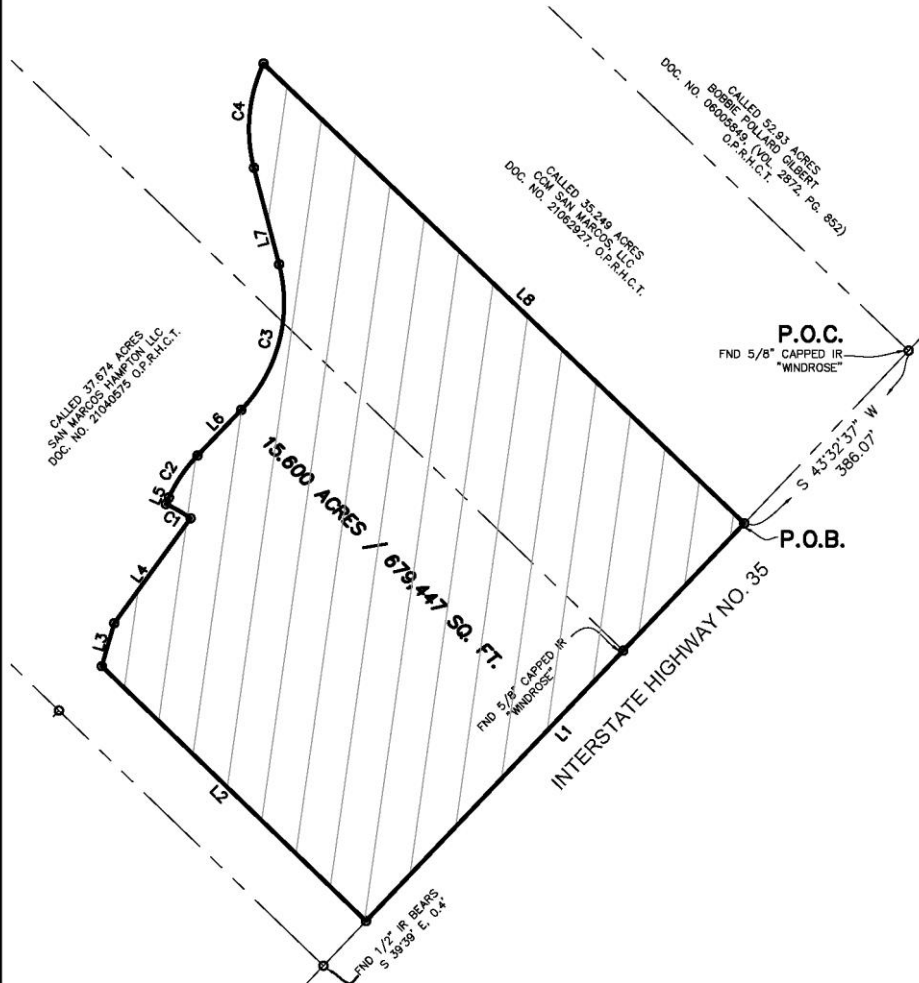
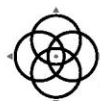


EXHIBIT OF
15.600 ACRES / 679,447 SQ. FT.
SITUATED IN THE
W.H. VANHORN ONE-THIRD LEAGUE, A-464
HAYS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 43°32'37" W	888.99'
L2	N 46°00'30" W	594.56'
L3	N 16°11'47" E	72.60'
L4	N 35°58'24" E	209.95'
L5	N 24°48'27" E	11.70'
L6	N 43°44'20" E	102.38'
L7	N 14°35'23" W	161.58'
L8	S 46°15'40" E	1,077.34'

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

FIELD BY:	-	DATE:	4-15-2022
DRAWN BY:	DB	REV:	4-19-2022
CHECKED BY:	CSC	REV:	5-31-2022
JOB NO.	56955-COMMERCIAL	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: _____