



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda Planning and Zoning Commission

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Tuesday, January 13, 2026

6:00 PM

City Council Chambers

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**This will be a hybrid (in-person/virtual meeting). To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.**

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. Citizen Comment Period

*Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.*

### CONSENT AGENDA

*THE FOLLOWING ITEMS NUMBERED #1 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on December 9, 2025.

### PRESENTATION

2. Receive a Staff presentation on the Vision SMTX Comprehensive Plan Implementation Report.

### PUBLIC HEARINGS

*Interested persons may participate in the Public Hearings items #3-6:*

- 1) *To participate/speak remotely (online) during the Public Hearings, email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting, or*
- 2) *Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners and comments received after the deadline will be provided to the*

*Commissioners at the meeting, or*

*3) Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name and address.*

3. CUP-25-68 (Stoner’s Pizza Joint) Hold a public hearing and consider a request by Tobbie Lee May, on behalf of Stoner’s Pizza Joint, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 748 N LBJ Dr, Ste 102. (K. Buck)
4. PSA-25-02 (Francis Harris Lane Maberry Data Center Preferred Scenario Amendment) Hold a Public Hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC, and Donald and Germaine Tuff, to amend the Preferred Scenario map from “Conservation/ Cluster” to “Commercial/Employment Low ” for 199.49 +/- acres of land, more or less, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas (J. Cleary)
5. ZC-25-13 (Francis Harris Lane Maberry Data Center FD/ CD 2.5 to LI) Hold a public hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC and Donald and Germaine Tuff, for a Zoning Change from Future Development (FD) and Character District 2.5 (CD-2.5) to "Light Industrial" (LI) or, subject to consent of the owner, another less intense zoning district classification, for approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas. (J. Cleary)
6. ZC-25-15 (1537 Post Rd SF-6 to CD-4) Hold a public hearing and consider a request by Shelton Eubanks, on behalf of Miguel and Eva Rosales, for a Zoning Change from Single Family-6 (SF-6) to Character District-4 (CD-4) or, subject to consent of the owner, another less intense zoning district classification, for approximately 0.294 acres, comprising Lot 5, Block 1 in the W.N Goforth First Suburban Addition, generally located on the western side of Post Road, approximately 100 ft southwest of the intersection between Post Rd and Uhland Rd (J. Cleary)

V. Question and Answer Session with Press and Public.

*This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted time frame, or for which answers are not immediately available can be addressed outside the meeting.*

VI. Adjournment

Notice of Assistance at the Public Meetings

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS)*

*by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to  
ADArequest@sanmarcostx.gov*

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ Title:  
\_\_\_\_\_



## Legislation Text

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**File #:** ID#25-843, **Version:** 1

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**AGENDA CAPTION:**

Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on December 9, 2025.

**Meeting date:** January 13, 2026

**Department:** Planning and Development

**Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

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**File #:** ID#25-843, **Version:** 1

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**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Final Planning and Zoning Commission

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Tuesday, December 9, 2025

6:00 PM

City Council Chambers

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**This was a hybrid (in-person/virtual meeting). To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.**

### I. Call To Order

**With a quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, December 9, 2025 via hybrid meeting.**

### II. Roll Call

**Present** 8 - Commissioner Lupe Costilla, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, Commissioner David Case, Commissioner Maraya Dunn, Commissioner Rodney Van Oudekerke, and Commissioner Josh Paselk

**Absent** 1 - Commissioner William Agnew

### III. Chairperson's Opening Remarks

**Chair Case welcomed the audience and gave brief opening remarks detailing the meeting rules and guidelines.**

### IV. Citizen Comment Period

**Chair Case opened the Citizen Comment Period.**

- 1) Robert Eby, general comments on Item #2 and 10**
- 2) John Maberry, in favor of item #2**
- 3) David Swank, In favor of item #2**
- 4) RB Sloan, in favor of item #2**
- 5) Chuck Knight, in favor of item #2**
- 6) Michael Whellan, in favor of item #2**
- 7) Abigail Lindsey, in opposition of item #2**
- 8) Torrie Martin, in opposition of item #2**
- 9) Brandon Oles, in opposition of item #2**
- 10) Michael Hernandez, in opposition of item #2**
- 11) Blake Coe, in opposition of item #2**

- 12) Jenna Fleming, in opposition of item #2
- 13) Andrew Weber, in opposition of item #2
- 14) Saunders Drucker, in opposition of item #2
- 15) Bobby Levinski, in opposition of item #2
- 16) Jennifer Lindsey, in opposition of item #2
- 17) Rafael Ruiz, in opposition of item #2

**Chair Case closed the Citizen Comment Period.**

## **CONSENT AGENDA**

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on November 12, 2025.

**A motion was made by Vice-Chair Spell, seconded by Commissioner Costilla to approve the consent agenda.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

**Absent:** 1 - Commissioner Agnew

## **PRESENTATION**

2. PSA-25-02 (Francis Harris Lane Maberry Data Center Preferred Scenario Amendment) Receive a staff presentation and discuss a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC, and Donald and Germaine Tuff, to amend the Preferred Scenario map from "Conservation/ Cluster" to "Commercial/Employment Low " for 199.49 +/- acres of land, more or less, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas (J. Cleary)

**Julia Cleary, Senior Planner, gave a presentation on request PSA-25-02.**

**Commissioner Agnew arrived to the meeting at 7:00 p.m.**

**No action was taken.**

**The meeting entered a recess at 8:10 p.m.**

**The meeting reconvened at 8:20 p.m.**

## **PUBLIC HEARINGS**

- 3. Hold a public hearing and consider a recommendation on the San Marcos Historic Preservation Plan.**

**Chair Case opened the Public Hearings.**

**Alison Brake, Historic Preservation Officer, gave a presentation on the San Marcos Historic Preservation Plan.**

**Staff recommended approval of the request as presented.**

- 1) Saunders Drucker - 1509 Delmar St. in favor**
- 2) Ryan Patrick Perkins - 727 W. Hopkins St., in opposition**

**A motion was made by Vice-Chair Spell, seconded by Commissioner Paselk to recommend approval of the request.**

**After discussion, the motion was withdrawn.**

**A motion was made by Vice-Chair Spell, seconded by Chair Case to recommend the following amendments.**

- 1. Ongoing stakeholder committee to implement and, as necessary, propose revisions to the plan.**
- 2. Opportunities for additional public input and feedback to be added to the future versions of the plan.**

**The motion carried by the following vote.**

**For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk**

**Against: 0**

4. CUP-25-49 (Brico's Pizza Kitchen) Hold a public hearing and consider a request by Brendon B. Ndlovu, on behalf of Brico's Pizza Kitchen, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4015 IH 35 Suite 320-B. (C. Garrison)

**Chair Case opened the Public Hearings.**

**Craig Garrison, Planner, gave a presentation on request CUP-25-49.**

**Staff recommended approval of the request with the following conditions:**

1. The permit shall be valid for one (1) year, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

**1) Brendon Ndlovu - 4015 IH 35, in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Commissioner Agnew, seconded by Commissioner Burleson to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

5. CUP-25-61 (Rooftop on The Square) Hold a public hearing and consider a request by Robert Espinosa, on behalf of Rooftop on The Square, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 126 S. Guadalupe St. (C. Garrison)

**Chair Case opened the Public Hearings.**

**Craig Garrison, Planner, gave a presentation on request CUP-25-61.**

**Staff did not provide a recommendation.**

**San Marcos PD provided an update to the request.**

**Chair Case closed the Public Hearings.**

**A motion was made by Vice-Chair Spell, seconded by Commissioner Costilla to deny the request.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

- 6. CUP-25-63 (Hokkaido Ramen and Sushi) Hold a public hearing and consider a request by Xiurong Weng, on behalf of Hokkaido Ramen and Sushi, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 243 Wonder World Suite 100. (C. Garrison)

**Chair Case opened the Public Hearings.**

**Craig Garrison, Planner, gave a presentation on request CUP-25-63.**

**Staff recommended approval of the request with the following conditions:**

- 1. The permit shall be valid for three (3) years, provided standards are met; and
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

**1) Romulus Gomez - 243 Wonder World Dr., in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Vice-Chair Spell, seconded by Commissioner Agnew to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

- 7. CUP-25-64 (Matas Mexican Restaurant) Hold a public hearing and consider a request by Erika Mata, on behalf of Matas Mexican Restaurant, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1350 S Old Bastrop Hwy, Ste 101. (K. Buck)

**Chair Case opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-25-64.**

**Staff recommended approval of the request with the following conditions:**

- 1. The permit shall be valid for three (3) years, provided standards are met; and**
- 2. The applicant shall not pursue a late hour’s license from the Texas Alcoholic Beverage Commission (TABC); and**
- 3. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; and**
- 4. No outdoor amplified music shall be permitted; and**
- 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

**1) Erika Mata - 1350 Old Bastrop Hwy, in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Vice-Chair Spell, seconded by Commissioner Paselk to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

- 8. CUP-25-65 (Boxcar Social) Hold a public hearing and consider a request by Arash Saberi, on behalf of Boxcar Social, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 116 S Edward Gary St. (K. Buck)

**Chair Case opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-25-65.**

**Staff recommended approval of the request with the following conditions:**

- 1. The permit shall be valid for three (3) years, commencing January 12, 2026, provided standards are met; and**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

**1) Arash Saberi - 1165 Edward Gary St., in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Commissioner Burleson, seconded by Vice-Chair Spell to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

- 9. CUP-25-66 (Urban Bird Hot Chicken) Hold a public hearing and consider a request by Brandon C. Gawthorp, on behalf of Urban Bird Hot Chicken, to renew a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 205 W Hopkins St. (C. Garrison)**

**Chair Case opened the Public Hearings.**

**Craig Garrison, Planner, gave a presentation on request CUP-25-66.**

**Staff recommended approval of the request with the following conditions:**

- 1. The permit shall be valid for three (3) years, commencing on January 7, 2026, provided standards are met; and**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy**

**1) Shantell Gawthorp - 40271 Wildlife Run, Hempstead, in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Commissioner Agnew, seconded by Commissioner Paselk to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

- 10.** ZC-25-14 (510 N. Guadalupe St. / P to CD-5) Hold a public hearing and consider a request by Todd Salmi, United Campus Ministry, for a Zoning Change from Public (P) to Character District - 5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 0.93 acres located at 510 N. Guadalupe St. and known as part of Block 1 of the C. C. Mitchell Addition, generally located south of Woods St. between N. Guadalupe St. and N. LBJ Dr. (L. Clanton)

**Chair Case opened the Public Hearings.**

**Lauren Clanton, Chief Planner, gave a presentation on request ZC-25-14.**

**Staff recommended approval of the request as presented.**

**1) Todd Salmi - 510 N Guadalupe, in favor**

**Chair Case closed the Public Hearings.**

**A motion was made by Commissioner Costilla, seconded by Commissioner Van Oudekerke to approve the request.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 1 - Commissioner Agnew

V. Question and Answer Session with Press and Public.

**Chair Case opened the Question and Answer Session.**

**There were no speakers.**

**Chair Case closed the Question and Answer Session.**

VI. Adjournment

**A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to adjourn.**

**The motion carried by the following vote.**

**For:** 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Paselk

**Against:** 0

**The meeting adjourned at 10:22 p.m.**

**Recording Secretary, Enrique Velasquez**

**Chair, David Case**



## Legislation Text

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**File #:** ID#25-863, **Version:** 1

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**AGENDA CAPTION:**

Receive a Staff presentation on the Vision SMTX Comprehensive Plan Implementation Report.

**Meeting date:** January 13, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**Fiscal Note:**

**Prior Council Action:** The Vision SMTX Comprehensive Plan was adopted by City Council on October 15, 2024.

**City Council Strategic Initiative:**

N/A

**Comprehensive Plan Element (s):**

- Arts and Culture
- Economic Development
- Environmental and Resource Protection
- Housing + Neighborhoods
- Land Use + Community Design and Character
- Parks & Public Space + Health, Safety & Wellness
- Transportation
- Not Applicable

**Master Plan:** Vision SMTX Comprehensive Plan

**Background Information:**

The Vision SMTX Comprehensive Plan, adopted in October 2024, is a vision and policy document intended to guide the growth and evolution of the City for the next 20-30 years. It is based on community input and feedback and includes the community's vision for a variety of physical and programmatic areas that influence how San Marcos evolves and grows in the years ahead. Vision SMTX was developed as part of a community-driven process across 99 community engagement events, including 27 pop-ups, 12 workshops and surveys, and 60 commission and committee meetings generating a total of 8,083 public comments. The plan includes 23 goals, 130 action statements, and 59 objectives across the 7 topics of transportation, housing, parks, economic development, environment and resource protection, and arts and culture.

Implementation of the plan is guided by the Comprehensive Plan Oversight Committee, a 7-member board appointed by City Council. The purpose of this committee is to contribute to annual reporting of implementation progress and evaluation metrics, serve as stewards of the Comprehensive Plan, and ensure future efforts are aligned with the Plan. In accordance with City Code, the Oversight Committee has prepared a list of priority recommendations and is tasked with presenting these priorities to the Planning and Zoning Commission and City Council. These action items could be considered for prioritization in 2026 by City Council.

In addition to the Oversight Committee priorities, staff conducted an annual report of implementation progress on the 130 action items as of October 2025. This process included multi-department reporting to understand successes and tracking of progress.

The Implementation Report in the packet is also available at [www.sanmarcostx.gov/visionsmtx](http://www.sanmarcostx.gov/visionsmtx)  
<<http://www.sanmarcostx.gov/visionsmtx>>

**Council Committee, Board/Commission Action:**

n/a

**Alternatives:**

n/a

**Recommendation:**

n/a



# **Vision SMX Comprehensive Plan Implementation Update**

**Planning and Zoning Commission**

**January 13, 2026**

# Vision SMTX Comprehensive Plan



- Establishes the **vision, goals, and policy direction** for the next 20 years.
- **A clear road map for accomplishing shared goals.**
- Establish the **types of neighborhoods and districts** we want in the future.
- Provide an **implementation strategy**
- An essential step in a continuous process that is designed to be **flexible and adaptable to guide citizens** and decision-makers on how a community should grow over time.
- **Adoption: October 2024**
  - 31-member steering committee + 23 subcommittee meetings
  - 8083 comments across 99 engagement events



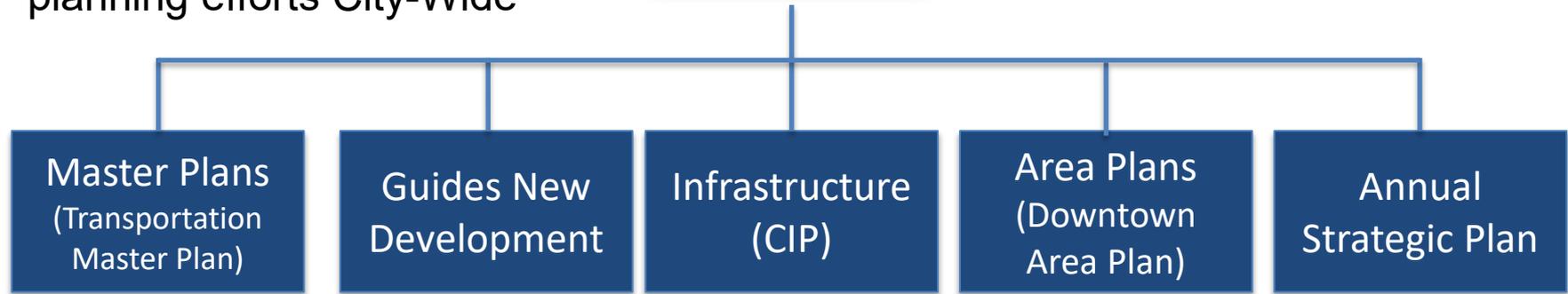
# Plan Relationship to City



Plan is an **umbrella document** that integrates high level direction from past and current planning efforts.



The plan informs future planning efforts City-Wide



# Goals, Objectives, and Actions

- Arts & Culture
- Economic Development
- Environment & Resource Protection
- Housing & Neighborhoods
- Land Use + Community Design & Character
- Parks, Public Spaces + Health, Safety, & Wellness
- Transportation

23

Goals

130

Actions

59

Objectives

GOALS

What do we want to accomplish?

ACTIONS

How can we reach our goals?

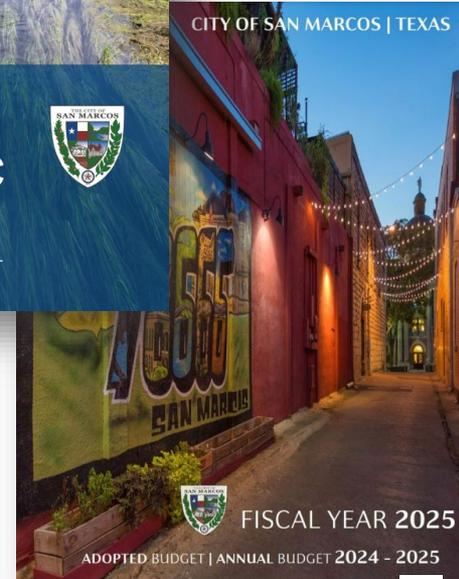
OBJECTIVES

How will we know if we're successful?



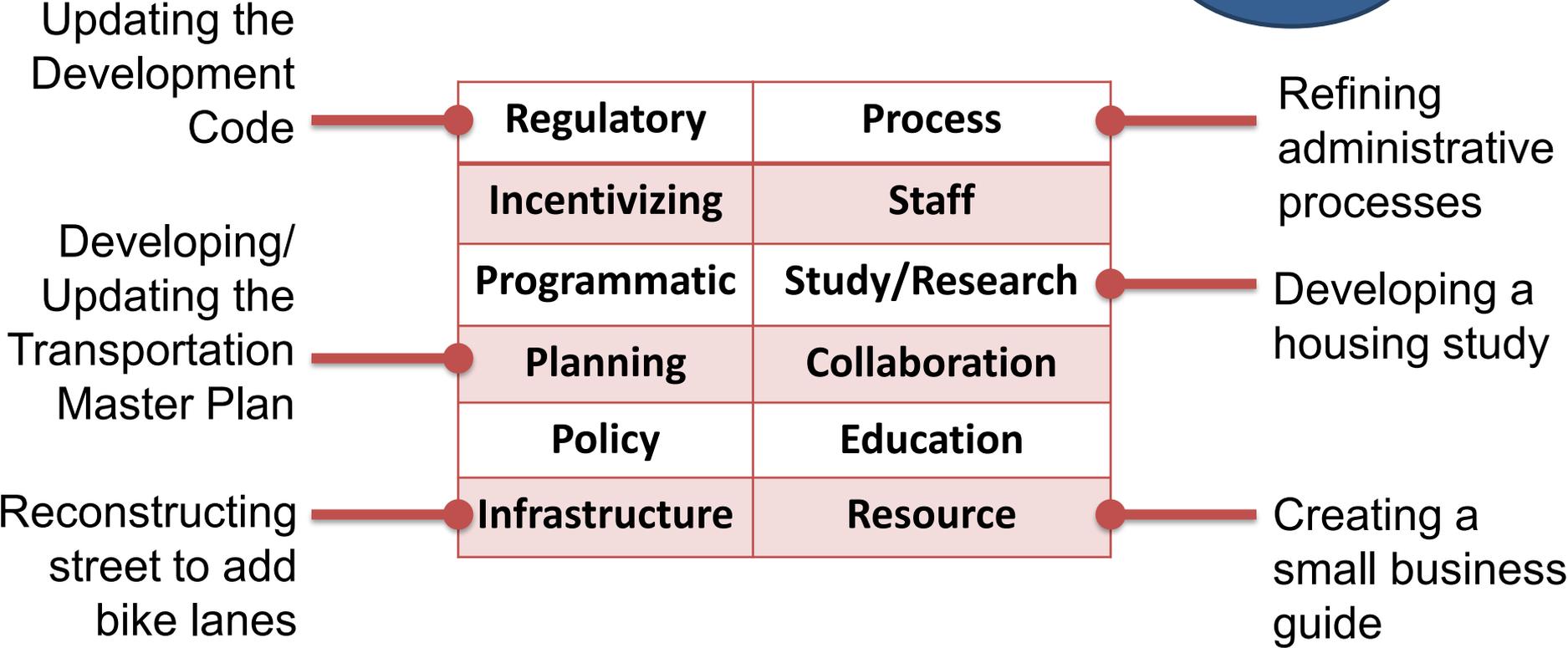
# Implementation Strategy

- **Comprehensive Plan Oversight Committee**
  - 7-member committee appointed by City Council
  - Assist with prioritization of Plan Goals, Actions, and Objectives
- **Department reporting on progress of action items**
- **Update to Planning and Zoning Commission & City Council**
- **Key Priorities considered in Council Strategic Planning**



# Methods for Implementation

130 actions



# Implementation Report

130  
actions



- Vision SMTX: 20-year plan
- Annual updates on action items

<b>Lead Department</b>	Indicates the department(s) leading each action.
<b>Progress Status</b>	Not initiated, in-progress, on-going, or complete.
<b>Updates / Comments</b>	Status update and methods for implementation
<b>Performance Metric</b>	How progress is being tracked
<b>Metric Status</b>	Status on tracking capability
<b>2025 Strategic Plan</b>	Indicates inclusion in the City Council's 2025 Strategic Plan

# Oversight Committee Top Priorities



<b>TR-1.1</b>	Update the 2018 Transportation Plan to be consistent with the Preferred Scenario Map and address current transportation issues.
<b>TR-2.2</b>	Evaluate the need for a City staff position to manage Transportation Demand Management programs to encourage active transportation, transit, and services such as rideshare and park and ride systems.
<b>TR-3.8</b>	Ensure safe crossing options under I-35 corridor and other major arterials/high traffic roadways to connect neighborhoods and residents.
<b>LU-3.7</b>	Create a tool to analyze the “fiscal sustainability”, defined as the long-term public cost obligations and fiscal productivity, of new development proposals.
<b>HN-4.3</b>	Coordinate land use and transportation planning with proposed developments to ensure safe and convenient connections to sidewalk, bike lane, and transit networks from residential neighborhoods.
<b>HN-1.1</b>	Update, review, and adopt a Housing Action Plan.
<b>ECD-2.1</b>	Protect and promote land uses that support target industries, support diversification of the City’s tax base, and enhance economic development by using tools such as intentional infrastructure planning, recruitment, and the land use entitlement process.
<b>ENV-3.4</b>	Encourage developers to implement green building practices, and conservation-style development.



# CPOC Top Priorities

**TR-1.1**

Update the 2018 Transportation Plan (TMP) to be consistent with the Preferred Scenario Map and address current transportation issues.

**TR-2.2**

Evaluate the need for a City staff position to manage Transportation Demand Management programs to encourage active transportation, transit, and services such as rideshare and park and ride systems.

**TR-3.8**

Ensure safe crossing options under I-35 corridor and other major arterials/high traffic roadways to connect neighborhoods and residents.

# CPOC Top Priorities



TR-1.1

Update the 2018 Transportation Plan (TMP) to be consistent with the Preferred Scenario Map and address current transportation issues.

## Committee Considerations

- TMP will shape transportation policy for existing and future residents
- Stress the importance of public transit and connections to regional transit partners
- Importance of evaluating pedestrian/bike crossings for safety improvements at key intersections and longer blocks

## Implementation Update

- Transportation Master Plan update in-progress



# CPOC Top Priorities

- LU-3.7** Create a tool to analyze the “fiscal sustainability”, defined as the long-term public cost obligations and fiscal productivity, of new development proposals.

## Committee Considerations

- Budgetary impacts of development on infrastructure, utility capacity/rates, and environmental costs
- Cost/benefit of development to the city’s fiscal health
- Education on long-term fiscal sustainability and return on investment

## Implementation Update

- Implementation will require consultant services to develop tool and conduct education with community and appointed/elected officials
- Collaborative effort with Finance and Economic Development department



# CPOC Top Priorities

**HN-4.3**

Coordinate land use and transportation planning with proposed developments to ensure safe and convenient connections to sidewalk, bike lane, and transit networks from residential neighborhoods.

## Committee Considerations

- Key factor of safe and convenient connections is proximity to goods and services
- Importance of multi-modal connectivity to neighborhood centers

## Implementation Update

- In-progress updates to the Development Code, Transportation Master Plan, and Transit Route Study.



# CPOC Top Priorities

**HN-1.1** Update, review, and adopt a Housing Action Plan.

## Committee Considerations

- Importance of adopting a plan to address housing affordability challenges
- Emphasize the topics of:
  - Availability of diverse and adaptable housing
  - “Aging in Place”
  - Empowering incremental development

## Implementation Update

- Update and review of Draft Strategic Housing Action Plan is in-progress
- Will include updated data and opportunities for public input



# CPOC Top Priorities

## ECD- 2.1

Protect and promote land uses that support target industries, support diversification of the City's tax base, and enhance economic development by using tools such as intentional infrastructure planning, recruitment, and the land use entitlement process.

## Committee Considerations

- Implementation should include a balance of both retention of small businesses and talent alongside the attraction of new businesses and talent.

## Implementation Update

- Future update to the Economic Development Policy and explore economic development programs
- Explore method to track private investments and fiscal impacts to the City



# CPOC Top Priorities

## ENV-3.4

Encourage developers to implement green building practices, and conservation-style development.

### Committee Considerations

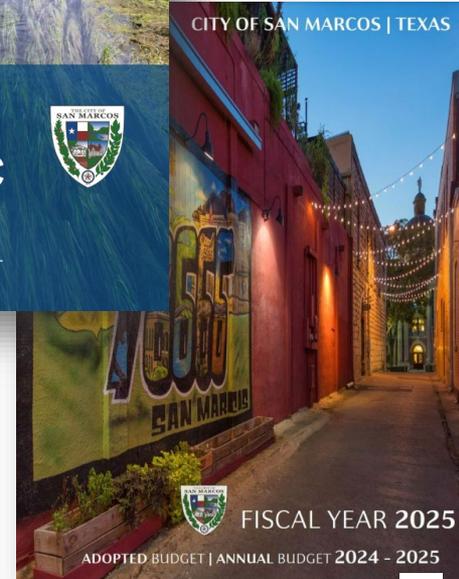
- Supports cluster/conservation style development types that preserve, enhance, or augment the greenbelt network
- Use of regulatory incentives for implementation
- Implementation of green building and sustainable site standards in city capital projects

### Implementation Update

- Development Code update to refine the Planning Area District to support cluster-development
- Draft Historic Preservation Plan encourages education surrounding the sustainability benefits of historic buildings

# Next Steps

- Informational presentation to be presented to City Council on January 20
- Implementation Report and CPOC Priorities serve as a **resource for Council during annual visioning**
- Implementation Report is accessible on the City Website:  
[sanmarcostx.gov/visionsmtx](https://sanmarcostx.gov/visionsmtx)
- Annual review and update of implementation worksheet



## RECOMMENDATION RESOLUTION

From: Comprehensive Plan Oversight Committee

WHEREAS, the City Council appointed members to the Comprehensive Plan Oversight Committee (Committee); and

WHEREAS, the purpose of the Committee is defined in Chapter 2, Article 3, Division 22, of the San Marcos City Codes and Ordinances and includes reviewing implementation progress of the Comprehensive Plan, adopted October 2024.

WHEREAS, the Committee held a meeting on May 24, 2025, July 24, 2025, and November 3, 2025 focused on reviewing the Comprehensive Plan implementation strategy and recommending priority actions for implementation.

NOW, THEREFORE, BE IT RESOLVED that the Committee recommends the San Marcos City Council consider the following Comprehensive Plan priority recommendations for calendar year 2026:

***1. Action TR.1.1 Update the 2018 Transportation Plan to be consistent with the Preferred Scenario Map and address current transportation issues.***

The Transportation Master Plan (TMP) update will play an important role in shaping transportation policy in San Marcos and impacts both existing and future residents. As part of the TMP, the committee recommends that the following Comprehensive Plan action items be prioritized for discussion within the TMP process:

***a. TR-2.2 Evaluate the need for a City staff position to manage Transportation Demand Management programs to encourage active transportation, transit, and services such as rideshare and park and ride systems.***

The committee stresses the importance of public transit and connections to regional transit partners.

***b. TR-3.8 Ensure safe crossing options under I-35 corridor and other major arterials/high traffic roadways to connect neighborhoods and residents.***

The committee stresses the importance of evaluating pedestrian/bike crossings for safety improvements at key intersections and/or streets which have longer blocks such as Hopkins/Hunter Rd, Hwy 80, Hwy 123, Posey Rd east of IH-35, Wonder World Dr, Aquarena Springs Dr, McCarty Ln, and Centerpoint Rd.

***2. Action LU-3.7 Create a tool to analyze the “fiscal sustainability”, defined as the long-term public cost obligations and fiscal productivity, of new development proposals.***

The Committee is interested in exploring budgetary impacts of development on infrastructure, utility capacity/rates, and environmental costs. The Committee discussed the importance of this tool to evaluate the cost/benefit of development proposals with regards to the city's fiscal health to inform city decisions. Education on long-term fiscal sustainability and return on investment will be an important component of implementation.

**3. *Action HN-4.3 Coordinate land use and transportation planning with proposed developments to ensure safe and convenient connections to sidewalk, bike lane, and transit networks from residential neighborhoods.***

A key factor of safe and convenient connections is proximity to goods and services. The Committee stresses the importance of multi-modal connectivity to neighborhood centers in changes to the Development Code, Transportation Master Plan, and Transit Master Plan.

**4. *Action HN-1.1, Update, review, and adopt a Housing Action Plan.***

The Committee stresses the importance of adopting a plan to address housing affordability challenges and emphasizes the topic of availability of diverse and adaptable housing, "aging in place", and empowering incremental development as part of these discussions.

**5. *Action ECD-2.1, Protect and promote land uses that support target industries, support diversification of the City's tax base, and enhance economic development by using tools such as intentional infrastructure planning, recruitment, and the land use entitlement process.***

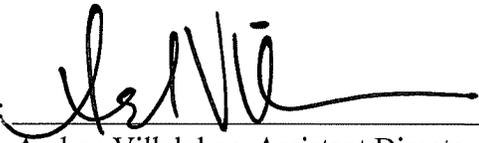
The committee recommends that the retention of small businesses and talent alongside the attraction of new businesses and talent should be balanced through implementation of this recommendation.

**6. *Action ENV-3.4, Encourage developers to implement green building practices, and conservation-style development.***

The Committee supports cluster/conservation style development types that preserve, enhance, or augment the city-wide greenbelt network as an important component to implementation of the Preferred Scenario Map as part of the Comprehensive Plan. The Committee recommends the use of regulatory incentives to implement this policy recommendation. The city should lead by example and implement green building and sustainable site standards in city capital projects.

Date of Approval: November 3, 2025

Record of the vote: 6-0 (Cody DeSalvo absent for final vote)

Attest:   
\_\_\_\_\_  
Andrea Villalobos, Assistant Director of Planning  
Staff Liaison



# VISION SMTX COMPREHENSIVE PLAN IMPLEMENTATION REPORT (2025)

The Vision SMTX Comprehensive Plan was adopted by the San Marcos City Council in October 2024 as a long-range planning tool to guide San Marcos over the next 20 years. The Plan is organized into recommendations for 7 key topics. The following implementation report provides a framework for reporting progress and planning future initiatives. The plan can be viewed online at: [sanmarcostx.gov/visionsmtx](https://sanmarcostx.gov/visionsmtx)

## REPORT LEGEND

**TOPIC** identifies one of 7 plan topics

**GOAL #** indicates the comprehensive plan goal number

**ACTION #** indicates the action number

**ACTION STATEMENT** indicates one of 130 action statements

**LEAD DEPARTMENT** indicates the lead department(s)

**PROGRESS STATUS** indicates whether the action is initiated, in-progress, ongoing, or complete

**UPDATES/COMMENTS** indicates a status on progress and the method for implementation

**PERFORMANCE METRIC** indicates how progress is proposed to be tracked

**METRIC STATUS** indicates the status of a metric (Tracking, Exploring, Not Tracking)

## 2025 Draft Comprehensive Plan Implementation Worksheet

October 2025

Topic	Goal #	Action	Action Statement	Lead Department	Progress Status	Fall 2025 Status Updates/Comments (regulatory, incentive, program, plan, policy, infrastructure, process, staff position, study/research, collaboration, education, and/or resource)	Performance Metric	Metric Status
Arts & Culture	AC-1	AC-1.1	Support existing creative establishments and facilitate the creation of a visual and performance arts and cultural center/district.	Destination Services	In Progress	A Request for Proposals (RFP) will be released Fall 2025 for a feasibility study of a performing arts center/facility. (Study)	Secure entity per RFP process	Tracking
Arts & Culture	AC-1	AC-1.2	Identify the need and opportunities for new arts and culture related facilities such as libraries, museums, and community theaters.	Destination Services	In Progress	A Request for Proposals (RFP) will be released Fall 2025 for a feasibility study of a performing arts center/facility. (Study)		
Arts & Culture	AC-1	AC-1.3	Update the Art in Public Places program and identify priority locations.	Destination Services	On-going	The Arts Commission and Mural Arts Program have identified priority areas for public art within the Dunbar and South Guadalupe neighborhoods, and east of IH-35. Staff is also working to fill areas between existing public art and cultural venues for the creation of an art trail. (Program)  Solution 4 under Cultural Contributions Recognition Goals in the Engagement & Education Focus Area of the Draft Historic Preservation Plan (HPP) encourages the use of crowd-sourcing to support the City's Mural Arts Program. (Plan)		
Arts & Culture	AC-1	AC-1.4	Approach arts and culture programming and funding with an equity lens to help underserved communities and organizations.	Destination Services	On-going	The Arts program offers Arts grants funded by the general fund to allow local non-profit organizations to offer arts and cultural programming. (Program)		
Arts & Culture	AC-1	AC-1.5	Develop a wayfinding and interpretive system for artistic, historic, and cultural resources.	Destination Services	On-going	In addition to creating an art trail, the VisitSanMarcos.com website is being updated to host additional information on art and artists.  Multiple Solutions in the Draft Historic Preservation Plan (HPP) encourage expanding wayfinding, signage, and heritage marketing expansion. (Plan)		
Arts & Culture	AC-1	AC-1.6	Expand the library system and promote equitable access to services through mobile libraries and other tactics.	Library	On-going	Education	Card holder tracking & program attendance: We continue to see new cardholders joining the library and the librarians, as part of our outreach efforts, attending school and community events to promote library services.	Tracking

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Arts & Culture	AC-1	AC-1.7	Leverage arts and culture assets for economic development through both tourism and local business growth.	Destination Services	On-going	Solutions in the Survey & Recognition Focus Area under Honorary Cultural District Goals in the Draft Historic Preservation Plan (HPP) encourage the exploration and collaboration with City staff & partners to identify potential Cultural Districts and to support applications to the Texas Commission on the Arts. (Plan)		
Arts & Culture	AC-1	AC-1.8	Identify, inventory, and prioritize public and private art and cultural resources for protection and enhancement.	Destination Services	Not Initiated	No updates.		
Arts & Culture	AC-1	AC-1.9	Improve and enhance communication, marketing, and promotion of arts and culture programs.	Destination Services	On-going	Solutions in the Engagement & Education Focus Area under in the Draft Historic Preservation Plan (HPP) support expanding heritage marketing and advocacy. (Plan)		
Arts & Culture	AC-2	AC-2.1	Implement the recommendations of the 2022 Arts Master Plan and update the Arts Master Plan Implementation Strategy at least every three years.	Destination Services	On-going	Implementation of the Arts Master Plan is on-going. (Plan)		
Arts & Culture	AC-2	AC-2.2	Develop a strategy for arts and culture funding and investment tied to new funding sources.	Destination Services	Not Initiated	No updates.		
Arts & Culture	AC-2	AC-2.3	Improve coordination and collaboration among local arts and culture organizations and public agencies to support effective and efficient funding, programming, and promotion.	Destination Services	On-going	No updates.		
Arts & Culture	AC-2	AC-2.4	Establish one or more new City staff positions for arts and culture administration, programming, and outreach.	Destination Services	In Progress	Arts and Heritage Tourism Division and Manager to be established October 1, 2025. The Arts Division will have two full-time employees fully dedicated to Arts and Heritage Tourism. (Staff)		

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Economic Development	ECD-1	ECD-1.1	Support local businesses to encourage job creation and capital investment.	Economic Development	On-going	The City hired a full-time Business Retention & Expansion (BRE) Coordinator to connect and build relationships with local businesses. The BRE Coordinator is meeting with businesses to help identify opportunities for job creation and business growth. (Staff)	BRE meetings are logged in Economic Development software (Bludot)	Not Tracking
Economic Development	ECD-1	ECD-1.2	Create opportunities for local companies to procure contracts with governmental agencies and educational institutions.	Economic Development	In Progress	Staff is exploring a potential procurement fair to be hosted by the City of San Marcos. Additionally, staff is working to update Economic Development webpages to include these resources for businesses. (Education/Resource)	Host procurement fair and complete update of website.	Tracking
Economic Development	ECD-1	ECD-1.3	Increase opportunities for graduating students to work and live in San Marcos.	Economic Development	On-going	BRE Coordinator is working to connect new and existing businesses with local educational institutions to help graduating students enter into the local workforce. (Education/Resource)	Referrals made are tracked in Economic Development software (Bludot)	Tracking
Economic Development	ECD-1	ECD-1.4	Coordinate with schools and workforce development programs to expand the talent pool for growing and target industries.	Economic Development	On-going	On March 25, 2025 the City hosted a ribbon cutting for the opening of expanded workforce training space on the City Hall complex. The space will house workforce training courses through a partnership with Austin Community College (ACC) and Community Action, Inc. of Central Texas. Beginning in April 2025, ACC started courses in Heating, Ventilation, and Air Conditioning (HVAC), through its Skilled Trades Program. Additional courses in automotive maintenance, plumbing, and welding are expected to follow at the facility. Community Action, Inc. of Central Texas will cover the course fees for eligible students using Adult Education funding from the Texas Workforce Commission's Adult Education & Literacy Program.		Tracking
Economic Development	ECD-2	ECD-2.1	Protect and promote land uses that support target industries, support diversification of the City's tax base, and enhance economic development by using tools such as intentional infrastructure planning, recruitment, and the land use entitlement process.	Economic Development	In Progress	Update the Economic Development Policy to leverage incentives to attract and retain high quality employers and jobs. Explore economic development programs that help make San Marcos competitive to top employers in desirable industries. Collaborate with Economic Development division, Finance Department, and Planning and Development Services to guide projects through development. Work with Finance Department to track private investments and fiscal impacts to the City. Economic Development staff has provided support on zoning cases for key projects and have been monitoring Water and Wastewater, Transportation, and Comp Plan Master Plans.	Adoption of Policy revisions. Cumulative increases in private capital investment, jobs, and wages.	

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Economic Development	ECD-2	ECD-2.2	Create incentive packages to support entrepreneurs, target industries, and growing industry sectors.	Economic Development	On-going	Existing incentive packages include those allowed per Texas Local Government Code Chapter 312 & Chapter 380 Agreements as well as the Business Improvement & Growth (BIG) Grant.	Business Improvement & Growth (BIG) Grant is tracked through Economic Development software (Bludot) and CH 312 & 380 agreements are tracked through City/State	Exploring
Economic Development	ECD-2	ECD-2.3	Support job creation for all education and income levels.	Economic Development	On-going	Project Cat Tree/Midway LLC (Boutique Hotel Project) was approved by City Council in August 2025 and will create 250 jobs with varying education and experience qualifications. Jobs will have an average salary of \$50,000.		Not Tracking
Economic Development	ECD-2	ECD-2.4	Review incentive policies with consideration of current economic development strategy as conditions change.	Economic Development	In Progress	Currently reviewing Small Business Retention incentive within the Economic Development Policy for potential revisions to ensure the best implementation process.	Amendments to the Economic Development Policy are implemented through City Council Resolutions.	Tracking
Economic Development	ECD-2	ECD-2.5	Address childcare as an essential component of economic development, such as evaluating land use allowances for childcare facilities, childcare as an economic incentive criteria, or expansion of city-sponsored children activities and camps.	Economic Development	Not Initiated	As part of the 2025 Development Code Update, the use of childcare has been expanded as an allowable use in new zoning districts.	Adoption of Development Code - expanded use of childcare in City (Certificate of Occupancy)	
Economic Development	ECD-2	ECD-2.6	Support housing, living wages, high quality training programs, anti-displacement policies, and other affordability methods as an essential component of economic development.	Economic Development	On-going	No updates.		Tracking
Economic Development	ECD-2	ECD-2.7	Evaluate the feasibility of locating a new City Hall in Downtown.	City Manager's Office	In Progress	City Council approved entering into a conceptual planning agreement with a developer to further explore a public-private partnership for a development downtown that includes a new city hall. (Policy)		
Economic Development	ECD-3	ECD-3.1	Regularly assess and update target industries and collaborate with all educational institutions to support workforce development for specific industry needs.	Economic Development	On-going	A review and potential update to the Economic Development Policy will be initiated Spring 2026.	Updated policy adopted by City Council	Tracking

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Economic Development	ECD-3	ECD-3.2	Leverage the Greater San Marcos Partnership “Texas Innovation Corridor” identity to attract investment and new employment opportunities.	Economic Development	On-going	From January 2025 through September 2025 the Hays County Economic Development Partnership (HCEDP) responded to Request for Information (RFIs) from the following industries: 57 manufacturing, 3 in Professional, Scientific, and Technical Services, 2 in Information & Data Processing, 1 in Utilities, 1 in Wholesale Trade, 1 in Public Administration, and 1 in Administrative and Support and Waste Management and Remediation Services.	This information is tracked through monthly HCEDP reports.	Tracking
Economic Development	ECD-3	ECD-3.3	Plan for commercial land and employment centers consistent with the Preferred Scenario Map, including Class A office, industrial, and other uses to attract target industries.	Economic Development	On-going	Appropriate zoning in employment/commercial areas is reviewed in accordance with the Comprehensive Plan and Preferred Scenario Map. (Policy)		
Economic Development	ECD-3	ECD-3.4	Evaluate existing process for reviewing and scoring prospects for incentives as conditions change.	Economic Development	Not Initiated	Will be done as part of Economic Development policy review and potential update. (Policy)		
Economic Development	ECD-3	ECD-3.5	Develop partnerships to create transit connections between the community and major airports in nearby cities; and improve connections between the community and the San Marcos Regional Airport through enhanced transit, road, and utility infrastructure.	Economic Development	On-going	No updates.		
Economic Development	ECD-3	ECD-3.6	Continue to coordinate with the Greater San Marcos Partnership and educational institutions.	Economic Development	On-going	FY 2026 contract updated and completed with Hays Caldwell Economic Development Partnership (formerly Greater San Marcos Partnership). City Business Retention BRE Coordinator continues to strengthen relationships with educational institutions in our region to help bridge any gaps between employers.	City staff receives monthly and quarterly reports from HCEDP	Tracking

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Environmental and Resource Protection	ENV-1	ENV-1.1	Incentivize development in targeted areas based on the Preferred Scenario Map with adequate drainage, water quality, and green infrastructure to accommodate growth.	Planning & Development	Not Initiated	Will require coordination with multiple departments to develop a program that will incentivize development in targeted areas that will accommodate growth. Explore topic as part of Economic Development Policy update.	<p>Begin exploring options for implementation with applicable staff.</p> <p>Track/evaluate the location of new zoning changes and development within the Comprehensive Plan Place Types.</p> <p># of Preferred Scenario Amendments approved</p> <p># of new Planned Area Districts and/or Development Overlay Regulating Plans (as established in 2025 LDC updates)</p> <p>Adoption of Economic Development Policy update (additional performance metrics set as part of policy update)</p>	
Environmental and Resource Protection	ENV-1	ENV-1.10	Establish goals to minimize water use in each sub-watershed.	Engineering/CIP		No updates.		Tracking
Environmental and Resource Protection	ENV-1	ENV-1.2	Establish or update green infrastructure policies, standards, and guidelines and adopt conservation guidelines.	Engineering/CIP	In Progress	Plan - Stormwater Master Plan	Master Plan adopted by Council	Not Tracking
Environmental and Resource Protection	ENV-1	ENV-1.3	Establish or strengthen best practices for resource protection and preservation in the development process.	Engineering/CIP	On-going	Process - enforce the LDC and Stormwater Technical Manual	None	
Environmental and Resource Protection	ENV-1	ENV-1.4	Evaluate San Marcos River use and access and help mitigate impacts of recreation to the river and connected waterways.	Parks	On-going	Managed Access at Rio Vista Park was implemented for the 2025 Summer Season. City Council provided direction to continue this practice for the 2026 Summer Season and will be evaluating it annually.	Reduction in litter and overall patron experience.	Not Tracking
Environmental and Resource Protection	ENV-1	ENV-1.5	Establish riparian buffer zones and enhanced setbacks for resource protection of rivers, creeks, retention ponds, and flood mitigation areas.	Engineering/CIP	Complete	Process - enforce the LDC and Stormwater Technical Manual; as well as requirements in HCP	None	Tracking

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Environmental and Resource Protection	ENV-1	ENV-1.6	Enforce the preservation of trees and native habitats.	Planning & Development	In Progress	Currently, P&DS staff review and enforce the Development Code, which identifies requirements for tree preservation on private property. The Development Code update (2025) includes additional language to promote healthy new and existing trees associated with new development. (Regulatory)  Further enforcement of tree preservation following completion of development process will require additional staff position (Staff)	Conduct periodic updates to Land Development Code to reflect best practices for tree and habitat preservation  % tree coverage across City Limits  Adopt a Biophilic Cities Designation Ordinance (additional metrics set as part of ordinance, including acreage of native habitat within City Limits)  Adopt Urban Forestry Master Plan (additional metrics set as part of plan development, potentially use Tree Equity Score as a baseline metric)	Tracking
Environmental and Resource Protection	ENV-1	ENV-1.7	Mitigate erosion along riverbanks through habitat protection and ecological restoration. Protect and restore sensitive natural areas and habitats.	Engineering/CIP	On-going	Plan - requirements in HCP	Annual report to the USFW	Not Tracking
Environmental and Resource Protection	ENV-1	ENV-1.8	Incorporate greenway and trails system within new developments that connect to the larger City and regional trail network.	Planning & Development	On-going	New greenways are installed in accordance with the Transportation Master Plan. Further refinement of greenways, trails, and bikeways will be part of the Transportation Master Plan Update, kicking off in 2025. (Plan)	Perform mapping analysis to determine number of units/developments with access to the broader trail network. Determine units/developments that do not have access and identify the potential gaps.  Linear feet of contiguous greenways and trails within City Limits and ETJ	Tracking
Environmental and Resource Protection	ENV-1	ENV-1.9	Continue to advance the implementation of the Habitat Conservation Plan, including endangered species and protections associated with river recreation.	Engineering/CIP	On-going	Plan - requirements in HCP	Annual report to the USFW	
Environmental and Resource Protection	ENV-2	ENV-2.1	Develop a regional water detention, quality, flood mitigation, and stormwater strategy that includes a fee structure.	Engineering/CIP	In Progress	Plan - Stormwater Master Plan	Master Plan adopted by Council	Tracking

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Environmental and Resource Protection	ENV-2	ENV-2.2	Implement Climate Action, Safety, and Hazard Master Plan strategies that mitigate the impacts of climate change and natural disasters.	Emergency Management		Local Hazard Mitigation Plan developed and approved by FEMA. The plan has identified mitigation actions that can be undertaken to address climate change. OEM staff continue to identify grant funding for the actions needed.		
Environmental and Resource Protection	ENV-2	ENV-2.3	Establish resilient and sustainable approaches to ensure a supply of safe groundwater and surface water, including water reuse and reclaim practices to prevent depletion of groundwater sources and minimize impact on regional water systems.	Utilities	On-going	The City actively manages multiple water sources to maintain a balanced and reliable system. To minimize dependence on groundwater and protect regional resources, the city has implemented comprehensive water conservation programs, leak detection initiatives, and an expanding reclaimed water system. The Reclaimed Water Master Plan outlines strategies for extending purple-pipe infrastructure, reducing potable demand, and improving drought resilience.		
Environmental and Resource Protection	ENV-3	ENV-3.1	Promote the use of re-claimed water within new developments.	Utilities	On-going	The City promotes the use of reclaimed water in new developments as part of its sustainable growth framework. New development located near existing or planned reclaimed water lines are encouraged or required to connect for irrigation and other non-potable uses. This approach reduces strain on potable systems and supports environmentally responsible development. The upcoming FM 1978 Water Resource Facility and associated reclaimed infrastructure will expand service capacity to support future growth. (Infrastructure)		
Environmental and Resource Protection	ENV-3	ENV-3.2	Facilitate opportunities for education and outreach centered around the benefits of recycling, water conservation, energy conservation, etc.	Neighborhood Enhancement	Not Initiated	No updates.		
Environmental and Resource Protection	ENV-3	ENV-3.3	Establish Green Building standards that use a rating system for features, such as green roofs, water treatment and reuse, and energy efficiency.	Planning & Development	Not Initiated	Staff research is needed to evaluate how to implement Green Building standards. This action may require a Study or consultant services to evaluate best practices. This action may also be implemented incrementally. (Study, Regulatory, Program, Incentive, Education)	Create COSM Green Building Program (additional metrics measured as part of program, including square feet of green roofs coverage in the City or within a certain neighborhood, per capita water use, per capita energy use)	Tracking

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Environmental and Resource Protection	ENV-3	ENV-3.4	Encourage developers to implement green building practices, and conservation-style development.	Planning & Development	In Progress	<p>Staff research is needed to evaluate how to implement Green Building standards. This action may require a Study or consultant services to evaluate best practices. This action may also be implemented incrementally. (Study, Regulatory, Program, Incentive, Education)</p> <p>Solution 4 under Sustainability &amp; Resiliency Goals in the Administration Focus Area of the Draft Historic Preservation Plan encourages education surrounding the sustainability benefits of historic buildings.</p> <p>As part of the 2025 Development Code update, the Planning Area zoning district is being refined to encourage conservation-style development within this zoning district that may be requested by property owners.</p>	<p>Assign team to research Green Building Standards and opportunities for future implementation.</p> <p>Adoption of the Historic Preservation Plan (HPP)</p> <p># of solar panel permits issued</p> <p>Explore creation of green building practices toolkit.(building orientation, low impact development, retrofitting existing buildings, etc.)</p> <p>Adopt deconstruction ordinance and implement circular economy program that requires building material salvage, reuse, and recycling (from HPP)</p> <p># of new developments that use the Planned Area District or Development Overlay Regulating Plan (as established in 2025 LDC updates)</p> <p>Acreage of Conservation Cluster/non-buildable areas within Planned Area Districts and Development Overlay Regulating Plans (as established in 2025 LDC updates)</p>	Tracking
Environmental and Resource Protection	ENV-3	ENV-3.5	Promote the fiscal benefits of conservation and green building for residents, property owners, and developers.	Planning & Development	Not Initiated	<p>Staff research is needed to evaluate fiscal impacts of conservation. Green Building education will be conducted as part of ENV-3.3. This action may require a Study or consultant services to evaluate best practices. This action may also be implemented incrementally. (Study, Regulatory, Program, Incentive, Education)</p> <p>Solutions 4 &amp; 5 under Sustainability &amp; Resiliency Goals in the Administration Focus Area of the Historic Preservation Plan (HPP) encourage promotion of sustainability benefits.</p>	<p>Assign team to research Green Building Standards and opportunities for future implementation.</p> <p>Adoption of the Historic Preservation Plan</p> <p>Create COSM Green Building Program (additional metrics measured as part of program, including square feet of green roofs coverage in the City or within a certain neighborhood, per capita water use, per capita energy use)</p> <p>Yearly educational event for residents, property owners, and developers concerning green building practices for new, existing, and historic buildings</p>	
Environmental and Resource Protection	ENV-3	ENV-3.6	Adopt a dark skies ordinance to mitigate harassment of wildlife.	Planning & Development	Not Initiated	<p>Staff research on dark sky ordinance is needed. Will require education to community and stakeholders prior to implementation. (Regulatory, Education)</p>	<p>Assign staff team to explore dark sky ordinance and determine scope of need.</p> <p>Conduct periodic updates to the Land Development Code that reflect International Dark Sky best practices</p>	

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Housing & Neighborhoods	HN-1	HN-1.1	Update, review, and adopt a Housing Action Plan.	Planning & Development	In Progress	Update and review of the Strategic Housing Action Plan is in-progress and is part of P&DS 2025/26 work plan. Update will reflect new available data and public feedback. (Policy/Plan)	Adoption of Plan  Metrics tracked based on implementation strategy for Strategic Housing Action Plan. A baseline performance metric could include gross rent as a percentage of household income	Tracking
Housing & Neighborhoods	HN-1	HN-1.2	Partner with community and business organizations to promote and inform/educate residents about resources for homeownership, residential upgrades, maintenance, and code enforcement.	Planning & Development	Not Initiated	Will require coordination with multiple departments to develop education campaign.	Staff to evaluate city website to ensure information on existing programs are clearly articulated/accessible.  Explore creating an education campaign regarding the City's Home Repair/Rehabilitation Program, Homebuyer Assistance Program, Historic Properties Collective, and other programs that may be created as part of Historic Preservation Plan and Housing Action Plan implementation strategies (ie. Vacant Building Registration Program)  Create circulation material regarding City programs mentioned above  Create virtual Maintenance and Preservation Resource Center with links to resources and potential partners)	
Housing & Neighborhoods	HN-1	HN-1.3	Address the housing needs of those who are homeless, transitioning out of homelessness, and at risk of homelessness.	Neighborhood Enhancement	On-going	Implemented contract with Southside Community Center to develop homeless strategy. Program has been in place.	Program measurement metrics in place	Tracking
Housing & Neighborhoods	HN-1	HN-1.4	Partner with Texas State University to routinely address student growth projections in order to plan effectively for the implications of student/faculty/staff housing needs (housing location, types, and transportation needs).	Planning & Development	In Progress	Currently, City Management meets regularly to coordinate with Texas State on applicable initiatives. Potential opportunity to kickstart separate conversation in relation to Texas State's master plan (Collaboration)	Continue regular meetings with Texas State to maintain town/gown relations, especially during Texas State Master Plan update	

## 2025 Draft Comprehensive Plan Implementation Worksheet

October 2025

Topic	Goal #	Action	Action Statement	Lead Department	Progress Status	Fall 2025 Status Updates/Comments (regulatory, incentive, program, plan, policy, infrastructure, process, staff position, study/research, collaboration, education, and/or resource)	Performance Metric	Metric Status
Housing & Neighborhoods	HN-2	HN-2.1	Create, evaluate, and implement tools to incentivize affordable housing and expand resources available for both Affordable (subsidized) housing development and to achieve overall housing affordability in the community, while ensuring quality and sustainable building practices.	Planning & Development	Not Initiated	Will discuss implementation of this action following the adoption of the Strategic Housing Action Plan.	Adoption of Plan  Metrics tracked based on implementation strategy for Strategic Housing Action Plan. A baseline performance metric could include gross rent as a percentage of household income  # and type of development incentives utilized (and # of affordable units generated through incentives and level of affordability by AMI) (from Housing Action Plan)	Not Tracking
Housing & Neighborhoods	HN-2	HN-2.2	Encourage and consider incentivizing diverse housing types.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code. (Regulatory)	Adoption of Development Code  # of lots rezoned to districts that allow for diverse housing types  # of Accessory Dwelling Units (ADU) permits issued  # and type of development incentives utilized (and # of affordable units generated through incentives and level of affordability by AMI) (from Housing Action Plan)	Tracking
Housing & Neighborhoods	HN-2	HN-2.3	Consider encouraging all neighborhood centers identified on the Preferred Scenario Map to allow for multiple diverse housing types.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code. (Regulatory)	Adoption of Development Code  Acreage of land within a Mixed Use designation on the Preferred Scenario Map that are zoned for diverse housing types (Neighborhood Density districts & Character Zoning districts)  Conduct periodic updates to the Development Code to allow diverse housing types in additional zoning districts	
Housing & Neighborhoods	HN-2	HN-2.4	Support programs and resources to prevent displacement of existing neighborhood residents.	Planning & Development	In Progress	Continue to provide program support for CDBG MIT funding for the Stormwater Master Plan Update and the Community Rating System process. (Infrastructure, Research)	Completion of plans  # of households assisted through CDBG-MIT Program	
Housing & Neighborhoods	HN-2	HN-2.5	Strengthen programs and resources for first-time homebuyers.	Planning & Development	Not Initiated	Consider proposing a homebuyer assistance program for the 2026-2027 CDBG funds after reviewing the homes available for the income range that would qualify. (Program)	Decision made regarding initiation of program.  # of households participating in Homebuyer Assistance Program	

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Housing & Neighborhoods	HN-2	HN-2.6	Explore tools that will allow residents to downsize and/or age in place.	Planning & Development	Not Initiated	Staff research is needed to evaluate how to research downsizing and or age in place for residents. This action may require a Study or consultant services to evaluate best practices. This action may also be implemented incrementally. (Study, Regulatory, Program, Incentive, Education)	Assign staff team to begin research on this topic.  # of Accessory Dwelling Unit (ADU) permits issued  Procurement of funds that focus on aging-in-place retrofits (AARP Livability Grants, CDBG-MIT Program, etc.)  Mapping of existing housing products throughout the City. Mapping of future housing products based on zoning throughout the City	
Housing & Neighborhoods	HN-2	HN-2.7	Promote programs and enhance resources to protect renters and support affordable, safe, and stable rental housing options.	Planning & Development	In Progress	Adoption of City of San Marcos Proposes Renter's Right to Organize Ordinance is currently being reviewed. (Policy)	Adopt Renter's Right to Organize ordinance  # of rental properties registered with the City's Long Term Rental Registration Program	
Housing & Neighborhoods	HN-2	HN-2.8	Promote policies and programs to educate tenants on their rights and landlords on their responsibilities.	Neighborhood Enhancement	In Progress	10/8/25 Council first reading on an ordinance adopting tenants right to organize. Developing an ordinance for Tenants Bill of Rights.	Enactment of ordinances and ensuing education plans.	Not Tracking
Housing & Neighborhoods	HN-3	HN-3.1	Implement transition zones, buffers, and other tools to ensure compatibility between buildings and neighborhoods.	Planning & Development	In Progress	Staff will continue to review our land development code to ensure that the code is up to date with best tools to implement transition zones, buffers, and other tools to ensure compatibility between buildings and neighborhoods.	Conduct periodic updates to Land Development Code to reflect best practices for transition zones, buffers, and other tools  Create Design Guidelines for Area Plans based on neighborhood character study findings and recommendations	
Housing & Neighborhoods	HN-3	HN-3.2	Maintain the quality of existing neighborhoods by encouraging reinvestment, conservation, and enhancement of existing housing stock.	Planning & Development	Not Initiated	To be implemented after adoption of the Strategic Housing Plan (Program). Solution 2, a mid-term recommendation under Alternative Local Zoning Goals in HPP, is to consider amending Development Code to establish a process for designation & implementation of Neighborhood Conservation Districts and explore creating design guidelines that balance flexibility & compatibility of design.	Adoption of Strategic Housing Action Plan and Historic Preservation Plan (additional metrics derived from each Plan's implementation strategy)	Tracking
Housing & Neighborhoods	HN-3	HN-3.3	Adopt a Preservation Plan to guide the protection, preservation, rehabilitation, and adaptive reuse of existing historic residences and resources, and the historic and cultural resources of minority communities.	Planning & Development	In Progress	Anticipated adoption of the HPP is scheduled to begin in December 2025 with final adoption on February 3, 2026	Adoption of the Historic Preservation Plan (HPP)  Work with HPC via an Annual Work Plan to prioritize recommendations of the Historic Preservation Plan (additional metrics derived from the HPP implementation strategy)  Development Code Updates	Tracking

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Housing & Neighborhoods	HN-3	HN-3.4	Encourage tools and strategies to promote long-term affordability, such as community land trusts, land banks, shared equity models and developer agreements.	Planning & Development	Not Initiated	To be implemented after adoption of the Strategic Housing Plan (Policy, Research, Resource)	Adoption of the Strategic Housing Action Plan  # of properties that currently have a provision for long-term affordability (Low Income Housing Tax Credit, CDBG homes, etc.)  Opportunities for potential expansions of existing land trusts/banks	Not Tracking
Housing & Neighborhoods	HN-4	HN-4.1	Consider housing in mixed-use centers identified on the Preferred Scenario Map with close proximity to schools, employment centers, transit, recreational opportunities, and other community resources.	Planning & Development	Not Initiated	Staff will continue to review our land development code to ensure that the code is up to date with the best tools to consider housing in mixed-use centers identified on the Preferred Scenario Map with close proximity to schools, employment centers, transit, recreational opportunities, and other community resources.	Track/evaluate new development and zoning changes within mixed use centers. Evaluate mapping analysis to gather information on proximity to schools, transit, etc.  # of households within a 10-minute walk of a school, transit stop, and/or public park  # of households within 1/2 mile or 1 mile of a grocery store  # of households per acre within Mixed Use Center (Downtown Area Plan boundary, East Village Area Plan boundary)  # of new jobs created within Mixed Use Center (Downtown Area Plan boundary, East Village Area Plan boundary)  % of parcels within the Mixed Use Center zoned for diverse housing types (Neighborhood Density and Character zoning districts)	Tracking
Housing & Neighborhoods	HN-4	HN-4.2	Evaluate parking standards for multi-family housing.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code. (Regulatory)	Adoption of Development Code  % capacity of multifamily surface parking lots  Conduct periodic updates to Land Development Code that evaluate parking minimums/maximums.	Tracking

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Housing & Neighborhoods	HN-4	HN-4.3	Coordinate land use and transportation planning with proposed developments to ensure safe and convenient connections to sidewalk, bike lane, and transit networks from residential neighborhoods.	Planning & Development	In Progress	New development is required to install sidewalks, bike infrastructure, and transit stops in accordance with the Development Code, Transportation Master Plan, and Transit Master Plan. Evaluation of these standards will occur following the adoption of the Transit Route Study and Transportation Master Plan. The 2025 Development Code Update includes refinement to transit stop standards. (Plan/Regulatory)	<p>Linear feet of contiguous sidewalks, greenways, bike lanes, and trails within City Limits (includes both private development and sidewalk gap infill program)</p> <p># and location of operational transit stops within City Limits</p> <p>% of residential neighborhoods within a 15 minute walk of a transit stop</p>	Not Tracking
Land Use + Community Design & Character	LU-1	LU-1.1	Update the Land Development Code to implement the Preferred Scenario Map.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code. (Regulatory)	Conduct periodic updates to Land Development Code to reflect changes to the Preferred Scenario Map	Tracking

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Land Use + Community Design & Character	LU-1	LU-1.2	Plan a large mixed-use center east of Interstate 35 and other mixed-use centers to locate businesses and services near residences.	Planning & Development	In Progress	Evaluation of a large mixed use center as part of the East Village Area Plan (EVAP) is on-going. Draft plan is under review by staff.	Adopt East Village Area Plan (additional metrics tracked based on implementation strategy for EVAP)	Tracking
Land Use + Community Design & Character	LU-1	LU-1.3	Discourage sprawl by facilitating mixed-use development in appropriate locations, clustering development, and encouraging a mix of housing types.	Planning & Development	Not Initiated	Staff will continue to review our land development code to ensure that the code is up to date with the best tools to discourage sprawl by facilitating mixed-use development in appropriate locations, clustering development, and encouraging a mix of housing types.	Conduct periodic updates to the Land Development Code that reflect best practices for cluster-style development  # of new Planned Area Districts or Development Overlay Regulating Plans (as established in 2025 LDC updates)	Tracking
Land Use + Community Design & Character	LU-1	LU-1.4	Develop a program to identify and prioritize brownfield (potentially contaminated sites) and greyfield (underutilized sites with high impervious cover) sites in the city and ETJ for redevelopment.	Planning & Development	Not Initiated	Staff research is needed to evaluate how to research brownfield and greyfields This action may require a Study or consultant services to evaluate best practices. This action may also be implemented incrementally. (Study, Regulatory, Program, Incentive, Education)	Assign staff team to explore implementation of this action.  % change in acres of brownfield within City Limits and ETJ  % change in acres of greyfield/infill properties within City Limits and ETJ  Procurement of funds through EPA Brownfield Rehabilitation Programs (Brownfield Assessment Grants, Land Revitalization Program, etc.)	Not Tracking
Land Use + Community Design & Character	LU-2	LU-2.1	Allow a mix of land uses in neighborhood centers using Area Plans and Neighborhood Character Studies to guide this process.	Planning & Development	In Progress	Evaluation of neighborhood centers by area plans are ongoing. Solutions in the Survey & Recognition Focus Area under Alternative Local Zoning Goals in the Draft Historic Preservation Plan (HPP) encourage the exploration of preservation tools such as Neighborhood Conservation Districts.	Adoption of North of Campus Area Plan, South of Downtown Area Plan, and Historic Preservation Plan (HPP)  # and location of Neighborhood Conservation Districts  Adoption of Neighborhood Area Plans (additional metrics tracked based on implementation strategy for each Area Plan)  Create Design Guidelines for Area Plans based on neighborhood character study findings and recommendations	Not Tracking

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Land Use + Community Design & Character	LU-2	LU-2.2	Require all new developments to dedicate adequate public right-of-way or access easements to accommodate all modes of transportation. Ensure creek buffers accommodate alternative modes of transportation that are designed to preserve the natural characteristics of the area.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Land Use + Community Design & Character	LU-2	LU-2.3	Provide multimodal connectivity to and within new neighborhoods and developments.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Land Use + Community Design & Character	LU-2	LU-2.4	Encourage health care facilities, medical offices, clinics, and pharmacies to locate in city and neighborhood centers.	Planning & Development	Not Initiated	Staff will evaluate the land use matrix on areas that allow health care facilities, medical offices, clinics, and pharmacies.	Explore mapping analysis to determine the location of health care facilities in relation to neighborhood centers.  # of healthcare facilities, medical offices, clinics, and pharmacies within a designated neighborhood center	Tracking
Land Use + Community Design & Character	LU-2	LU-2.5	Set aside areas for high quality public spaces during the development process for community and ecological benefit.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code (amendments to parkland dedication requirements). (Regulatory)	Land Development Code amendments are adopted  Acres of parkland and open space within the City Limits  # of households within a 10-minute walk of a publicly accessible park or open space  Acreage of Conservation Cluster/non-buildable areas within Planned Area Districts and Development Overlay Regulating Plans (as established in 2025 LDC updates)	Tracking
Land Use + Community Design & Character	LU-3	LU-3.1	Conduct Character Studies for priority areas.	Planning & Development	In Progress	Character studies are a component of several Area Plans currently in progress including the North of Campus Neighborhood Area Plan, Dunbar Neighborhood Area Plan, Heritage Neighborhood Area Plan, and South of Downtown Area Plan. A Character study was included in the adopted Blanco Gardens Neighborhood Area Plan (adopted 2024).	Completion of area plans.  Adopt Character Studies as part of Neighborhood Area Plan process (additional metrics derived as part of Area Plan implementation strategy)	Exploring

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Land Use + Community Design & Character	LU-3	LU-3.2	Evaluate the fiscal impacts of various development types to ensure fiscal health for the City.	Economic Development	On-going	No updates.		Tracking
Land Use + Community Design & Character	LU-3	LU-3.3	Encourage and incentivize a variety of diverse housing types, including, but not limited to attached single-family homes, micro homes, manufactured homes, and multi-family developments. Area Plans and Neighborhood Character Studies should guide this process, as applicable.	Planning & Development	Not Initiated	To be implemented after adoption of the Strategic Housing Plan (Regulatory, Policy, Research). Several Solutions in the Draft Historic Preservation Plan (HPP) encourage exploration of preservation tools, such as Neighborhood Conservation Districts.	Adoption of Strategic Housing Action Plan.  # of zoning changes to districts that allow for diverse housing types (ND and CD districts)  # of manufactured or tiny home park permits issued (from HAP)  # of ADU permits issued	Exploring
Land Use + Community Design & Character	LU-3	LU-3.4	Establish parking standards that balance mobility and economic needs with best practices for compact, mixed-use development and sustainability goals.	Planning & Development	In Progress	This action is being evaluated as part of the 2025 Development Code. (Regulatory)	Adoption of Development Code.  % of surface parking lots that are at or exceed 80% capacity  Per Capita VMT  Conduct periodic updates to Land Development Code that evaluate necessity of "parking minimums". Potentially transition to "parking maximums" approach.	Not Tracking
Land Use + Community Design & Character	LU-3	LU-3.5	Establish or strengthen design standards to ensure compatible development, densities, and transitions.	Planning & Development	Not Initiated	Staff will continue to review our land development code to ensure that the code is up to date with the best tools to establish or strengthen design standards to ensure compatible development, densities, and transitions.	Adoption of Development Code.  Create Design Guidelines for Area Plans based on neighborhood character study findings and recommendations  Conduct periodic updates to the Land Development Code to ensure development standards align with desired design guidelines	Tracking
Land Use + Community Design & Character	LU-3	LU-3.6	Ensure adequate City staff and resource levels to manage implementation of the Comprehensive Plan and Preferred Scenario Map.	Planning & Development	Not Initiated	Staff is evaluating existing staffing to determine how to best manage long-range initiatives within the department.	Evaluate need for new long-range planning staff position.  Annual reporting on which positions spent time performing long-range planning initiatives and how much time is dedicated to these tasks	Exploring

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Land Use + Community Design & Character	LU-3	LU-3.7	Create a tool to analyze the “fiscal sustainability”, defined as the long-term public cost obligations and fiscal productivity, of new development proposals.	Planning & Development	Not Initiated	Implementation of this item will require consultant services to develop tool and conduct education with public and City Council. Action would include collaborative effort with Finance Dept and Economic Development division.	Explore consultant services and budgetary needs.  # of Preferred Scenario Amendments approved each year (ultimately fiscal analysis and associated benefits are based on the existing Preferred Scenario Map)  # of educational events conducted annually with the public, P&Z, and City Council	Not Tracking
Land Use + Community Design & Character	LU-3	LU-3.8	Protect the pattern and character of existing neighborhoods by requiring new infill development to have complementary building forms and site features.	Planning & Development	Not Initiated	Staff is evaluating zoning changes in accordance with applicable adopted Neighborhood Area Plans (ex: Blanco Gardens). If applicable, standards to address infill are included as part of the Existing Neighborhood Regulating Plan adopted with zoning changes. Further implementation to occur after adoption of the Strategic Housing Plan (Regulatory, Policy, Research)	Incorporation of applicable standards into the Existing Neighborhood Regulating Plan for zoning changes in Area Plans.  Create Design Guidelines for Area Plans based on neighborhood character study findings and recommendations  Conduct periodic updates to the Land Development Code to ensure development standards align with desired design guidelines	Tracking
Land Use + Community Design & Character	LU-4	LU-4.1	Establish conservation development guidelines which include green infrastructure practices and compact development and incentivize qualified developments.	Engineering/CIP	On-going	Process - enforce the LDC and Stormwater Technical Manual	None	Not Tracking
Land Use + Community Design & Character	LU-4	LU-4.2	Encourage and incentivize clustered development to protect open space, provide recreation amenities, minimize impervious surfaces, and reduce flooding.	Planning & Development	In Progress	Staff will continue to evaluate Land Development Code to encourage and incentivize clustered development to protect open space, provide recreation amenities, minimize impervious surfaces, and reduce flooding. Amendments to the Planning Area zoning district as part of the code update are intended to implement cluster-style development.	Adoption of Development Code.  Acres of parkland and open space within the City Limits  # of households within a 10-minute walk of a publicly accessible park or open space  Acreage of Conservation Cluster/non-buildable areas within Planned Area Districts and Development Overlay Regulating Plans (as established in 2025 LDC updates)	
Land Use + Community Design & Character	LU-4	LU-4.3	Develop standards in the Land Development Code and Stormwater Technical manuals for dense housing in new areas of growth and activity centers to	Engineering/CIP	On-going	Process - enforce the LDC and Stormwater Technical Manual	None	Not Tracking

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			preserve land for community and ecological benefit.					
Land Use + Community Design & Character	LU-4	LU-4.4	Adopt standards for impervious cover limits for all of the city and extra-territorial jurisdiction to minimize flooding, protect water quality, and preserve recharge of groundwater.	Engineering/CIP	On-going	Process - enforce the LDC and Stormwater Technical Manual	None	Not Tracking
Land Use + Community Design & Character	LU-4	LU-4.5	Develop a Green Infrastructure Master Plan for the city and extra-territorial jurisdiction to integrate in with new land development, existing neighborhoods, and downtown to minimize flooding.	Engineering/CIP	On-going	Process - enforce the LDC and Stormwater Technical Manual. Will also address in Stormwater Master Plan.	None	Not Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.1	Create a Greenways Master Plan to improve pedestrian and bicycle access and connections between parks, open spaces and recreation facilities and to encourage active transportation.	Engineering/CIP	In Progress	The City is kicking off the TMP update in 2025 and Council has approved a contract with Kimley Horn to manage the update. TMP is expected to be complete in 2027.	Adoption of Transportation Master Plan	Tracking

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Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.2	Implement a signage, wayfinding and interpretation system to improve access to and information about parks, recreation facilities, and open spaces.	Parks	On-going	New way-finding signage and maps were added throughout the riverfront parks system in 2024. Staff is currently in the process of updating all maps and kiosks for the natural areas.	Signage being installed	Not Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.3	Enhance online information to include transparency about parks and recreation facilities, programs, and bond spending.	Parks	In Progress	Department has created GIS StoryMaps regarding available parks, information about them and their uses. Currently update monthly project list on our website and are exploring options with GIS to organize project updates.	None	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.4	Promote the design and programming of facilities and parks that provide multi-generational amenities, adequate shade and heat relief features, and access to water.	Parks	On-going	As park improvement projects are being designed they are being designed with these features in mind. This summer two park improvement projects were completed to add shade, ADA accessibility, and water fountains.	Project completion	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.5	Provide access to existing and new parks for residents across the city, particularly east of IH-35 or where park access is currently limited	Parks	In Progress	The east -west Shared Use Pathway connection under IH35 is almost at 100% design and construction will begin in 2026. The Transportation Master Plan will also begin in 2026 and will assist with planning and addressing missing connections for future improvements.	Transportation Master Plan update	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.6	Ensure programs and facilities remain affordable to all residents.	Parks	In Progress	In beginning stages of conducting a fee study for department facility rentals and program fees.	None	Not Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.7	Conduct regular outreach on community priorities and update the Parks Master Plan Action Plan accordingly.	Parks	In Progress	The majority of the Parks, Recreation and Open Space Plan action items have either been addressed or are in various stages of completion.	2019 Parks, Recreation and Open Space Master Plan	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-1	PPS-1.8	Create a community-driven rubric for new connections and existing maintenance of sidewalks and ensure the Sidewalk Plan is reviewed by City Council and the community every five years.	Public Works	Complete	The Sidewalk Maintenance Program is approved by City Council annually.		Not Tracking

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Parks & Public Spaces + Health, Safety, & Wellness	PPS-2	PPS-2.1	Prioritize native plants and low-maintenance materials and design of parks, greenways, and facilities.	Parks	Complete	We conduct two native plant sales annually. We propagate native plants that are used by the city's horticulture team to plant natives around city facilities. The Discovery Center team has partnered with two elementary schools to plant pollinator gardens and native plants and trees on school property.	Native Plant sales gross income, number of plants planted, number of trees given away	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-2	PPS-2.2	Create an Urban Forest Management Plan to protect and enhance the city's tree canopy.	Parks	In Progress	The city has received a grant for this project. We are currently negotiating with a vendor to complete the work on the plan. Our Urban Forester holds an annual Community Tree giveaway to provide free trees to the community and also plants trees in various parks during the planting season each year.	Plan implementation following adoption	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-2	PPS-2.3	Locate parks, open spaces, and natural areas to protect and benefit the aquifer.	Parks	On-going	This has been done over the years, however fiscal constraints limit acquisition capabilities.	None	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-2	PPS-2.4	Prioritize acquiring land in the recharge zone and sensitive aquifer areas	Parks	On-going	Funding is limited for this effort.	None	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-3	PPS-3.1	Create and implement a policy that ensures adequate resources are identified to develop and maintain parks and public spaces.	Parks	Complete	Parks and Recreation has an internal policy regarding the planning of park improvements which ensures that adequate funding is available for each project. Unforeseen budget constraints may cause projects to be postponed.	Completed improvements	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-3	PPS-3.2	Update Park impact fees for developers to ensure a fair and sustainable revenue source for parks	Parks	Complete	We do not have "Park Impact Fees", but have adjusted the Fee-in-Lieu of Parkland Dedication and Park Development Fees within the last two years to ensure they remain a sustainable revenue source for parks.	Increased revenue to parkland fee-in-lieu and parkland development fee special revenue accounts compared to previous years.	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-3	PPS-3.3	Establish a park amenities schedule for a maintenance, repair, and replacement program of both public parkland and privately-owned public parks and open spaces.	Parks	Complete	Parks and Recreation has an internal policy regarding the planning of park improvements which ensures that adequate funding is available for each project. Each park is updated on a 10-year schedule unless immediate safety issues arise requiring out of cycle repairs or replacement. Unforeseen budget constraints may cause projects to be postponed.	Completed improvements	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-3	PPS-3.4	Plan for recreation, protection, and conservation of the river south of downtown and east of IH-35.	Parks	On-going	The City Council has the feasibility study related to Cape's Dam currently underway. The public engagement phase will begin in January 2026 following the environmental and engineering analysis phases. Once the City Council provides direction related to the dam further planning can begin on the area as a whole.	City Council direction on Cape's Dam and future community engagement on park improvements.	Tracking

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Parks & Public Spaces + Health, Safety, & Wellness	PPS-4	PPS-4.1	Ensure emergency, police, and fire services meet or exceed the level of service needs as the population grows.	Fire	On-going	Staff applied for SAFER grant to staff future Station 7, located in the Whisper development. This would include fifteen personnel. (staff position)	Successful grant application	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-4	PPS-4.2	Encourage the location of health and community service providers in mixed-use neighborhood centers.	Planning & Development	In Progress	Staff will continue to evaluate Land Development Code to encourage the location of health and community services providers in mixed use neighborhood centers. The addition of Daycares uses are part of the 2025 Land Development Code amendments.	<p>Explore mapping analysis to determine the location of health care facilities in relation to mixed use centers.</p> <p>health services = medical office, clinic, pharmacy community service = community center, library, grocery store?</p> <p># of healthcare facilities, medical offices, clinics, and pharmacies within a neighborhood center</p> <p>% of households within a 15-minute walk of a grocery store</p> <p>Linear feet of sidewalks within 1/2 mile of a school</p>	Exploring
Parks & Public Spaces + Health, Safety, & Wellness	PPS-4	PPS-4.3	Create and regularly update / maintain a fire and police station location plan which identifies the appropriate locations for future fire, emergency and police stations based on response times.	Fire	On-going	<p>Staff has created a fire station location map which identifies locations for future fire stations based on response times. (Resource)</p> <p>Land for future fire station has been identified at Yarrington and Opportunity Blvd within the Whisper development.</p> <p>Identified funds through the Capital Improvement Plan (CIP) for Station 7 design.</p> <p>Staff is utilizing development tools, such as Development Agreements and Planned Development Districts, to request locations for fire stations as new developments are proposed (Regulatory)</p>	Staff is currently tracking current, planned, and proposed fire station locations in GIS. Currently using service area modeling to ensure adequate standards of coverage. Reduction (improvement) of ISO rating in areas currently greater than five road miles from a fire station.	Tracking
Parks & Public Spaces + Health, Safety, & Wellness	PPS-4	PPS-4.4	Ensure transparency of bond fund expenditures by reporting to the public on fiscal allocations.	Finance	Not Initiated	No updates.		Tracking

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Topic	Goal #	Action	Action Statement	Lead Department	Progress Status	Fall 2025 Status Updates/Comments (regulatory, incentive, program, plan, policy, infrastructure, process, staff position, study/research, collaboration, education, and/or resource)	Performance Metric	Metric Status
Transportation	TR-1	TR-1.1	Update the 2018 Transportation Plan to be consistent with the Preferred Scenario Map and address current transportation issues.	Engineering/CIP	In Progress	The City is kicking off the TMP update in 2025 and Council has approved a contract with Kimley Horn to manage the update. TMP is expected to be complete in 2027.	Adoption of Transportation Master Plan	Tracking
Transportation	TR-1	TR-1.2	Review and update the Complete Streets policies, standards, and guidelines.	Public Works				Tracking
Transportation	TR-1	TR-1.3	Plan and design Complete Streets in, around, and to new developments, redevelopments, subdivisions, the University, Downtown, and other high-density residential areas.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-1	TR-1.4	Coordinate with local and regional agencies to meet the goals of this plan.	Engineering/CIP	On-going	Local and regional coordination will occur as part of the Transportation Master Plan update. (Plan)	Adoption of Transportation Master Plan (TMP)	Tracking
Transportation	TR-1	TR-1.5	Use transportation modeling and analysis to inform decision-making and garner community support.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-2	TR-2.1	Improve transit coverage, frequency, and marketing throughout the city and to adjacent cities, with emphasis on serving places where people live, work and access basic services as well as major employment areas.	Public Works	In Progress	Transit Route Study is in progress.	Complete Transit Route study.	
Transportation	TR-2	TR-2.2	Evaluate the need for a City staff position to manage Transportation Demand Management programs to encourage active transportation, transit, and services such as rideshare and park and ride systems.	Public Works	Not Initiated	FY26 budget was not able to support funding for a new position. Continue to evaluate the need for this position by evaluating existing programs and staffing levels.	Evaluation of transportation demand programs, evaluate staffing levels, decision on new staff. Kickoff Transportation Master Plan.	Exploring

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Transportation	TR-2	TR-2.3	Identify, promote, and incentivize “first and last mile” solutions to better connect people to their destinations.	Public Works	In Progress	This will be discussed as part of Transportation Master Plan.		
Transportation	TR-2	TR-2.4	Incorporate the Sidewalk Master Plan into other mobility initiatives and plans and review/update as needed.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-2	TR-2.5	Create a community-driven rubric for new connections and existing maintenance of sidewalks and ensure the Sidewalk Plan is reviewed by City Council and the community every five years.	Public Works	Complete	Sidewalk Maintenance Program is approved by City Council annually		Tracking
Transportation	TR-2	TR-2.6	Continue to plan for and invest in bicycle infrastructure including protected bike lanes, off-street paths, and end of trip facilities	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-2	TR-2.7	Improve transit stops and related amenities including shade, shelter, signage, wayfinding, seating, route and schedule information, and safety improvements.	Public Works	On-going	Implementation of this item is on-going as bus stops are continuously evaluated for improvements.		Tracking
Transportation	TR-3	TR-3.1	Ensure a well-integrated, connected transportation network that includes a hierarchy of roadways appropriate for adjacent land uses and development types.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-3	TR-3.2	Prioritize filling gaps in existing transportation infrastructure (e.g., sidewalks, Americans with Disabilities Act upgrades) consistent with area plans, needs assessments, and local priorities.	Public Works	On-going	Short gaps in sidewalks are completed annually through the Sidewalk Maintenance Program.		Tracking

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Transportation	TR-3	TR-3.3	Incorporate local arts and culture into transportation infrastructure such as transit centers and stops.	Destination Services	Not Initiated	No updates.		
Transportation	TR-3	TR-3.4	Incorporate Vision Zero goals and objectives into transportation plans, programs, and projects.	Engineering/CIP	On-going	Plan - CAMPO is preparing a plan that includes the City. Expected completion 2026.	Expected adopted by Council in 2026	Tracking
Transportation	TR-3	TR-3.5	Establish / update green infrastructure policies, standards, and guidelines for roadways.	Engineering/CIP	On-going	Plan - Requirements in TMP	Master Plan adopted by Council in 2018. Starting update on TMP with expected completion 2027.	Tracking
Transportation	TR-3	TR-3.6	Evaluate and update parking policies, code requirements, and/or management plans.	Public Works	On-going	Parking Advisory Board continues to evaluate parking policy.	Completion of parking policy	
Transportation	TR-3	TR-3.7	Develop and implement a parking fee structure for high-demand areas.	Public Works	On-going	Parking Advisory Board continues to evaluate parking fees.	Completion of final evaluation of parking fees.	
Transportation	TR-3	TR-3.8	Ensure safe crossing options under I-35 corridor and other major arterials/high traffic roadways to connect neighborhoods and residents.	Engineering/CIP	In Progress	Plans are in design with 100% plans expected in 2026. Evaluate potential for additional priority crossings as part of the Transportation Master Plan and through City, County, or Federal infrastructure projects.	Finalize design plans, Adopt updated Transportation Master Plan	Tracking



## Legislation Text

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**File #:** CUP-25-68, **Version:** 1

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**AGENDA CAPTION:**

CUP-25-68 (Stoner's Pizza Joint) Hold a public hearing and consider a request by Tobbie Lee May, on behalf of Stoner's Pizza Joint, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 748 N LBJ Dr, Ste 102. (K. Buck)

**Meeting date:** January 13, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:**

N/A

N/A

N/A

**Comprehensive Plan Element (s):**

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:**

Choose an item.

**Background Information:**

The previous business, Double Dave's, was issued their first CUP in 2019. In 2024, Double Dave's closed and Stoner's Pizza Joint opened. The conditions of approval proposed for Stoner's Pizza Joint are the same as the previous business.

In January of 2025, the Planning and Zoning Commission approved a Conditional Use Permit for Stoner's Pizza Joint, valid for one (1) year.

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff recommends **approval** of CUP-25-68 with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. No outdoor amplified sound shall be permitted after 10pm; and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

<b>Conditional Use Permit</b>	<b>748 N LBJ Dr, Ste 102</b>
<b>CUP-25-68</b>	<b>Stoner's Pizza Joint</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Tobbie Lee May 9121 Sunpool Schertz, TX 78154	<b>Property Owner:</b>	Kirby Soffer 800 N LBJ San Marcos, TX 78666
<b>CUP Expiration:</b>	January 14, 2026	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	1,877 sq ft	<b>Outdoor Floor Area:</b>	950 sq ft
<b>Parking Required:</b>	14 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Sunday-Thursday: 11am-11pm Friday & Saturday: 11am-1am		

**Notification**

<b>Posted:</b>	December 19, 2025	<b>Personal:</b>	December 19, 2025
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Tract A in the A0002 Thomas J Chambers Survey		
<b>Location:</b>	On the Southeast corner of Forest Dr and N LBJ Dr		
<b>Acreage:</b>	0.342 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Community Commercial (CC)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	3
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Neighborhood Commercial (NC)	Restaurant (Grins)	Mixed Use Medium
<b>South of Property:</b>	Community Commercial (CC)	Restaurants (Dos Gatos, Mochas & Javas)	Mixed Use Medium
<b>East of Property:</b>	Multiple Family Residential (MF-18)	Multi-Family Residential (Treehouse Apartments)	Neighborhood High
<b>West of Property:</b>	General Commercial (GC)	Convenience Store with Gas Sales (Shell)	Mixed Use Medium

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>The permit shall be valid for three (3) years, provided standards are met;</li> <li>No outdoor amplified sound shall be permitted after 10pm; and</li> <li>The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> January 7, 2026

<b>Conditional Use Permit</b>	<b>748 N LBJ Dr, Ste 102</b>
<b>CUP-25-68</b>	<b>Stoner's Pizza Joint</b>



**History**

The previous business, Double Dave's, was issued their first CUP in 2019. In 2024, Double Dave's closed and Stoner's Pizza Joint opened. The conditions of approval proposed for Stoner's Pizza Joint are the same as the previous business.

In January of 2025, the Planning and Zoning Commission approved a Conditional Use Permit for Stoner's Pizza Joint, valid for one (1) year.

**Additional Analysis**

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and the condition related to noise on this CUP.

**Comments from Other Departments**

<b>Police</b>	See Attached Police Report
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code Compliance</b>	No Comment

Conditional Use Permit CUP-25-68	748 N LBJ Dr, Ste 102 Stoner's Pizza Joint
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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <b><i>Studies were not complete at the time of the request.</i></b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. <b><i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i></b>
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
<u>X</u>			The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

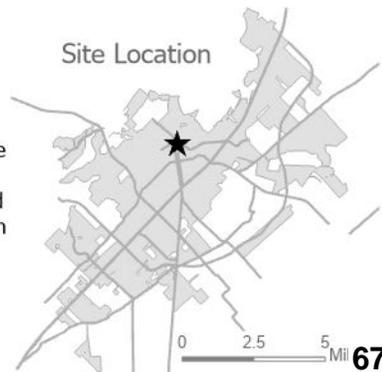


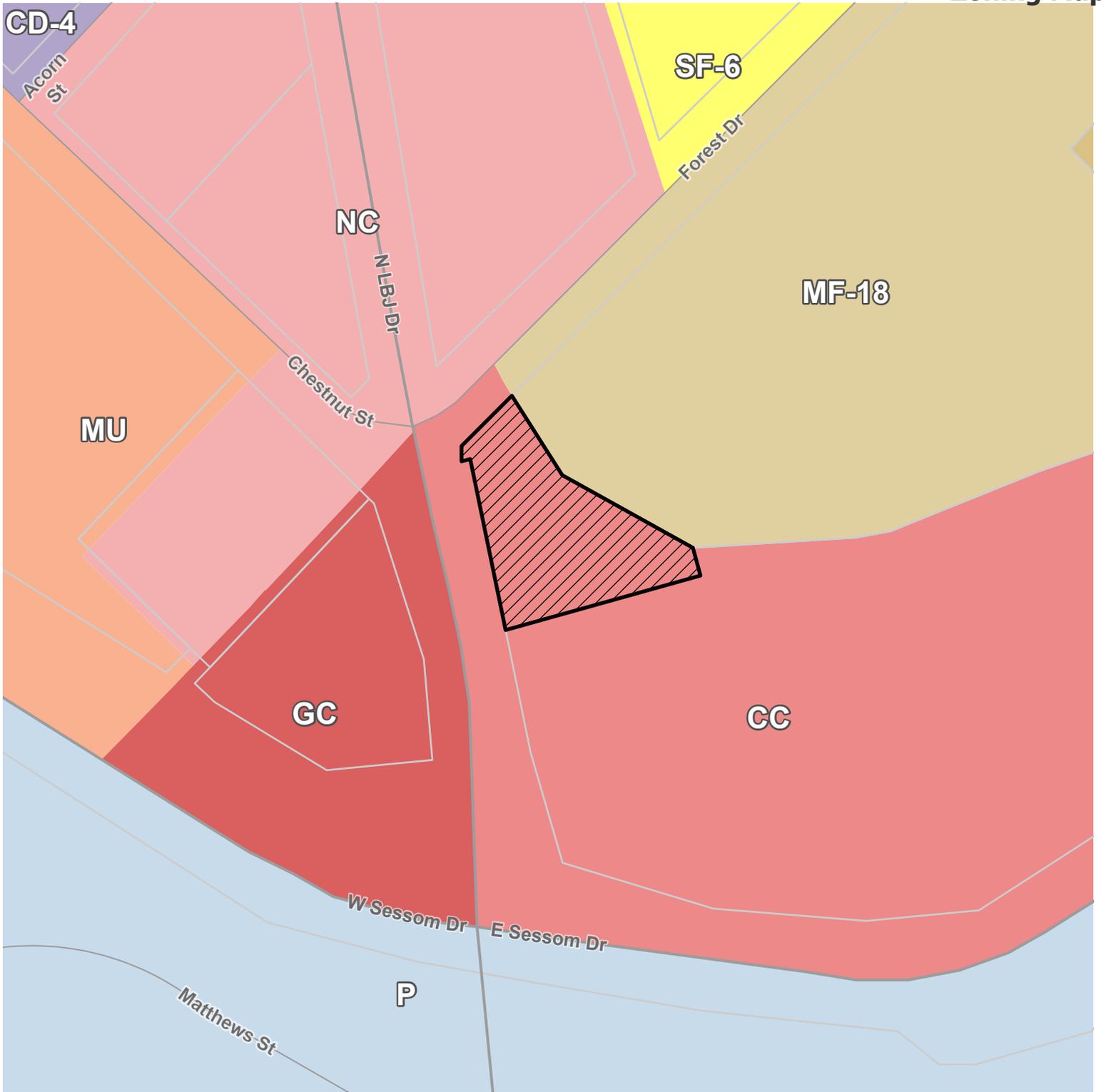
- Subject Property
- Parcel



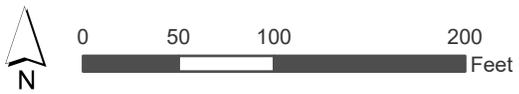
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Date: 12/3/2025





-  Subject Property
-  CC
-  CD-4
-  GC
-  MF-18
-  MF-24
-  MU
-  NC
-  P
-  SF-6



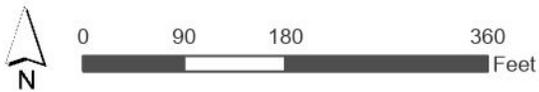
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Date: 12/5/2025



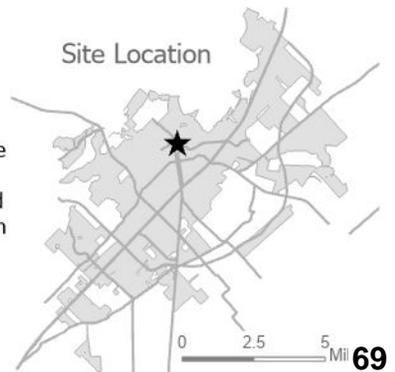


-  Subject Property
-  400ft Buffer
-  Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 12/3/2025



PLANNING AND DEVELOPMENT SERVICES



12/19/2025

CUP-25-68

**Notice of Public Hearing  
Conditional Use Permit Request  
Sale of Beer & Wine  
748 N LBJ Dr, Ste 102**

*CUP-25-68 (Stoner's Pizza Joint) Hold a public hearing and consider a request by Tobbie Lee May, on behalf of Stoner's Pizza Joint, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 748 N LBJ Dr, Ste 102. (K. Buck)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, January 13, 2026**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**  
Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Kaitlyn Buck**, at **512.393.8234** or **kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-25-68**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES  
Enclosure: Map (See Reverse)

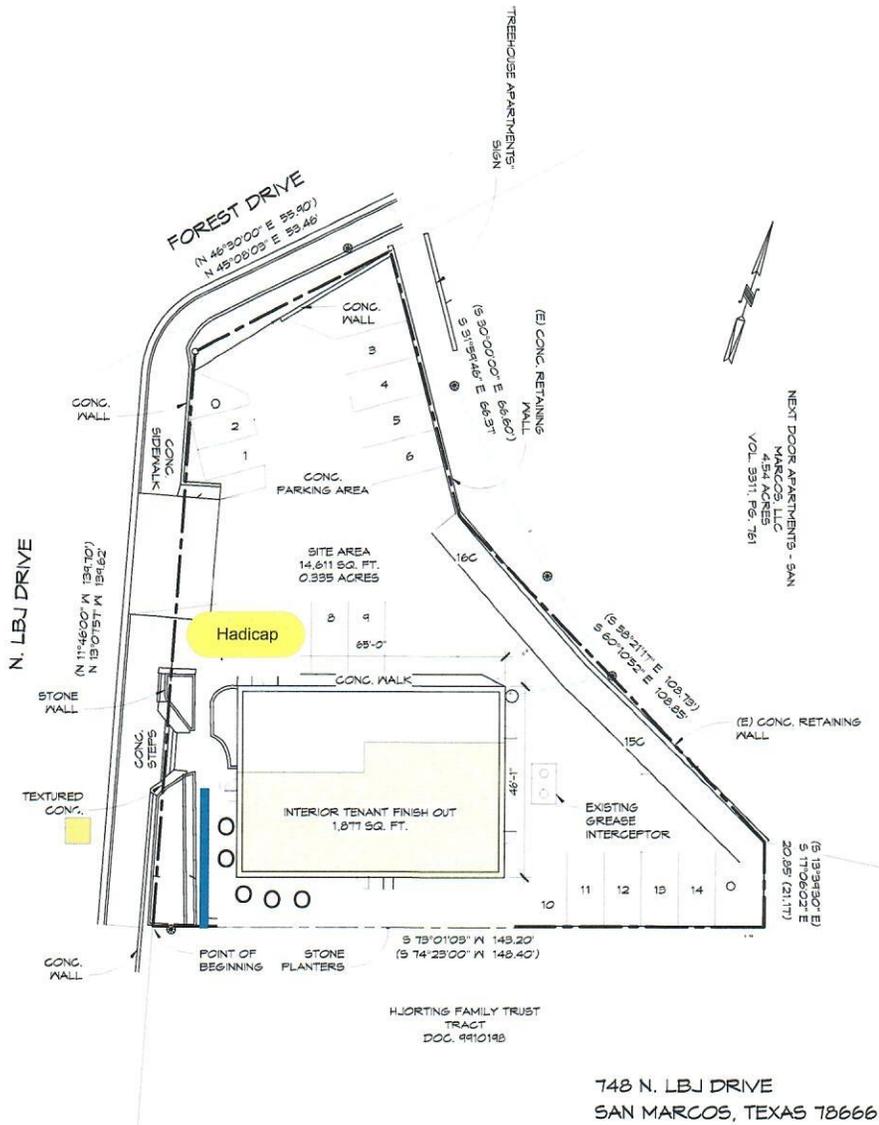
## Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
60406	802 N LBJ DR LLC	802 N LBJ DR	SAN MARCOS, TX 78666-4666	802 N LBJ DR, SAN MARCOS, TX 78666
37724	APANTE INVESTMENTS LP	PO BOX 160788	AUSTIN, TX 78716-0788	801 CHESTNUT ST, SAN MARCOS TX
140973	ELLA LOFTS FUNDING COMPANY LLC	80 SW 8TH ST, STE 2000	MIAMI, FL 33130-3040	817 CHESTNUT ST, SAN MARCOS, TX 78666
23498	HJORTING FAMILY TRUST	1006 SAN ROQUE RD	SANTA BARBARA, CA 93105-2023	700 N LBJ DR, STE #110-114, 110C & 113A, SAN MARCOS, TX 78666
131659	HOFMANN DONALD R	801 W BLUEBONNET DR	SAN MARCOS, TX 78666-3638	801 W BLUEBONNET DR, SAN MARCOS, TX 78666
37722	LIN ANDREW A ETAL	185 LINDEN AVE	LAKE FOREST, IL 60045-2934	804 CHESTNUT ST, SAN MARCOS TX
10365	NEXT DOOR APARTMENTS - SAN MARCOS LLC	57 VIA DEL CIELO	RANCHO PALOS VERDES, CA 90275-2511	800 N LBJ DR, SAN MARCOS, TX 78666
37721	OWEN TECH LLC	PO BOX 82653	AUSTIN, TX 78708-2653	829 N LBJ DR, SAN MARCOS, TX 78666
27769	SAN MARCOS GREEN INVESTORS LLC	73 W MONROE ST, STE 507	CHICAGO, IL 60603-4910	810 N LBJ DR, SAN MARCOS, TX 78666
37725	SUSSER PETROLEUM OPERATING CO LLC	1300 MAIN ST	HOUSTON, TX 77002-6803	799 N LBJ DR, SAN MARCOS TX
	Paul Murray	102 Barclay	SAN MARCOS, TX 78666	
	Sharon O'Neil	421 E. Hillcrest	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	Samantha Benavides	455 Lindsey St	SAN MARCOS, TX 78666	

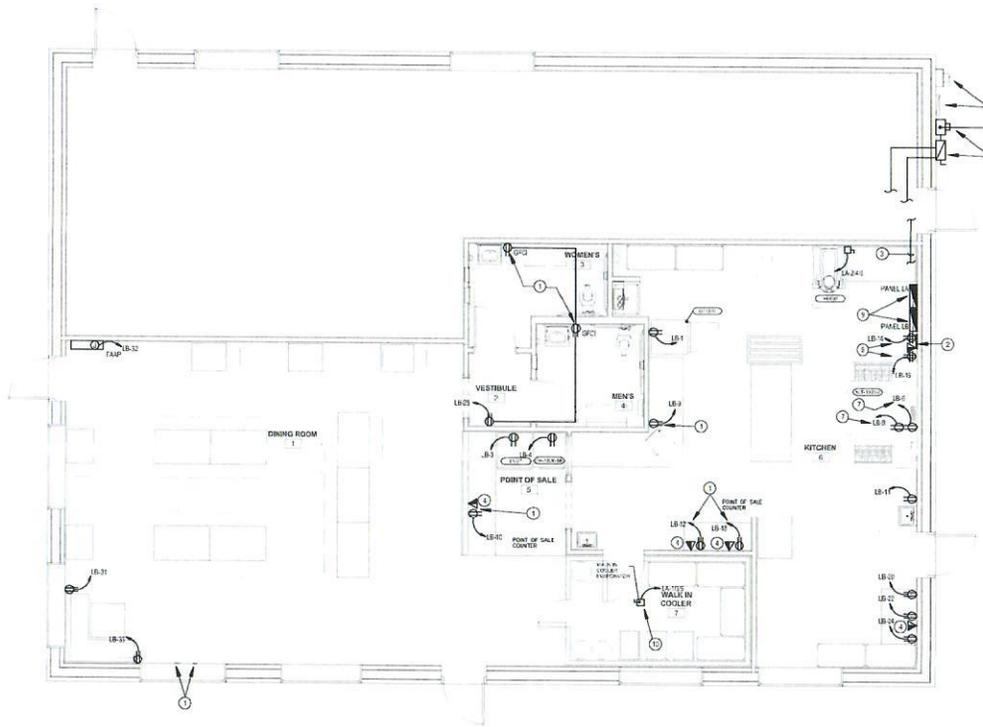
## Police Reports at Stoner's Pizza Joint (748 N LBJ Dr, Ste 102)

Date	Type	Description
2/7/2025 8:43:28 PM	Drug Offenses	compl and friends took edible and one of them fell on the floor and look pale and lips are pale, compl advised it was A THCA gummie'

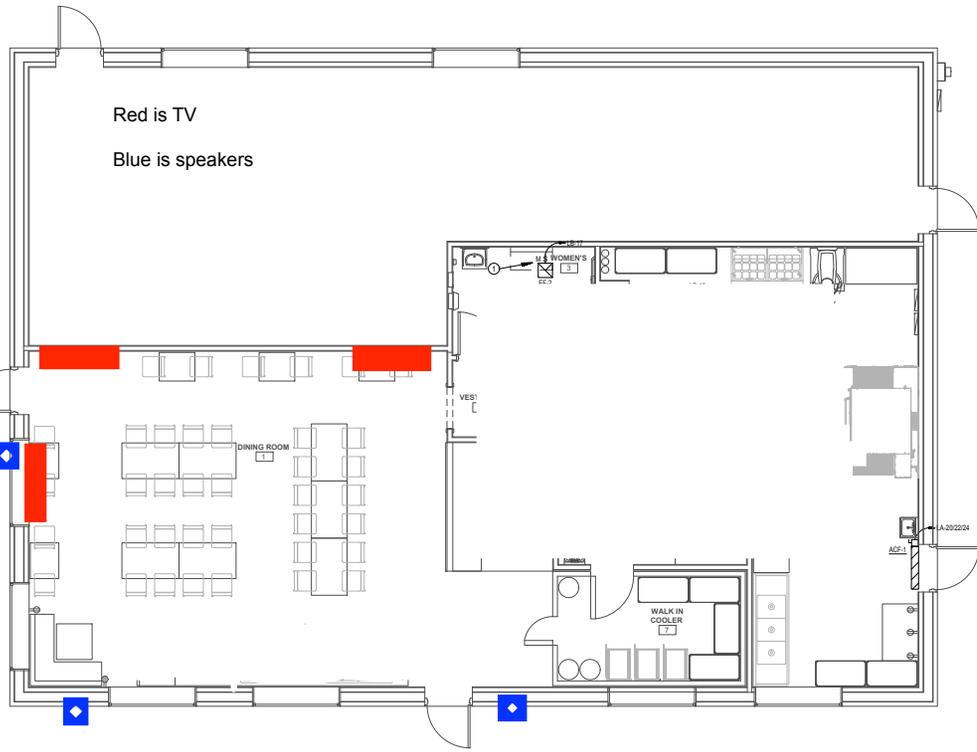
TABLES



1. Site Plan  
1" = 20'-0"



**01** FIRST FLOOR PLAN - POWER  
SCALE: 1/4"=1'-0"



Red is TV  
Blue is speakers

**GENERAL NOTES**

1. REFER TO THE "POWER TO MECHANICAL EQUIPMENT" SCHEDULE ON DRAWING E0.1 FOR BRANCH CIRCUIT REQUIREMENTS OF MECHANICAL EQUIPMENT. VERIFY VOLTAGE, PHASE, MCA AND MOCF OF EQUIPMENT SUBMITTALS WITH THIS SCHEDULE.
2. COORDINATE THE PROVISION OF DISCONNECT SWITCHES AND MOTOR STARTERS WITH MECHANICAL CONTRACTOR.
3. WHERE EQUIPMENT IS SCHEDULED BUT NOT SHOWN ON THESE DRAWINGS, REFER TO THE MECHANICAL DRAWINGS FOR LOCATION.
4. COORDINATE WITH MECHANICAL, PLUMBING AND FIRE PROTECTION TRADES AND IDENTIFY ALL MISCELLANEOUS MECHANICAL EQUIPMENT REQUIRING POWER. PROVIDE CONDUIT, WIRE, DISCONNECT SWITCH, OVERCURRENT AND SHORT CIRCUIT PROTECTION FOR ALL EQUIPMENT, WHETHER SHOWN OR NOT, INCLUDING MOTORIZED DAMPERS, ELECTRIC HEAT TRACE, POWER FOR ENERGY MANAGEMENT SYSTEM, WATER SOFTENING EQUIPMENT, WATER TREATMENT SYSTEMS, AIR DRYERS, ELECTRIC FLUSH VALVES, ELECTRIC TRAP PRIMERS, WATER CIRCULATION PUMPS, AND ANY OTHER MISCELLANEOUS EQUIPMENT.

**NOTES BY SYMBOL "O"**

1. EXHAUST FANS WILL BE CONTROLLED BY LOCAL OCCUPANCY SENSOR SWITCHES. REFER TO E2.1 FOR SWITCH LOCATIONS.

Seal:

11/21/18

EAST STAR DESIGN  
P.O. BOX 13  
FOREY, TX 75128 USA  
(214) 488-5178  
(972) 200-7340  
www.EastStarDesign.com  
Architect@EastStarDesign.com  
TX Firm Registration # BR 1785

No.	Description	Date



**MD ENGINEERING**

Texas Registered Firm No. F-7489  
1255 West 15th Street, Suite 300  
Plano, Texas 75075 469.467.0200  
Email: mdengco@md-eng.com  
Project Number: 181066



**San Marcos, TX**  
**(737) 737-0420**

**748 North LBJ Drive, Suite 102,**  
**San Marcos, TX 78666**

## BUILD YOUR OWN

Size Small 10" | Large 14" | Really Big 18"

### Sauce

Stoner's Pizza Sauce  
Stoner's White Garlic Sauce  
Ricotta

### Meats

Pepperoni, Bacon, Beef,  
Ham, Smoked Chicken Breast,  
Italian Sausage,  
Steak, Meatballs

### Veggies

Yellow Onion, Tomatoes,  
Jalapenos, Mushroom, Banana  
Peppers, Black Olives, Pineapple,  
Spinach, Green Peppers

### Crust

Hand Tossed/  
Flat Bread Thin/Cauliflower Keto  
Hand Tossed New York Thin

\*\* Specialty Crusts are subject to an  
extra charge. \*\*

## PIZZA CREATIONS

Made on our fresh dough &  
topped with whole-milk mozzarella  
Small 10" | Large 14" | Really Big 18"



**Chicken**  
Slow-smoked chicken  
breast over mild buffalo  
or sweet BBQ sauce.



**Hawaiian**  
Ham & sweet pineapple  
over Stoner's pizza sauce



**No Brainer**  
Italian sausage, ham,  
pepperoni, onions, green  
pepper & mushroom over  
Stoner's pizza sauce



**Nice to Meat You**  
Ground beef, pepperoni, Italian  
sausage, ham & crispy bacon over  
Stoner's pizza sauce



**Italian Steak**  
A white garlic sauce  
base with grade A steak,  
green peppers, mushrooms,  
and onions



**Chicken Bacon Ranch**  
Slow-smoked chicken  
breast over ranch, topped  
with crispy bacon &  
Stoner's handcrafted ranch



### TACO

Taco seasoned beef, jalapeno  
peppers, served with lettuce,  
tomatoes, hot sauce  
& sour cream



### The Veggie

Banana peppers, onions,  
green pepper, mushroom,  
fresh spinach, fresh tomato  
& black olives over Stoner's  
pizza sauce

## REALLY BIG WINGS

TRADITIONAL OR BONELESS  
CHICKEN NUGZ. 5 OR 10 CT.

Nashville Hot, Honey Hot, Jamaican Jerk, Garlic Hot, BBQ Sauce,  
Hot, Mild, Mango Habanero, Teriyaki, Kickin' Bourbon, Honey  
Mustard, Garlic Parmesan, Red Dragon, Ragin' Cajun, Mississippi Dry  
Rub, Lemon Pepper, and Ranch



## STROMBOLI

Like a calzone, but lighter & crispier. Stuffed  
with whole-milk mozzarella cheese & your  
choice of up to three toppings

**Buffalo Chicken Stromboli** Slow-smoked chicken, feta  
cheese, mild buffalo wing sauce and whole-milk mozzarella



## CALZONE

Our scratch made dough, baked & stuffed  
with whole-milk mozzarella & ricotta cheeses.  
Available Small or Large



### Meatball

Italian Meatballs, Stoner's  
Sauce, and melted mozzarella.  
Lightly buttered and  
sprinkled with grated Parmesan

### Chicken Parmesan

Breaded chicken bites over  
homemade Stoner's sauce and  
whole-milk mozzarella cheese.  
Lightly buttered and sprinkled  
with grated Parmesan

### Italian Steak

Grade A steak sliced thin, green  
peppers, onions & mushrooms.  
Smothered with mozzarella  
cheese. Lightly buttered and  
sprinkled with grated Parmesan



## BENTS

### Build Your Own

Choose any of your 3 favorite  
toppings and we will smother  
it with mozzarella cheese and  
bend it to perfection. Lightly  
buttered and sprinkled with  
grated Parmesan

All Bents  
come with 2  
Breadstix

## STONER'S BOWLS

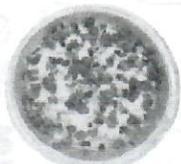
All bowls come with 1 breadstix



**Chicken Parm**  
Breaded boneless chicken over  
pizza sauce. Covered with parmesan  
& mozzarella cheese. Topped with a  
whirl of garlic & parmesan



**Pineapple Express**  
Slow smoked chicken breast,  
onion, pineapple, sweet BBQ sauce.  
Covered with mozzarella & parm  
cheese. Topped with bacon



**White Rhino**  
Slow smoked chicken breast &  
onion over homemade ranch sauce.  
Covered with mozzarella cheese.  
Topped with bacon



**Pack Your Own Bowl**  
Create your own bowl over pizza  
sauce. Choose 3 toppings. Add more  
for add'l cost - max 5

San Marcos, TX  
(737) 737-0420

# JOINT STONER'S PIZZA JOINT



## QUALITY GREENS



**Caesar Salad** Half or Full  
Shaved parmesan cheese and croutons. Served with your choice of dressing. Add chicken for additional cost.



**Almost Greek** Half or Full  
Smoked chicken, banana peppers, black olives, tomatoes, onion, feta & mozzarella cheese. Served with your choice of dressing



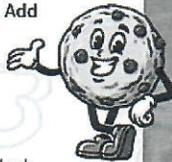
**Meat Your Greens** Half or Full  
Diced tomato, mozzarella and ham. Topped with smoked chicken & crispy bacon. Served with your choice of dressing



**House** Half or Full  
Diced tomato, mozzarella & croutons. Served with your choice of dressing.

## Dressings

Stoner's Halaf onrd Feurial fted Ranch, Greek, Balsamic, Honey Mustard, Caesar, Bleu Cheese



## SWEET STUFF



**Half-baked Peanut Butter Cookie**  
Choose 3, 6 or 12



**Half-baked Chocolate Chip Cookie**  
Choose 3, 6 or 12



## Cinnamon Rolls

Six cinnamon sugar rolls baked, then topped with butter, cream cheese icing and cinnamon sugar



## Cheesecake Stomboli

New York style cheesecake rolled into our scratch dough, baked to order, then brushed with warm butter & covered with cinnamon sugar. Add Strawberry or Raspberry stuffing. Served with cream cheese icing.

## Sweet Stix

Our Stoner's dough cut into 8, brushed with our sweet cream butter & dusted with cinnamon sugar.



## MUNCHIES

### Really Big Bread Stix

Eight brushed with garlic butter, sprinkled with garlic salt & aged parmesan cheese

### Cheese Stix

Small or Large. A handful of mozzarella cheese baked on our scratch made dough

### Pep-N-Rollie

Six homemade dough rolls stuffed with pepperoni & mozzarella cheese

### Spicy Pep-N-Rollie

Six homemade dough rolls stuffed with jalapenos, pepperoni & mozzarella cheese

### Garlic Knots

Eight Fresh stretched dough, hand-knotted and brushed with garlic butter. Topped with garlic salt & parmesan cheese



San Marcos, TX

(737) 737-0420

748 North LBJ Drive, Suite 102, San Marcos, TX 78666

**EASY ONLINE ORDERING**  
**STONERSPIZZAJOINT.COM**

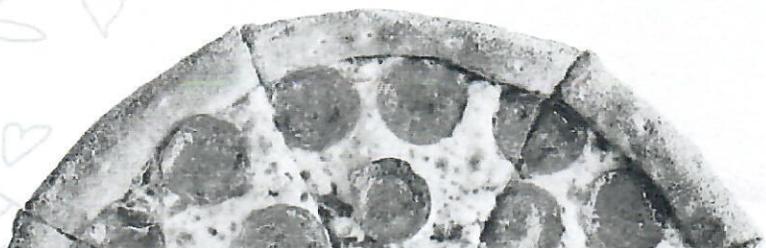
DOWNLOAD THE APP & GET REWARDS



Follow Us

Download on the App Store

GET IT ON Google Play



Stoner's Pizza Drink menu:

Water  
Tea  
Pepsi  
Diet Pepsi  
Crush  
Mt Dew  
Dr Pepper  
Root Beet

Item we intend to carry with a Wine and Malt License:

Budweiser products such as, Corona, Goose Island or Leffe

A White and Red Wine

\*we reached out to the local Budweiser Distributor and they would not talk about option until we have or licenses.

# TEXAS ALCOHOLIC BEVERAGE COMMISSION

**BG -200155925**

**Expires:2/11/2027**

**17% WINE**



**WINE AND MALT BEVERAGE RETAILER'S ON-PREMISE  
PERMIT (BG)  
FOOD AND BEVERAGE CERTIFICATE (FB)**

**STONER'S PIZZA JOINT SAN MARCOS  
748 N LBJ DR, STE 102  
SAN MARCOS, TX, US, 78666**

**ROAD TOAD SAN MARCOS LLC**

A handwritten signature in black ink, appearing to read "Tom St...".

**EXECUTIVE DIRECTOR**

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON HIM

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: September 2025

## CONTACT INFORMATION

Applicant's Name	Tobbie Lee May	Property Owner	Kirby Soffer
Company	Road Toad San Marcos LLC	Company	Next Door Apartments - San Marcos LLC
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

## PROPERTY INFORMATION

Subject Property Address: 748 N LBJ Dr ste 102, San Marcos, TX, 78666  
 Zoning District: CC Tax ID #: R 10363  
 Legal Description: Lot A Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Number of Parking Spaces: 14  
 Is property more than 300' from church, school, hospital, or residential district?  Y  N

## DESCRIPTION OF REQUEST

Business Name: Stoner's Pizza Joint San Marcos  Restaurant  Bar  Other: \_\_\_\_\_  
 NEW  RENEWAL/AMENDMENT  Mixed Beverage  Beer & Wine  Late Hours  
 Hours of Operation(ex. Mon 12pm-1am): Mon 11am-11pm Tue 11am-11pm Wed 11am-11pm  
 Thurs 11am-11pm Fri 11am-1am Sat 11am-1am Sun 11am-11pm  
 Indoor Seating Capacity: 42 Outdoor Seating Capacity: 41 Gross Floor Area: 1877

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Initial Filing Fee \$1,050*	Technology Fee \$15	<b><u>TOTAL COST \$1,065</u></b>
Renewal/Amendment Filing Fee \$783	Technology Fee \$15	<b><u>TOTAL COST \$798</u></b>

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

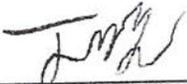
Apply Online at [MGOCONNECT.ORG](http://MGOCONNECT.ORG)

**PROPERTY OWNER AUTHORIZATION**

I, Kirby Soffer (owner name) on behalf of  
Next Door Apartments - San Marcos LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
748 N LBJ Dr ste 102, San Marcos, TX, 78666 (address).

I hereby authorize Tobbie Lee May (agent name) on behalf of  
Road Toad San Marcos LLC (agent company) to file this application for  
Renewal (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 11-14-25  
Printed Name, Title: Kirby Soffer, Member

Signature of Agent:  Date: 11/14/25  
Printed Name, Title: Tobbie Lee May, Manager

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
  
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***
  
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_ 

Date: \_\_\_\_\_ 11/14/25

Print Name: Tobbie Lee May



# Public Hearing

## CUP-25-68

### Stoner's Pizza Joint

CUP-25-68 (Stoner's Pizza Joint) Hold a public hearing and consider a request by Tobbie Lee May, on behalf of Stoner's Pizza Joint, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 748 N LBJ Dr, Ste 102. (K. Buck)

# Property Information

- Approximately 0.342 acres
- Located on the Southeast corner of Forest Dr and N LBJ Dr



# Context & History

- Currently: Restaurant
- Surrounding Uses:
  - Multi-Family Residential
  - Restaurants
  - Convenience Store with Gas Sales

CUP-25-68      Stoners Pizza Joint- 748 N LBJ Dr      Aerial Map

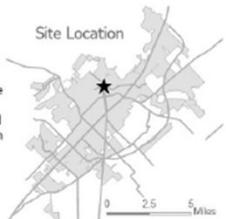


 Subject Property  
 Parcel

 0 55 110 220 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.  
Date: 12/3/2025

**SAN MARCOS** Planning and Development Services

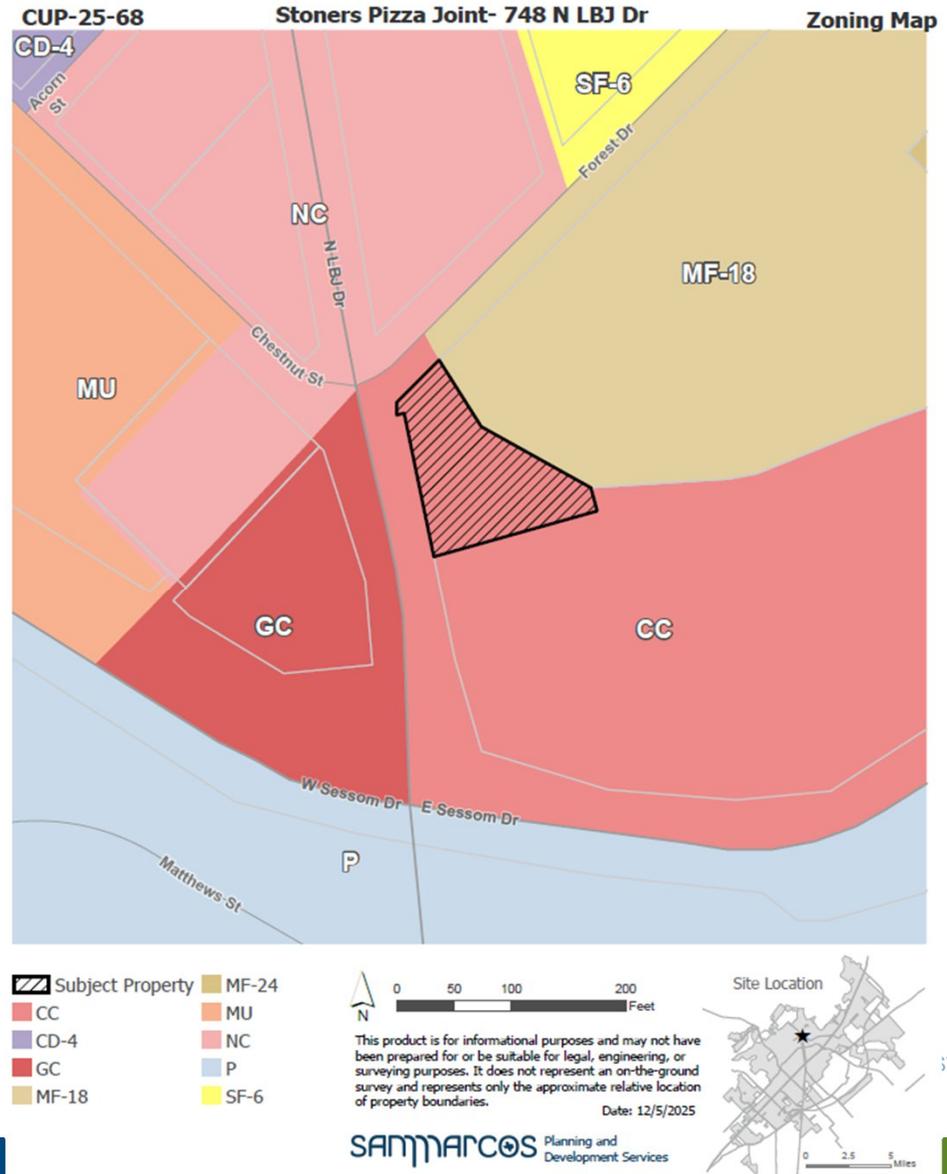


.gov



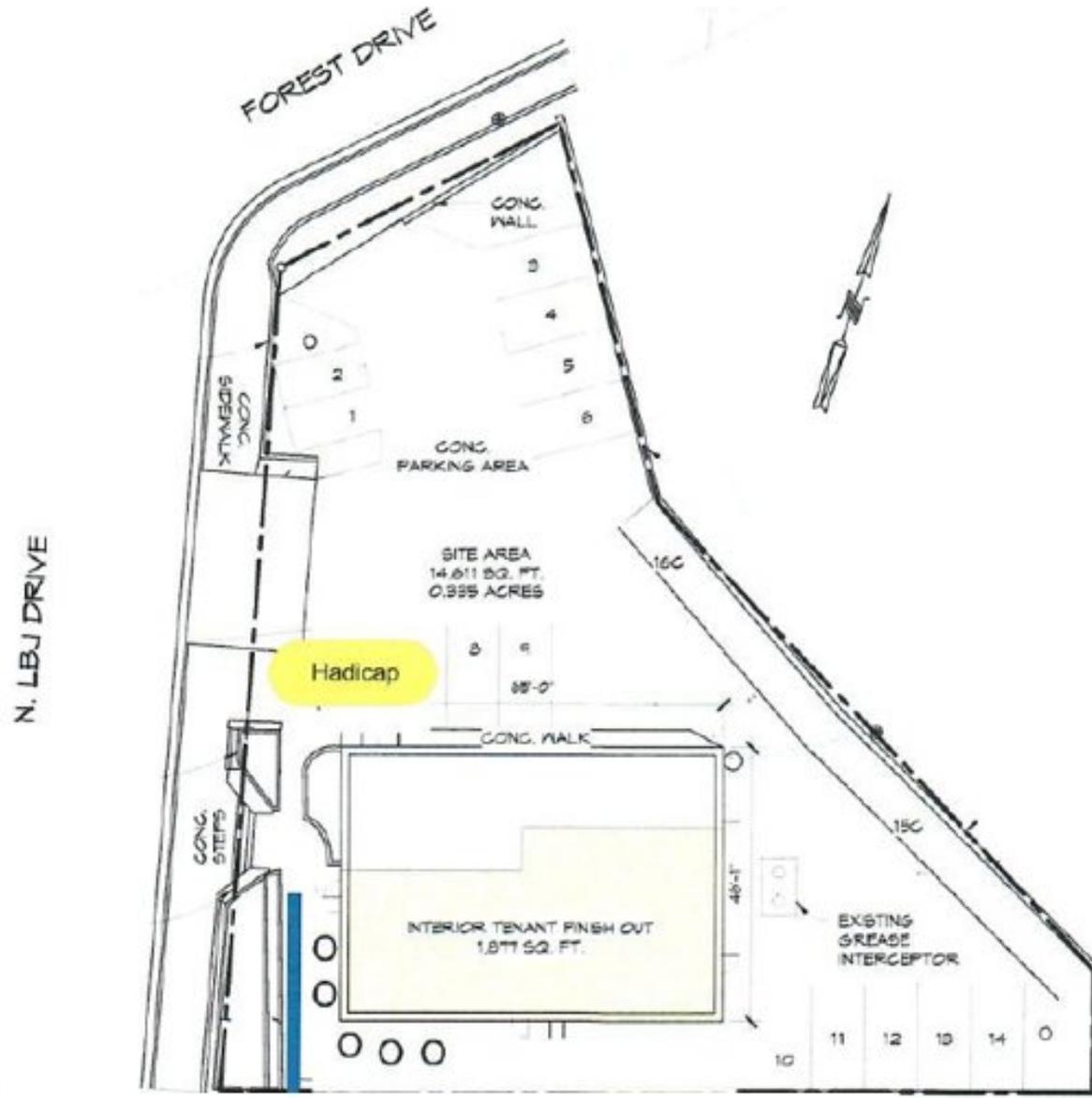
# Context & History

- Existing Zoning: Community Commercial (CC)
- Proposed Use: Restaurant
  - Hours of Operation:
    - Sunday-Thursday: 11am-11pm
    - Friday & Saturday: 11am-1am
- CUP Expiration Date: January 14, 2026



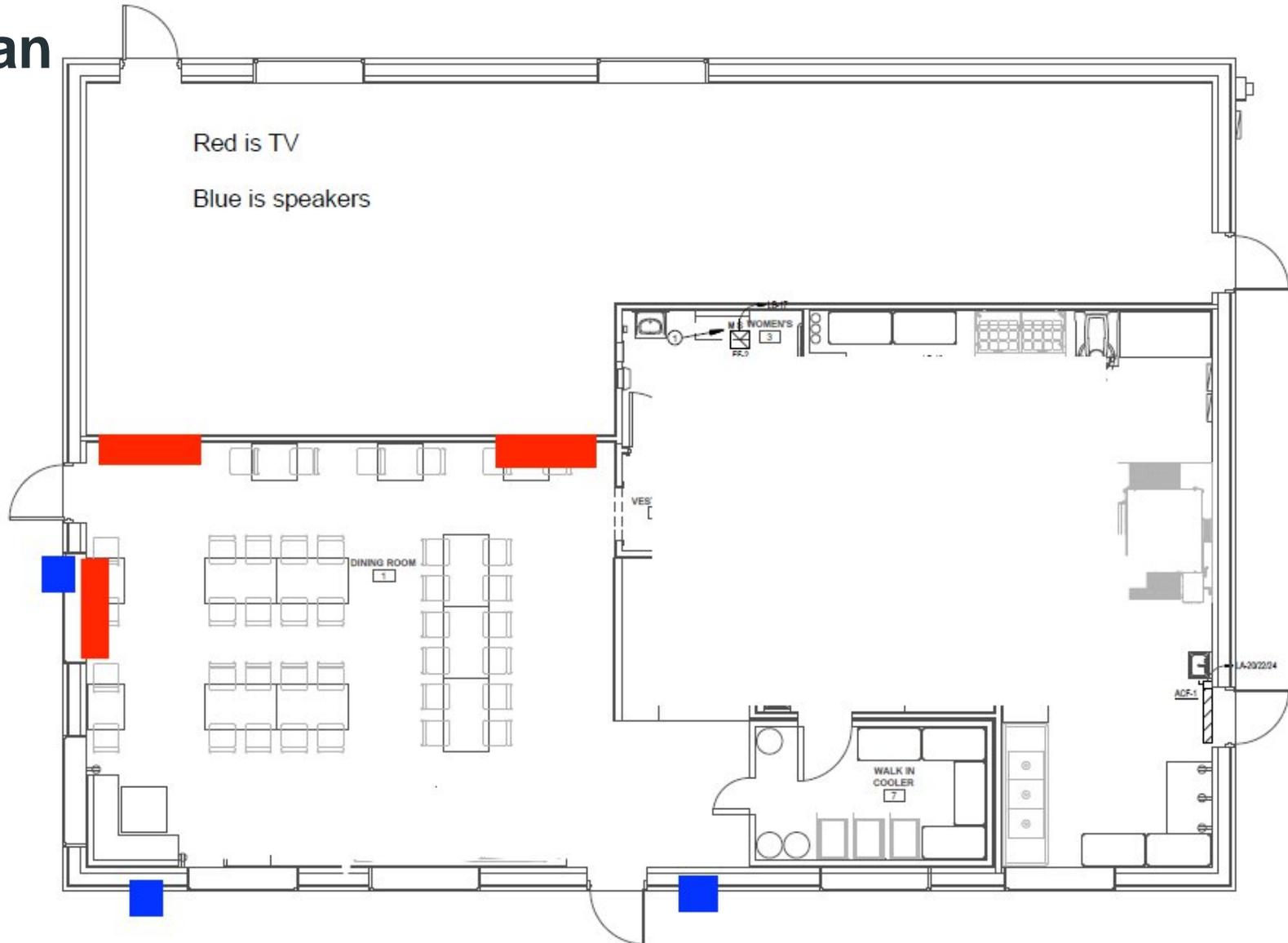
tx.gov

# Site Plan



[sanmarcostx.gov](http://sanmarcostx.gov)

# Floor Plan



city.gov

5



# Recommendation

Staff recommends **approval** of CUP-25-68 with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. No outdoor amplified sound shall be permitted after 10pm; and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



Legislation Text

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**File #:** PSA-25-02(b), **Version:** 1

---

**AGENDA CAPTION:**

PSA-25-02 (Francis Harris Lane Maberry Data Center Preferred Scenario Amendment) Hold a Public Hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC, and Donald and Germaine Tuff, to amend the Preferred Scenario map from "Conservation/ Cluster" to "Commercial/Employment Low " for 199.49 +/- acres of land, more or less, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas (J. Cleary)

**Meeting date:** January 13, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** See "Background Information" section below.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Emerging Markets & Industry Relationships
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.

- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This is a resubmittal of a previous Preferred Scenario Amendment (PSA-25-01) which was considered on first reading by Council on 8/19/2025. Although Council voted 5-2 to approve PSA-25-01, the motion failed because it did not receive the 6 necessary votes in order to overturn a recommendation of denial from the Planning and Zoning Commission.

This request for a Preferred Scenario Amendment from “Conservation/Cluster” to “Commercial/Employment Low” covers 199.49 acres of land on the western side of Francis Harris Lane and is accompanied by the following applications:

- ZC-25-13 - Zoning change from Character District 2.5 (CD 2.5) and Future Development (FD) to Light Industrial (LI) (Resubmittal of ZC-25-13).
- AN-25-02 - Annexation request for the southwestern part of the site located outside of the city limits (approx. 64 acres). This application was approved by Council on first reading on 8/19/2025 and was postponed by the applicant to align with the associated zoning change and Preferred Scenario Amendment.

The applicant is requesting the Preferred Scenario Amendment and associated zoning change in order to construct a data center. Data centers are considered a Light Industrial use and are permitted under either Light Industrial or Heavy Industrial zoning. No proposed site plans have been received at this time.

The northeastern 137-acre tract that is currently within the City limits was annexed and zoned to Character District 2.5 (CD-2.5) on August 2, 2022 (Ord. 2022-45). CD-2.5 zoning predominantly allows single family residential development. Due to concerns regarding the proposed residential use adjacent the Hays Energy Power Plant located on the other side of Francis Harris Lane, Council requested that a restrictive covenant (Hays County Clerk Inst. 22049761) be placed on the site which would require the developer to notify potential residents on the site of the adjacent power plant and potential noise/industrial lighting impacts, as well as additional construction requirements for all homes within 1,500 feet of the power plant.

---

**File #:** PSA-25-02(b), **Version:** 1

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**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of PSA-25-02 as presented.

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
  
Conservation/Cluster to  
Commercial/Employment Low**



**Summary**

<b>Request:</b>	Change from Conservation/Cluster to Commercial/Employment Low on the Preferred Scenario Map.		
<b>Applicant:</b>	Armbrust & Brown, PLLC, 100 Congress Ave, #1300 Austin, TX, 78701	<b>Property Owner:</b>	Highlander SM One, LLC P.O Box 470249, Fort Worth, TX 76147 Donald and Germaine Tuff C/O: Kristen Quinney Porter P.O Box 312643, New Braunfels, TX 78131

**Notification**

<b>Application:</b>	September 30, 2025	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	December 28, 2025	<b># of Participants</b>	N/A
<b>Posted:</b>	December 23, 2025	<b>Personal:</b>	December 19, 2025
<b>Response:</b>	See attached comments		

**Property Description**

<b>Legal Description:</b>	Approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6		
<b>Location:</b>	Generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane		
<b>Acreage:</b>	199.49 +/-	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-2.5/ ETJ	<b>Proposed Zoning:</b>	Light Industrial
<b>Existing Use:</b>	Vacant/Residential	<b>Proposed Use:</b>	Data Center
<b>Preferred Scenario:</b>	Conservation/Cluster	<b>Proposed Designation:</b>	Commercial/Employment Low
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Available (no data available for water and electricity as these will not be provided by the City of San Marcos)	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No There is an existing cemetery within the boundary of the site, however the cemetery is not included within this request.

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
  
Conservation/Cluster to  
Commercial/Employment Low**



<u>Surrounding Area</u>	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	None (ETJ)	Vacant/ Rural Residential	Conservation/Cluster
<b>South of Property:</b>	Heavy Industria/ ETJ	Power Plant/ Agricultural/ Rural Residential	Conservation/Cluster & Commercial/Employment Low
<b>East of Property:</b>	Heavy Industria/ ETJ	Power Plant/ Vacant	Conservation/Cluster & Commercial/Employment Low
<b>West of Property:</b>	None (ETJ)	Vacant	Conservation/Cluster

**Staff Recommendation**

<b>X</b>	<b>Approval as Submitted</b>	Alternate Approval	Denial
<b>Staff: Julia Cleary, AICP</b>		<b>Title: Senior Planner</b>	<b>Date: Jan 8, 2026</b>

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
Conservation/Cluster to  
Commercial/Employment Low**



**History**

This is a resubmittal of a previous Preferred Scenario Amendment (PSA-25-01) which was considered on first reading by Council on 8/19/2025. Although Council voted 5-2 to approve PSA-25-01, the motion failed because it did not receive the 6 necessary votes in order to overturn a recommendation of denial from the Planning and Zoning Commission.

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**Additional Analysis**

Page 110 of the adopted Vision SMTX Comprehensive Plan states that the existing "Conservation/Cluster Place Type identifies areas where development would be discouraged over the life of the Comprehensive Plan" and that "Development that does occur within conservation and reserve areas should be low impact to the natural environment by using a variety of development techniques and strategies". Conversely, the requested Commercial/Employment Low would "facilitate lower density, auto-oriented retail, office and industrial type uses" (Vision SMTX Comprehensive Plan, p.102). Key extracts from the Comprehensive Plan regarding the two Place Types are included in the packet, along with a copy of the Comprehensive Plan / District Translation Table 4.1 which shows which zoning districts are allowed under each Place Type (see attachment "PSA-25-02 Place Types Comparison").

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
Conservation/Cluster to  
Commercial/Employment Low**



Staff’s recommendation for approval is based on the analysis that commercial/industrial uses are preferable to a new residential subdivision adjacent to the existing power plant, which is permitted by right under the current zoning for most of the site.

<u><i>Comments from Other Departments</i></u>	
<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Economic Development</b>	The proposed use is a target industry under the Economic Development Policy identified as a desirable industry for the City of San Marcos. Target industry: Information Technology.

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
  
Conservation/Cluster to  
Commercial/Employment Low**



Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed amendment is consistent with other policies of the Comprehensive Plan
		<u>N/A</u>	Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area. <b><i>There is no neighborhood character study in effect for this area.</i></b>
<u>X</u>			Whether the proposed amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety, and general welfare of the City. <b><i>The request will allow commercial/ industrial uses next to the existing power plant</i></b>
		<u>X</u>	The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact
<u>X</u>			Whether the proposed amendment constitutes a substantial benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time <b><i>The PSA would enable the associated zoning change from CD 2.5 (residential) to Light Industrial which will prevent a residential neighborhood from being constructed next to an existing heavy industrial use.</i></b>

**Preferred Scenario Map  
Amendment Request  
PSA-25-02**

**904 Francis Harris Lane  
  
Conservation/Cluster to  
Commercial/Employment Low**



Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed amendment will impact:</p> <ul style="list-style-type: none"> <li>• Adjacent properties.</li> <li>• Existing or future land use patterns <b><i>There is an existing Power Plant across the street on Francis Harris Lane. Due to the presence of the power plant, commercial or industrial uses are preferable to residential uses within this site.</i></b></li> <li>• Existing or planned public services and facilities <b><i>The site is located within the Pedernales service area for electricity and Crystal Clear CCN for water. There are existing wastewater lines along Francis Harris Lane.</i></b></li> <li>• Existing or planned transportation networks or greenways <b><i>A proposed Transportation Master Plan (TMP) thoroughfare runs along the northern boundary of the site – this should be incorporated into the development during the platting process. Grant Harris Lane is not dedicated right-of-way and so currently the divided lots along the northern boundary of the site do not have direct street frontage. Constructing the required TMP road will provide direct street frontage to these lots. However, it should be noted that Preferred Scenario Amendments and Zoning Changes do not change the requirement to incorporate TMP improvements when platting.</i></b></li> <li>• The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <b><i>The site is not located within the floodplain, Edwards Aquifer Recharge Zone or San Marcos River Corridor.</i></b></li> </ul>

# PREFERRED SCENARIO MAP AMENDMENT APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Michael J. Whellan	Property Owner	Multiple; See Insert
Company	Armbrust & Brown, PLLC	Company	
Applicant's Mailing Address	100 Congress Ave., #1300 Austin, TX 78701	Owner's Mailing Address	
Applicant's Phone #	██████████	Owner's Phone #	
Applicant's Email	████████████████████	Owner's Email	

## PROPERTY INFORMATION

Subject Property Address(es): 900 Francis Harris Ln. and a portion of 1789 York Creek Rd.

Legal Description: Lot -- Block -- Subdivision --

Total Acreage: 199.49 Tax ID #: R Tract 1 (70024), Tract 2 (10808, 10877)

Existing Preferred Scenario Designation: Conservation/Cluster

Existing Zoning: T1: CD-2.5 T2: Unzoned Existing Land Use(s): Undeveloped

## DESCRIPTION OF REQUEST

Proposed Preferred Scenario Designation: Commercial/Employment Low

Proposed Zoning: LI Proposed Land Use(s): Data Center

Reason for the Change: To update the Preferred Scenario for the property to be more consistent with the adjacent property, and to allow the property to proceed as a data center project.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee \$1,000 plus \$150 per acre      Technology Fee \$15      MAXIMUM COST \$5,015

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

**Owner Information**

Tract 1

Property Owner: Highlander SM One, LLC (John Maberry)  
Mailing Address: P.O. Box 470249, Fort Worth, TX 76147  
Phone Number: [REDACTED]  
Email Address: [REDACTED]

Tract 2

Property Owner: Donald and Germaine Tuff (Attorney: Kristen Quinney Porter)  
Mailing Address: P.O. Box 312643, New Braunfels, Texas 78131  
Phone Number: [REDACTED]  
Email Address: [REDACTED]

PROPERTY OWNER AUTHORIZATION

I, John Maberry (owner name) on behalf of Highlander SM One, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 900 Francis Harris Ln. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of Armbrust & Brown, PLLC (agent company) to file this application for preferred scenario map amendment and zoning (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: John Maberry Date: 9/16/25  
Printed Name, Title: John Maberry

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name, Title: Michael J. Whellan, Agent

PROPERTY OWNER AUTHORIZATION

I, John Maberry (owner name) on behalf of  
Highlander SM One, LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
900 Francis Harris Ln. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
preferred scenario map (application type), and, if necessary, to work with  
amendment and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: John Maberry

Signature of Agent:  \_\_\_\_\_ Date: 9/16/25

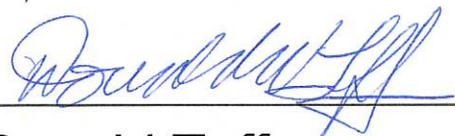
Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Donald Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: Sept 9, 2025  
Printed Name, Title: Donald Tuff

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name, Title: Michael J. Whellan, Agent

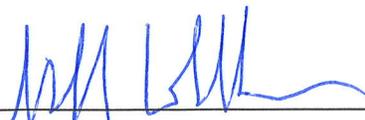
PROPERTY OWNER AUTHORIZATION

I, Donald Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Donald Tuff

Signature of Agent:  Date: 9/16/25

Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Germaine Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Germaine Tuff* Date: 9/9/25

Printed Name, Title: Germaine Tuff

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Germaine Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Germaine Tuff

Signature of Agent:  Date: 9/16/25

Printed Name, Title: Michael J. Whellan, Agent

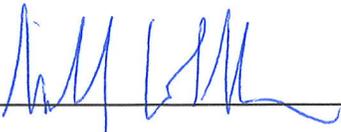
Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature:  \_\_\_\_\_  
Print Name: Michael J. Whellan

Date: 9/16/25

Form Updated March, 2023

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744

FACSIMILE [REDACTED]

January 2, 2026

Mr. Terry Floyd, Director  
Planning & Development Services Department  
City of San Marcos  
630 E. Hopkin St.  
San Marcos, TX 78666

Subject: Applications for 900 Francis Harris Ln. and a portion of 1789 York Creek Rd. (also known as 904 Francis Harris Ln.)

Dear Mr. Floyd,

On behalf of Highlander SM One, LLC and Donald and Germaine Tuff (collectively, the “Owners”), I am submitting the following application packages, which would allow 900 Francis Harris Ln. (“Tract 1”) and a portion of 1789 York Creek Rd. (“Tract 2”) (collectively, the “Property”) to be developed as a data center:

- **Annexation.** The Owners have a pending request for the City to annex Tract 2 into the City’s full-purpose jurisdiction. (Tract 1 is already located within the City of San Marcos.)
- **Preferred Scenario Map Amendment.** The Owners request the City change the Preferred Scenario Map designation for the Property from Conservation/Cluster to Commercial/Employment Low.
- **Zoning.** The Owners request the City rezone Tract 1 from Character District 2.5 to Light Industrial (“LI”) and zone Tract 2 for LI upon annexation.

I have summarized these requests in Figure 1 below. In accordance with San Marcos policy, I met with City staff for a pre-development meeting on September 8, 2025. This letter replaces the letter dated September 17, 2025.

**Figure 1. Application Package Summary**

	Tract 1	Tract 2
<b>Size</b>	135.91 acres	63.58 acres
<b>Jurisdiction</b>		
<b>Current Jurisdiction</b>	City of San Marcos	Extraterritorial Jurisdiction
<b>Requested Jurisdiction</b>	City of San Marcos	City of San Marcos
<b>Zoning</b>		
<b>Current Zoning</b>	Character District 2.5	Unzoned
<b>Requested Jurisdiction</b>	Light Industrial	Light Industrial
<b>Preferred Scenario Map</b>		
<b>Current Designation</b>	Conservation/Cluster	Conservation/Cluster
<b>Requested Designation</b>	Commercial/Employment Low	Commercial/Employment Low

## Land Use Context

The Property consists of a nearly 200-acre assemblage of two large tracts between Francis Harris Lane and York Creek Road, as shown in Figure 2 below.

The City has designated the entire Property for “Conservation/Cluster” on the Preferred Scenario Map and has designated Tract 1 for Character District 2.5 (“CD-2.5”) zoning. Tract 2 is in the City’s extraterritorial jurisdiction (“ETJ”) and is unzoned.

**Figure 2. The Property**



The Property features the following land-use context:

- **The Property is primarily surrounded by ETJ parcels designated for Conservation/Cluster** (with one exception, as described below). The Property is located in the southernmost part of San Marcos, connected to the rest of the City by Francis Harris Lane. Most of the surrounding parcels (including Tract 2 of the Property) are in the ETJ and thus are not subject to San Marcos zoning. The Preferred Scenario Map generally designates these parcels for Conservation/Cluster.
- **The Property is immediately adjacent to a power plant – the only other zoned parcel in the area.** Tract 1 is one of only two parcels in this area of San Marcos that is within City limits (and, thus, is zoned). As noted, Tract 1 is currently zoned for CD-2.5. The only other zoned parcel in the area – 109 acres of land immediately adjacent to Tract 1 – is designated for Commercial/Employment Low, zoned for Heavy Industrial (“HI”), and used for a power plant.

## Case Discussion

The following information summarizes some of the major topics discussed to date related to the Owners’ proposal to develop the Property for a data center:

- **Utility Service.** The project is not proposed to use City services for water or electricity. Instead, the project intends to use the Crystal Clear Special Utility District (“CCSUD”) for water service and

Pedernales Electric Cooperative (“PEC”) for electricity. Ultimately, information on water service and electricity consumption will be finalized through the site development process and will be subject to CCSUD, PEC, and Lower Colorado River Authority (“LCRA”) approval.

Additionally, the Owners have worked to answer concerns related to utility service, including proposing a restrictive covenant that would limit water usage to 235 LUEs – which would cut the water usage approved for the Property today roughly in half. The Owners are also committed to fully complying with a new state law, Senate Bill 6, which regulates data center development and energy use throughout Texas. (For reference, the Lone Star Chapter of the Sierra Club supported the passage of Senate Bill 6.)

Among other provisions, this new law sets cost-sharing and disclosure requirements intended to support ERCOT’s efforts to plan for grid reliability and to deter speculation. Critically, the law also provides greater authority for ERCOT to reduce energy to new large-load users during emergencies. As ERCOT’s CEO, Pablo Vegas, stated in an interview with Hearst Newspapers: “If a data center connects onto our [ERCOT’s] grid and the grid gets tight, they have to turn off before we [have rotating outages.]”

- **Environmental.** The Owners are not aware of any floodplain or other environmentally sensitive features impacting the Property, and the Property is not located in the ‘Environmental Overlay’ shown in Vision SMTX. Through this process, the Owners are proposing to annex the Property into San Marcos, which will provide greater protections than are otherwise afforded in the ETJ.

Additionally, the Owners have proposed a restrictive covenant that would commit the Property to superior environmental standards, including provisions related to impervious cover, stormwater runoff, green building, and sound limits (as discussed in more detail below).

- **Cemetery.** There is a cemetery (the Nichols Cemetery) located on a parcel of land that is surrounded by Tract 1. The applicants do not own this cemetery parcel. State law (Section 711.041 of the Texas Health and Safety Code) provides public access rights to any such cemeteries, stating that: “Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds.”

Highlander SM One, LLC also previously hired a licensed Texas geoscientist to perform a ground-penetrating radar study of the area *around* the cemetery to determine if there were any other burials in the general vicinity of the cemetery. This study determined that “the current limits of the cemetery have been preserved throughout history” and that “the surveyed outer buffer zone [around the cemetery] lacks evidence suggestive of human burials”

- **Fiscal Responsibility.** The Vision SMTX Comprehensive Plan prioritizes development patterns that have a positive fiscal impact, with new revenues balanced against long-term responsibilities for providing City services and maintaining City infrastructure. While a data center use will generate meaningful new tax revenues, it will have only limited needs for City services – and thus will have a positive fiscal impact. In contrast, the previous proposal for this Property – a roughly 470-unit single-family subdivision – would generate a higher demand for City services for things like police, fire, emergency services, transportation infrastructure, and parkland, among other things.

Based on similar data center projects in Texas, we estimate roughly \$4 million in annual revenues for the City and \$7 million to San Marcos ISD.

- **Compatibility.** The Property is directly adjacent to a power plant (which the City has designated for the Commercial/Employment Low Place Type and for Heavy Industrial zoning). A data center project on the Property would be more compatible with this existing power plant use than a large single-family subdivision project.

### **Restrictive Covenant**

The Owners have worked collaboratively to incorporate feedback and improve their proposal. As part of this effort, the Owners have proposed a binding restrictive covenant that would commit the Property to the following, regardless of ownership:

- **Limiting Water Use.** Any data center on the Property will not exceed 235 LUEs or 75,000 gallons per day of water usage (for reference, the single-family subdivision plan at this site is approved for up to 550 LUEs).
- **Improving Drainage.** The data center development must reduce the stormwater runoff rate on the Property by 10 percent below the pre-construction runoff rate for the 2-year, 10-year, 25-year, and 100-year storms.
- **Lowering Impervious Cover.** The restrictive covenant would limit impervious cover on the Property to 70 percent – lower than what the Light Industrial zoning designation would otherwise allow (80 percent).
- **Superior Building Standards.** The owner must seek Leadership in Energy and Environmental Design (LEED) certification for any data center development on the Property.
- **Restricting Sound.** The restrictive covenant would limit sound to 75 decibels throughout the day and evening, which is a more restrictive standard that required in the City of San Marcos Development Code.
- **Restricting Uses.** The restrictive covenant would prohibit warehouse and distribution and waste-related service uses, which would otherwise be allowed in the Light Industrial zoning district.

### **Case Rationale**

We believe that these requests are appropriate, reasonable, and consistent with the City's goals and with good planning and land use practices. Specifically, we believe that:

- **The Owners have worked collaboratively to put forward an environmentally superior proposal** that limits water use, improves drainage, and provides superior building standards, among other things (as discussed above).
- **A data center use will produce new tax revenues with limited need for City services.** As noted above, a data center use will produce meaningful new tax revenues while having only limited

needs for City services such as police, fire, emergency services, transportation infrastructure, and parkland, among other things. As a result, such a project would be a major fiscal benefit for the City budget and for taxpayers.

- **A data center use will have a lower traffic footprint and produce less ‘wear and tear’ on roads.** The Property is currently connected to the rest of the City via one roadway, Francis Harris Lane. Thus, any traffic entering or exiting the Property will largely be concentrated on that one road. Higher-volume uses would generate greater congestion and ‘wear and tear’ for the City to manage, in contrast to the lower traffic footprint of a data center.
- **This is the right location for a data center use, from a planning perspective.** Data center uses often require large tracts of land that an owner can readily secure against unauthorized access and that are not vulnerable to environmental hazards or other such features. These characteristics generally mean that properties on the edge of the City are likelier to be appropriate for a data center use. Given this dynamic, other data center developments have been proposed in areas *outside* the City limits. Such projects would not be subject to the City’s environmental regulations and would not contribute to the City’s tax base. In contrast, this proposal would meet a higher environmental standard while also paying City taxes.

### Prior Cases

In December 2024, the Owners submitted applications for annexation, Preferred Scenario Map Amendment, and zoning related to the Property, with the goal of developing the Property for a data center use.

On March 25, 2025, the Planning and Zoning Commission held a public hearing on the Preferred Scenario Map Amendment and zoning cases. While the Owners requested that the Planning and Zoning Commission postpone the cases to allow additional time to address concerns, the Commission ultimately proceeded and recommended denial of both cases on an 8-1 vote.

At its August 19, 2025 regularly scheduled Council meeting (which concluded after midnight on August 20), Council took the following actions related to those cases:

- Council voted 7-0 in favor of the annexation request on first reading only. This case was later postponed as the associated Preferred Scenario Map Amendment and zoning cases failed to proceed (as described below).
- Council voted 5-2 in favor of the Preferred Scenario Map Amendment request. However, as Section 2.4.2.3.C.3. of the Development Code required a super-majority vote of Council in order to approve this application, the Preferred Scenario Map Amendment did not proceed.

(Importantly, the Development Code distinguishes between applications that are denied versus those that fail to achieve a super-majority threshold. Section 2.2.4.2.A. of the Development Code, which defines how the City administers the super-majority requirement, specifies that applications that fail to earn the requisite super-majority vote do “not become effective” – it does not describe the application as being denied. Specifically, that provision states: “Development applications where a super majority vote is required by this development code **shall not become effective** [emphasis added] except by the favorable vote of six members of the City Council.”)

- Council took no action on the zoning request, since the associated Preferred Scenario Map Amendment failed to proceed.

We have likewise reviewed the relevant portions of the Development Code and concluded that the Owners have the right to submit the attached applications at this time. Our analysis of the relevant provisions is provided below:

- **General Re-Application Provision.** Section 2.3.4.1.A. of the Development Code specifies that “Whenever any development application, with the exception of any plat application, is denied at a public hearing for failure to meet the substantive requirements of this Development Code, a development application for all or a part of the same property shall not be accepted for filing for a period of six months from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal.”

Council did not vote to deny any of the cases related to the Property. However, as Section 2.4.2.3.C.3. of the Development Code required a super-majority vote of Council in order to approve this application, the Preferred Scenario Map Amendment did not proceed. This action is distinct and different from a denial, which would have required a motion and a second to deny the application and an affirmative vote of a majority of Council in favor of denial.

Furthermore, Section 2.3.4.1.A. only applies to development applications that were “denied at a public hearing for failure to meet the substantive requirements of this Development Code.” None of the applications “fail[ed] to meet the substantive requirements of this Development Code.”

As a result, Section 2.3.4.1.A. does not apply to the attached applications.

- **Preferred Scenario Map Amendments.** Section 2.4.2.2. of the Development Code specifies that “Consideration of Preferred Scenario Map amendments that are modifications to a Neighborhood Low-Existing Place Type shall be limited to twice per year as determined by the Responsible Official.” The City has designated the Property for Conservation/Cluster, not Neighborhood Low-Existing.

As a result, Section 2.4.2.2. does not apply to the attached applications.

- **Zoning.** Section 2.5.1.2.F.1. prohibits the Planning and Zoning Commission and City Council from considering a zoning application for a property within a year of any of the following:
  - “A City Council vote to deny the same requested change for all or any portion of the parcel.”
  - “Withdrawal of the same requested change by the applicant after the City Council meeting at which the change is to be considered has been called to order.”
  - “A modification to the boundary of the same requested change by the applicant after the Planning and Zoning Commission has voted on the matter.”

The Owners proceeded to Council for a vote on the zoning application and did not modify the case boundaries. Ultimately, as the Preferred Scenario Map Amendment case did not proceed, Council took no action on the association zoning case.

As a result, Section 2.5.1.2.F.1. does not apply to the attached applications.

We discussed this information with the City, which agreed with our interpretation of these code provisions and with our analysis that the Owners have the right to submit the attached applications at this time

### **Conclusion**

We believe that this request is reasonable, that our proposal will help the City achieve superior policy outcomes on issues like environmental sustainability and fiscal responsibility, and that the Property is an appropriate location for a data center development.

We appreciate your consideration – and I am available to discuss this case further and answer questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a stylized flourish at the end.

Michael J. Whellan

## Attachment A: Fiscal Analysis

As part of its Vision SMTX planning process, the City considered how different development patterns affect both “the estimated revenues generated by new development” and “the estimated costs of public services required to serve that development,” with the goal of ensuring that the City grows in a fiscally responsible and sustainable manner.

In short, the City generally prioritizes development patterns that balance new tax revenues against the long-term costs of public services (for infrastructure, policing, fire and emergency services, and more). Development patterns that produce greater tax revenues than they demand in public services will help support the City’s fiscal sustainability over the long term.

By this metric, a data center is a prudent choice at this location. When compared to the most recent proposed use of this site (single-family subdivision), a data center will have a lower overall need for City services while producing meaningful tax revenues.

As noted above, the Property is located on the edge of San Marcos’ city limits and is connected to the rest of the City by a single roadway, Francis Harris Lane. This site context has several important implications for fiscal sustainability:

- **Property Location.** First, the Property’s location at the edge of the city limits means that development patterns which demand higher levels of City services will stress City resources over time. Vision SMTX notes that outlying development that demands higher levels of police, fire, and emergency services coverage can lengthen response times and generate the need for more facilities and personnel. Location can also affect other important City services; for instance, outlying residential development in areas without existing amenities often adds pressure for the City to develop and maintain new parkland, which can spread parks resources out more thinly over a larger parks system.

Data centers require less police, fire, and emergency services coverage than single-family subdivisions – and have little to no impact on other City services like parks and open space.

Given the sensitive nature of data centers – as well as the large amount of expensive technology that they hold – owners operate their own on-site security, which deters crime and reduces the need for police services; they also invest in fire suppression systems to protect their investment. In contrast, even in safe and secure subdivisions, residents often expect their City to ensure a certain level of police presence, and the large volume of households increases the probability that one or more will likely require fire or emergency services at some point.

Likewise, residents often expect their City to invest in parks and other recreational amenities near their homes. This becomes particularly important in outlying areas without easy access to existing parkland, pressuring the City to acquire and develop new parks spaces that ultimately serve a limited number of households. Data centers produce no such demand, allowing the City to use its resources to maintain and improve its existing parks system without stressing existing resources.

Finally, as described above, the project intends to use CCSUD for water service and PEC for electricity, and thus will not require City service for either utility.

- **Limited Connectivity.** Second, the limited connectivity to the City means that traffic traveling to and from the Property will largely be concentrated on one roadway (Francis Harris Lane); higher-volume uses would result in greater ‘wear and tear’ on this roadway and will require more maintenance and more frequent replacement.

Data centers produce very little traffic compared to other uses. Residential subdivisions generally feature a large volume of morning and evening commuting, in addition to trips to grocery stores, libraries, friends’ homes, and more. Commercial uses generally operate by attracting as many customers as possible. Industrial uses often feature heavy trucks dropping off and picking up various materials. Data centers, instead, feature none of these dynamics. They are secure facilities that feature fewer people than a residential subdivision and generally do not attract outside visitors. As a result, data centers have a meaningfully lower impact on roadway infrastructure and maintenance.

For reference, the Urban Land Institute, a respected land-use think tank, has reported that data centers “require fewer employees to operate than most other commercial properties, leaving minimal impacts on traffic in surrounding areas.”

The other major consideration related to fiscal sustainability is the Property’s ability to produce tax revenues that can help cover the costs of the services described above.

While single-family subdivisions often generate new tax revenues, they also meaningfully increase demand for City services. Vision SMTX notes that development patterns similar to that previously proposed for this Property (a 470-unit single-family subdivision) have the “the “Highest cost to serve (per new person) of all Place Types” and “generates [the] largest increase in new streets to maintain.”<sup>1</sup>

Data centers, instead, often produce meaningful new property tax revenues – buoyed by the types of improvements needed to house expensive computing technology – while generating a *lower* demand on City services. While Vision SMTX found that the Commercial/Employment Low Place Type (the designation requested for the Property) generally has a negative fiscal impact it also caveated this finding by specifying that the “value of non-residential development will vary fiscal impact” and that “[i]mpact on calls for service varies by use (e.g. retail more, industrial less).” In this case, as demonstrated above, the data center use in particular has a *positive* fiscal impact, producing meaningful new revenues with only a limited need for City services.

A briefing in the American Planning Association’s *Zoning Practice* publication sums up the comparison between the previous proposed use (single-family subdivision) and the current proposed use (data center) concisely, stating that data centers can be “highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes.”

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<sup>1</sup> Technically, the Preferred Scenario Map currently designates the Property for Conservation/Cluster, which primarily consists of parks, open space, and agricultural or ranchland. However, Vision SMTX notes that Conservation/Cluster actually “has the potential to perform like a Neighborhood Low or Medium Place Type if a cluster-style development is pursued.” In this case, the Property has most recently been planned for a new subdivision consisting of an estimated 470 detached single-family homes, a development pattern that more closely reflects the Neighborhood Low-New Place Type (primary land use: detached single-family).

1300

# Austin American-Statesman

STATESMAN.COM • TUESDAY, DECEMBER 23, 2025 • VOL. 155, NO. 123 • \$3.00

## ERCOT CEO: No data center, worries

Power-hungry facilities will disconnect during severe grid emergencies, he says

**By Claire Hao**  
STAFF WRITER

An unprecedented surge of data centers could be coming to Texas, prompting concerns over how the state's power grid — which infamously suffered deadly blackouts in 2021 — will keep up with the breakneck de-

mand.

According to Pablo Vegas, CEO of the Electric Reliability Council of Texas, residents don't need to be alarmed: A new state law requires data centers to disconnect in phases at the grid operator's discretion during a severe grid emergency.

"If a data center connects onto

our grid and the grid gets tight, they have to turn off before we (have rotating outages)," Vegas said in a recent interview with Hearst Newspapers.

As Big Tech companies race to develop artificial intelligence, a huge pipeline of data centers — some planning to use as much electricity as entire cities — are seeking to come to Texas, attracted to the state's plentiful land and relatively cheap energy for industrial customers.

As a result, near-term electricity demand is expected to grow magnitudes faster in Texas than anywhere else in the country, according to an Energy Department analysis.

Even if many of the data centers proposed for Texas aren't ultimately built, ERCOT has forecast that electricity demand across its system could increase 70% by 2031.

"It's really been just something that we've never experi-

enced before in the history of ERCOT," Vegas said.

The Trump administration has embraced Big Tech's AI push, arguing that the United States has to outcompete adversaries such as China in developing the potentially transformative technology.

Recently, Gov. Greg Abbott appeared alongside Google's CEO as the tech giant announced \$40 billion in AI-relat-

**ERCOT continues on A2**

# ERCOT

From page A1

ed investments across the state, which would make Texas home to more Google data centers than anywhere else in the world.

But in welcoming data centers, Texas leaders — particularly Lt. Gov. Dan Patrick — have also raised concerns about how the influx could jeopardize the state's power grid.

Those concerns manifested in Senate Bill 6, a law Abbott signed in June that received some push-back from the data center industry.

Much of the debate focused on a first-of-its-kind requirement that data centers and other non-critical industrial facilities would have to shut off if ERCOT ordered rotating outages. In 2021, these outages only affected everyday residents and businesses.

## Reducing reliance

But, according to Vegas, the new law goes further than that.

ERCOT will have the authority to ask data centers to reduce their reliance on the grid before it ever reaches the point of needing to order rotating outages, he said.

At first, the requests would be voluntary, and data centers would get 24-hour notice and payments for participating.

But if grid conditions continued to deteriorate, the requests would become mandatory: Data centers with on-site backup power would be required to switch to their own resources or cut back



Pablo Vegas, CEO of ERCOT, left, says a law signed by Gov. Greg Abbott safeguards the Texas power grid during emergencies.

Melissa Phillip/Houston Chronicle



Aaron E. Martinez/Austin American-Statesman

Construction continues at the Sabey Data Center in Round Rock this past summer, part of the surge in Lone Star State data centers.

on electricity consumption, Vegas said.

If ERCOT exhausted nearly all of its other tools to prevent rotating outages, it would be allowed to tell data centers with significant backup power to disconnect from the grid, Vegas said.

Thus, ERCOT doesn't

have to worry that there won't be enough new power plants built in the coming years to meet projected data center demand, Vegas said, because those facilities would have to be flexible in their power consumption during a grid emergency.

"That effectively means that all of this new growth that's coming cannot contribute to the grid going into (rotating outages). It has to all come off before," Vegas said. "That was an unlock for the state of Texas, to be able to say we can accommodate the growth that's coming."

## Power bottleneck

Though the new law has "solved" the supply-and-demand issue, data center growth is still constrained by how quickly long-distance power lines can be built across Texas, Vegas said.

In total, Texas could need \$33 billion in new transmission lines, ERCOT estimated, which would be the largest expansion of the state's electrical network since 2013. The cost of these projects would be spread out among all ERCOT cus-

tomers across the state.

ERCOT has already approved a few big-ticket transmission projects: a \$13.8 billion network in West Texas, as well as a \$9.4 billion grid "super-highway" cutting through the Houston area.

But new transmission projects take years to build, slower than new data centers can be constructed.

It's possible that in the coming years, parts of the grid could become saturated. That would slow down connecting new data centers to the grid in that region until the local utility can build more power lines, Vegas said.

The Texas power industry's challenge is to figure out how to build transmission lines quickly, he said — at the same time that local communities across Texas are already beginning to protest huge power-line projects.

Looking ahead to this winter, Vegas said "the grid is probably in the most reliable condition that it's been in since Winter Storm Uri," also known as the February 2021 freeze.

That's because ERCOT has added a lot more electricity supply since that storm and Texas hasn't yet seen the massive electricity demand growth that's forecast for the next couple of years, he said.

And in the longer term, ERCOT won't accept more data centers than the grid is able to handle, Vegas said.

"We're not going to allow the grid to grow to a capacity where it can't be operated reliably," he said.

Upon recording, please return to:  
Highlander SM One, LLC  
2505 Allston Lane  
Austin, TX 78746  
Attn: John Maberry

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**DEED**

STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HAYS       §

Corridor Title Co. GF# 21-4431-C

THAT, ENGIE DEVELOPMENT, LLC, a Delaware limited liability company, whose address is 1360 Post Oak Blvd., Suite 400, Houston, TX 77056 (herein referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, and the further consideration of the execution and delivery by Grantee of one certain promissory note of even date herewith in the principal sum of \$3,087,500.00, payable to the order of FIRST FINANCIAL BANK, N.A., a national association ("Lender"), and bearing interest as therein provided, the payment of which note is secured by the Vendor's Lien herein retained, and is secured by a Deed of Trust of even date herewith, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL and CONVEY unto HIGHLANDER SM ONE, LLC, a Texas limited liability company, whose address is 2505 Allston Lane, Austin, TX 78746, their successors and assigns (herein referred to as "Grantee"), the property more fully described on Exhibit A attached hereto and incorporated herein for all purposes by this reference (the "Property"), together with all improvements located thereon and all rights and appurtenances thereto in any wise belonging to Grantor; subject only to those items described on Exhibit B attached hereto and incorporated herein for all purposes (the "Permitted Encumbrances").

TO HAVE AND TO HOLD the above-described Property, subject only to the Permitted Encumbrances, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto the said Grantee, its successors and assigns FOREVER, and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

COVENANTS. As a part of the consideration supporting this Deed, Grantee hereby covenants and agrees, on its own behalf and on behalf of its successors and assigns, that Grantee shall not use, nor allow to be used, the Property in any manner that would interfere with the continued use and operation of the property more fully described on Exhibit C attached hereto and incorporated herein for all purposes by this reference (the "Retained Property"), as a power plant in the same manner as used by Hays Energy, LLC ("Hays Energy") as of January 5, 2017 (the "Interference Restriction"); *provided, however*, that the development, subdivision, and use of the

Property for single family residential purposes shall not be deemed to violate the Interference Restriction.

As a further part of the consideration supporting this Deed, specifically with respect to the Retained Property and the Interference Restriction, Grantee agrees and covenants not to contest, protest, or otherwise challenge any application that Hays Energy or any subsidiary, affiliate or assignee of Hays Energy or Vistra Corp., formerly known as Energy Future Holdings Corp. and TXU Corp. (collectively referred to as "Applicant"), may file or make to any local, state or federal agency, including but not limited to the Texas Commission on Environmental Quality ("TCEQ"), the Nuclear Regulatory Commission ("NRC"), U.S. Army Corps of Engineers, and/or the United States Environmental Protection Agency, for any environmental, development, construction, operation or other authorization, including, but not limited to any local, state or federal permit, license, registration or any other authorization for any facility or any portion of a facility, any sources of air emissions or contaminant discharge, or any other structure or process in Hays County, Texas, or otherwise take a position adverse to Applicant, in any proceeding, in any form or forum, including, but not limited to, before or to the NRC, the TCEQ, the Texas State Office of Administrative Hearings, and/or state or federal court (the "Protest Restriction"). Grantee's agreement and covenant not to contest, protest, or otherwise challenge any such actions or applications includes Grantee's express agreement and covenant not to file any public comments, requests for party status, motions to overturn, motions for reconsideration, objections or any other administrative or judicial appeals regarding such application or any authorization that Applicant obtains as a result of such application. Specifically with respect to the Retained Property and the Interference Restriction, Grantee's agreement and covenant not to contest, protest, or otherwise challenge such application also extends to any subsequent amendment or modification of any authorization that Applicant obtains or seeks to obtain as a result of any such application. Specifically with respect to the Retained Property and the Interference Restriction, Grantee further agrees and covenants not to seek or pursue revocation of any authorization that Applicant obtains or has previously obtained (whether as a result of such application or otherwise), or to attempt to enjoin, cease or restrain any operations or activities under such authorization, or take a position adverse to Applicant in any such revocation or injunction action, or in any other way attempt to otherwise constrain any operations or activities under such authorization, in any form or forum whatsoever.

As a further part of the consideration supporting this Deed, Grantee covenants that the Property will not be used for the commercial production or commercial generation of electricity in any form, nor will it be used for the siting of a commercial power station or energy storage facility of any kind (the "Power Generation Restriction", and collectively with the Interference Restriction and the Protest Restriction, the "Restrictions").

The Restrictions shall be covenants running with, touching, and encumbering the Property, and benefiting the Retained Property, binding upon the Grantee and all successors in interest or title, transferees, vendees, lessees, mortgagees, and assigns who are owners and/or users of the Property. Hays Energy may enforce the provisions hereof by any appropriate legal action.

Each and every contract, deed, or other instrument hereafter executed conveying the Property or portion thereof (excluding instruments granting security interests) shall expressly

provide that such conveyance is subject to this restrictive covenant, provided, however, that the Restrictions shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to the restrictive covenant.

The covenants given by each of Grantor and Grantee in this Deed are material to Grantor and Grantee and shall be permanent covenants running with the land, and each party shall be entitled to specific performance of the covenant of the other party. Any violation or breach of the covenants of this paragraph may be enforced in law or in equity, including, without limitation, injunction to cease any violation and to enforce specific performance hereof.

[signature pages follow]

EXECUTED to be effective as of the 28 day of January, 2022.

GRANTOR:

*(Handwritten initials)*

ENGIE Development, LLC,  
a Delaware limited liability company

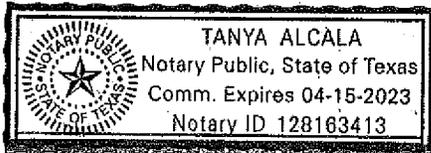
By: [Signature]  
Name: Stefaan Sercu  
Title: President and CEO

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on January 27, 2022, by Stefaan Sercu, the President and CEO of ENGIE Development, LLC, a Delaware limited liability company, on behalf of said company.

[Signature]  
Notary Public

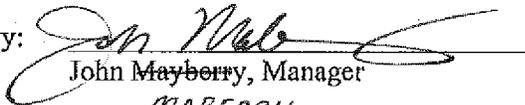
(PERSONALIZED SEAL)



GRANTEE:

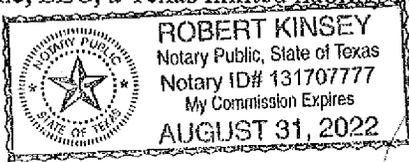
Highlander SM One, LLC,  
a Texas limited liability company

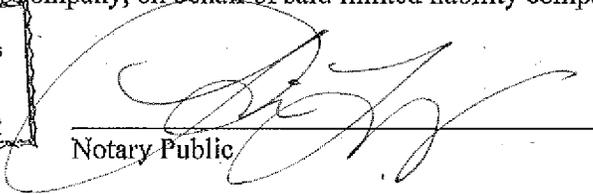
By: Highlander Real Estate Partners, LLC,  
a Delaware limited liability company,  
its sole Manager,

By:   
John Maberry, Manager  
MABERRY  
(M) (JM)

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 28<sup>th</sup> day of JANUARY, 2022, by John Maberry, Manager of Highlander Real Estate Partners, LLC, a Delaware limited liability company, on behalf said limited liability company in its capacity as sole Manager of Highlander SM One, LLC, a Texas limited liability company, on behalf of said limited liability company.



  
Notary Public

(PERSONALIZED SEAL)

Grantee's Address for Tax Purposes: 2505 Allston Lane, Austin, TX 78746

**EXHIBIT "A"**  
**THE PROPERTY**

**METES AND BOUNDS**

**BEING** a 136.912 acre (5,963,888 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.912 (5,920,320 square feet) of land situated in the A.M. Eshnarizar Survey, Abstract No. 6, Hays County, Texas; and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County; and being more particularly described as follows:

**BEGINNING** at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public width public right-of-way) with the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;

**THENCE**, along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:

1. South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner;
2. South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner;
3. South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;
4. South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;
5. South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;
6. South 08°04'14" West, 10.46 feet to a 3-inch metal fence post found for corner;
7. South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner;
8. South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;
9. South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;
10. South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;

**THENCE**, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances:

1. North 43°42'49" West, 225.80 feet to a ½-inch capped iron rod found for corner;
2. North 44°31'20" West, 542.09 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;

**THENCE**, South 45°02'40" West, 542.77 feet along the northwesterly line of said 75.9 acre tract to a 60D nail with washer stamped "BYRN SURVEY" found for corner;

**THENCE**, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and distances:

1. North 45°16'38" West, 256.47 feet to a wood post found for corner;
2. North 45°21'46" West, 733.15 feet to a wood post found for corner;
3. North 45°04'42" West, 413.36 feet to a ½-inch iron rod found for corner;

**THENCE**, North 44°35'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume. 1512, Page 495 of the Official Public Records of Hays County;

**THENCE**, North 44°25'59" East, 410.99 feet to a ½-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document. No. 18044130 of the Official Public Records of Hays County;

**THENCE**, along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances:

1. North 44°43'49" East, 411.16 feet to a ½-inch capped iron rod found for corner;
2. North 44°58'05" East, 407.88 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°51'54" East, 404.86 feet to a 100D nail found for corner;
4. North 44°32'48" East, 405.35 feet to a ½-inch capped iron rod found for corner;
5. North 44°19'19" East, 410.59 feet to a ½-inch capped iron rod found for corner;
6. North 45°29'28" East, 450.37 feet to a ½-inch capped iron rod found for corner;

**THENCE**, North 45°29'21" East, 169.58 feet along southeasterly right-of-way line of Grant Harris Road to the POINT OF BEGINNING and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

**COMMENCING** at a ½-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;

**THENCE**, North 44°04'47" East 625.64 feet along a fence line to a ½-inch iron rod with a plastic cap stamped "KHA" to the POINT OF BEGINNING of the Save and Except described herein;

**THENCE** the following three (3) courses and distances across the said 136.96 acre tract:

1. North 44°04'47" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;

2. South 45°55'13" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set fore comer;
3. South 44°04'47" West, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;

**THENCE**, North 45°55'13" West 208.71 feet to the **POINT OF BEGINNING**, and containing 1.000 acre (43,560 square feet), for a total of 135.912 acres of land in Hays County, Texas.

The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**EXHIBIT "B"**  
**THE PERMITTED EXCEPTIONS**

1. Document No. 17003581, of the Official Public Records of Hays County, Texas.
2. Subject to the rights of ingress and egress in and to a cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas.
3. Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9,413, District Court Records, Hays County, Texas, as recorded in Volume R, Page 462, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas.
4. Easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 857, Page 640, Official Public Records of Hays County, Texas.
5. Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9926160, of the Official Public Records of Hays County, Texas.
6. Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas.
7. Taxes or special assessments of York Creek Improvement District as provided by law.
8. Location of overhead utility lines, utility poles, guy anchors, electric manhole(s), sign(s), within the boundary of subject property and being situated outside any designated easement, together with all easement rights appurtenant thereto, as shown on Survey dated December 16, 2021, prepared by John G. Mosier, Registered Professional Land Surveyor No. 6330.
9. Encroachment and/or protrusion of fences the boundary lines of subject property, together with any assertion of ownership of land lying between said fences and the boundary lines of subject property, as shown on Survey dated December 16, 2021, prepared by John G. Mosier, Registered Professional Land Surveyor No. 6330.
10. Terms, conditions and restrictions as set forth in that certain Deed dated 1-28-2022, from Hays Energy, LLC, as Grantor to ENGIE Development, LLC, as Grantee, recorded in Document No. 22004594 in the Official Public Records of Hays County, Texas.

**EXHIBIT "C"**  
**THE RETAINED PROPERTY**

DESCRIPTION OF 100.87 ACRES, MORE OR LESS OF LAND AREA BEING ALL OF LOT 1, HENK ADDITION, AS RECORDED IN VOLUME 9, PAGE 27 OF THE HAYS COUNTY PLAT RECORDS, LESS AND EXCEPT THAT TRACT DESCRIBED AS 7.845 ACRES IN A DEED FROM HAYS ENERGY LIMITED PARTNERSHIP TO L.C.R.A. DATED FEBRUARY 16, 2000 AND RECORDED IN VOLUME 1635, PAGE 88 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" in the occupied north line of that tract described as 0.15 acres in a quit claim deed from Agnes Henk to Hays Energy Limited Partnership dated June 21, 1999 and recorded in Hays County Document No. 9914620 of the Hays County Deed Records for the common southwest corner of Lot 1, Henk Addition and the southeast corner of that 2.71 acre tract dedicated to the Public by the plat recorded in Volume 9, Page 27 of the Hays County Plat Records;

Thence leaving the Hays Energy Limited Partnership 0.15 acre tract and the Place of Beginning with the common southwest line Lot 1, Henk Addition and the east line of the 2.71 acre tract dedicated to the Public, as shown on that plat numbered 24939 - 00 - d dated September 5, 2000 as prepared for Hays Energy Limited Partnership by Byrn & Associates, Inc. of San Marcos, Texas, N 42 degrees 30' 33" W (this course being the Bearing Basis for this description) 2558.92 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey";

Thence with a right-breaking curve having the following characteristics: central angle = 86 degrees 55' 28", radius = 270.00, arc length = 409.62 feet and a chord which bears N 00 degrees 57' 04", E 371.45 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey";

Thence with the common northwest line of Lot 1, Henk Addition and the southeast line of the 2.71 acre tract dedicated to the Public, the following three courses:

1. N 44 degrees 24' 50" E 437.79 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey"
2. with a left-breaking curve having the following characteristics: central angle = 48 degrees 00' 50", radius = 270.00 feet, arc length = 226.26 feet and a chord which bears N 20 degrees 24' 26" E 219.70 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey", and
3. N 03 degrees 35' 49" W 68.34 feet to a 1/2 11 iron rod found with a plastic cap stamped "Byrn Survey" for the common northwest corner of Lot 1, Henk Addition and the northeast corner of the 2.71 acre tract dedicated to the Public and being in

the occupied south line of that tract described as 436.54 acres in a deed from Betty Jo Jackson Crocker to B. Naylor Morton dated August 15 , 1989 and recorded in Volume 797, page 321 of the Hays County Official Public Records;

Thence leaving the 2.71 acre tract dedicated to the Public with the common north line of Lot 1, Henk Addition and a south line of the Morton tracts, S 88 degrees 42' 07 " E 666.02 feet to a calculated point;

Thence leaving the south line of the Morton tract and entering Lot 1, Henk Addition, S 01 degrees 17' 53" W 24.26 feet to an iron rod found with a plastic cap stamped "LCRA" for the north corner of the previously mentioned LCRA 7.845 acre tract;

Thence with the northwest line of the LCRA tract, the following three courses:

1. S 17 degrees 48' 59" W 310.95 feet to an iron rod found with a plastic cap stamped "LCRA",
2. S 79 degrees 39' 13" W 51.02 feet to an iron rod found with a plastic cap stamped "LCRA", and
3. S 17 degrees 51' 21" W 172.47 feet to an iron rod found with a plastic cap stamped "LCRA" for the west corner of the LCRA tract;

Thence with the southwest line of the LCRA tract, S 72 degrees 11' 58" E 702.19 feet to a calculated point that falls in a chain link fence corner post for the south corner of the LCRA tract;

Thence with the southeast line of the LCRA tract, N 1 7 degrees 4 7' 57" E 507.50 feet to an iron rod found with a plastic cap stamped "LCRA" for the east corner of the LCRA tract;

Thence with the northeast line of the LCRA tract, N 72 degrees 12' 03" W 656.94 feet to the previously mentioned north corner of the LCRA 7.845 acre tract;

Thence leaving the LCRA, N 01 degrees 17' 53" E 24.26 feet to a calculated point in the common north line of Lot 1, Henk Addition and the south line of the Morton tract;

Thence with said common line, S 88 degrees 42' 07" E 1237.71 feet to a 1/2" iron rod found for the northeast corner of Lot 1, Henk Addition and an interior corner of the Morton tract;

Thence with the east line of Lot 1, Henk Addition, the following three courses:

1. with a west line of the Morton tract, S 09 degrees 32' 16" E 56.84 feet to a 6" cedar post for an angle point in fence,
2. with a west line of the Morton tract, S 00 degrees 00' 39" W 1380.77 feet to a 1/2" iron rod found for a southwest corner of the Morton tract and a northwest corner of that tract described as 43.58 acres in a deed from the Estate of Hanno F. Guenther, Sr. to Sharon Guenther and Hanno F.

Guenther, Jr. dated December 20, 1993 and recorded in Volume 1040, Page 211 of the Hays County Official Public Records, and

3. with the west line of the Guenther tract, S 00 degrees 35' 43" E 1357.16 feet to a 1/2" iron rod found for the southeast corner of Lot 1, Henk Addition and the northeast corner of the previously mentioned Hays Energy 0.15 acre tract;

Thence leaving the Guenther tract with the common south line of Lot 1, Henk Addition and the north line of the Hays Energy 0.15 acre tract, S 89 degrees 15' 26" W 582.34 feet to the Place of Beginning.

There are contained within these metes and bounds 100.87 acres, more or less, of land area as prepared from public records and a survey made on the ground on September 5, 2000 by Byrn and Associates, Inc. of San Marcos, Texas.

SAVE AND EXCEPT:

7.845 ACRE TRACT OWNED BY LCRA TRANSMISSION SERVICES CORPORATION:

PART OF LOT 1 OF HENK ADDITION AS SHOWN ON THE MAP RECORDED IN PLAT BOOK 9, PAGE 27 OF THE MAP RECORDS OF SAID HAYS COUNTY, TEXAS, EMBRACING ALL OF A 7.845 ACRES TRACT OF LAND DESCRIBED IN VOLUME 1635, PAGE 88, OF SAID DEED RECORDS.

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1.

THENCE NORTH 88 DEGREES 42 MINUTES 34 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1,237.79 FEET TO A POINT.

THENCE SOUTH 01 DEGREE 17 MINUTES 53 SECONDS WEST, A DISTANCE OF 24.26 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 72 DEGREES 12 MINUTES 20 SECONDS EAST, A DISTANCE OF 657.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE SOUTH 17 DEGREES 47 MINUTES 40 SECONDS WEST, A DISTANCE OF 507.50 FEET TO A POINT FOR A CORNER.

THENCE NORTH 72 DEGREES 12 MINUTES 20 SECONDS WEST, A DISTANCE OF 702.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 17 DEGREES 47 MINUTES 40 SECONDS EAST, A DISTANCE OF 172.50 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 79 DEGREES 43 MINUTES 19 SECONDS EAST, A DISTANCE OF 51.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 17 DEGREES 47 MINUTES 40 SECONDS EAST, A DISTANCE OF 311.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,394,368 SQUARE FEET OR 100.881 ACRES, MORE OR LESS.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

TRACT 1 ALSO BEING DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT 9914621, HAYS COUNTY, TEXAS; SAVE AND EXCEPT 2.71 ACRES DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES IN THE FINAL PLAT OF LOT 1, HENK ADDITION TO HAYS COUNTY, TEXAS, DATED APRIL 14, 1999 RECORDED IN PLAT BOOK 9, PAGE 27; AND FURTHER SAVE AND EXCEPT PROPERTY DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT 3767 BOOK OFFICIAL PUBLIC RECORDS IN VOLUME 1635 PAGE 88, HAYS COUNTY, TEXAS.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

22004858 DEED  
02/01/2022 09:56:01 AM Total Fees: \$70.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



## WARRANTY DEED RESERVING VENDOR'S LIEN

312532

From: JEROME DIETERT and MARGARET DIETERT  
 To: DONALD W. TUFF and wife, GERMAINE TUFF

THE STATE OF TEXAS                   §  
   §     KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF HAYS                       §

That we, JEROME DIETERT and MARGARET DIETERT, of Comal County, Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to us cash in hand paid and secured to be paid by DONALD W. TUFF and wife, GERMAINE TUFF, the receipt of which is hereby conclusively acknowledged and confessed, and the execution and delivery of those four (4) vendor's lien promissory notes of even date herewith as follows:

1. That certain promissory note in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Margaret Dietert as therein provided;
2. That certain promissory note in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Margaret Dietert as therein provided;
3. That certain promissory note in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Jerome Dietert as therein provided;
4. That certain promissory note in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Jerome Dietert as therein provided;

and it being provided in each of said notes that failure to pay any installment thereof when due may at the option of the holder mature said entire indebtedness and the lien herein reserved become subject to foreclosure; said notes also providing for ten percent (10%) attorney's fee if not paid in full at maturity and placed in the hands of an attorney for collection, collected by law or through the probate court.

DEEDS  
 Hays County, Texas

HAVE GRANTED, BARGAINED, SOLD and conveyed and by these presents do GRANT, BARGAIN, SELL and CONVEY unto the said DONALD W. TUFF and wife, GERMAINE TUFF, of Hays County, Texas, the following described property situated in the Counties of Hays and Comal, State of Texas, to-wit:

BEING that certain 100 acres, more or less, situated in Hays and Comal Counties, Texas, and being the same property described as Tracts (A) and (B) in a conveyance from Richard O. Glenewinkel et ux to Jerome Dietert et ux by deed dated May 11, 1950, recorded in Book No. 146, pages 415-417 of the Deed Records of Hays County, Texas, and more particularly described as follows, to-wit:

TRACT (A): All that certain tract, piece or parcel of land situated in Hays County, Texas, being 50 acres, more or less, being the N. E. part of a 109.52 acre tract out of Subdivision No. 149, of the A. M. Esnaurizar Eleven League Grant, and being described by metes and bounds as follows:

BEGINNING at a post set at the North corner of said 109.52 acre tract;

THENCE with its N. E. line S. 44° 45' E. 507.5 vrs. to a pile of rocks, the East corner of said 109.52 acre tract;

THENCE with the S.E. line of said 109.52 acre tract, S. 45° 12' W. 729.5 vrs. to an iron pin for South corner of this tract;

THENCE with fence N. 28° 27' W. 123.41 vrs. to an iron pin for corner;

THENCE with the boundary line of the Richard O. Glenewinkel 50 acre tract, N. 45° 12' E. 190.9 vrs. to an iron pin for East corner of the Richard O. Glenewinkel tract;

THENCE with the N. E. line of said Richard O. Glenewinkel tract, N. 44° 45' W. 395.07 vrs. to an iron pin in the N. W. line of Subdivision No. 149 for West corner of this tract, and North corner of the Richard O. Glenewinkel tract;

THENCE with said N. W. line N. 45° 53' E. 504 vrs. to the Place of Beginning.

The foregoing is the same tract of land which was set apart and allotted to Carl W. Glenewinkel in the certain deed of partition by and between Emma Glenewinkel et al, dated June 8, 1942, recorded in Volume 125, pages 32-35 of the Deed Records of Hays County, Texas, reference to which is hereby made, and is the same property conveyed by Carl W. Glenewinkel to Richard O. Glenewinkel by deed dated April 13, 1950, recorded in Volume 146, pages 405-406 of the Hays County Deed Records.

TRACT (B): All that certain tract, piece or parcel of land situated in Hays and Comal Counties, being 50 acres, more or less, being known as the West part of a 109.52 acre tract out of Subdivision No. 149 of the A.M. Esnaurizar Eleven League Grant, and being described by metes and bounds as follows;

BEGINNING at the West corner of the said 109.52 acre tract, a point in bed of York Creek, whence a live oak 15" in diameter bears S. 71° 45' E. 14.2 vrs. and another live oak 15" in diameter bears N. 7° 30' W. 20-1/4 vrs;

THENCE with the N.W. line of said 109.52 acre tract, N. 45° 53' E. 442.8 vrs. to an iron pin for N. corner of this tract and West corner of the Carl W. Glenewinkel tract;

THENCE S. 44° 45' E. 395.07 vrs. to an iron pin for E. corner;

THENCE S. 45° 12' E. 190.9 vrs. to an iron pin in fence for corner;

THENCE with fence, S. 28° 27' E. 19.16 vrs. to an iron pin under fence for corner;

THENCE with the N. W. line of the Ida H. Soechting 50 acre tract S. 45° 12' W. 576.7 vrs. to a point in bed of York Creek for S. corner of this tract;

THENCE with meanders of York Creek: N. 61° 12' W. 95.3 vrs.; N. 12° 20' W. 52.6 vrs; N. 20° 58' W. 102 vrs; N. 18° 40' E. 62.1 vrs; N. 4° 50' W. 70.6 vrs; N. 21° 45' E. 175 vrs; N. 19° 00' W. 47.5 vrs; to the Place of Beginning;

The foregoing is the same tract of land which was set apart and allotted to Richard O. Glenewinkel in the certain deed of partition by and between Emma Glenewinkel et al, dated June 8, 1942, and recorded in Volume 125, pages 32-35 of the Deed Records of Hays County, Texas, reference to which is hereby made.

**TRACT (C):** The certain easement and right-of-way over and across a portion of the Ida H. Soechting 50 acre tract out of Subdivisions Nos. 148 and 149 of the A. M. Esnaurizar Eleven League Grant, in Hays and Comal Counties, Texas, which easement and right-of-way is established and described in the Agreement made and entered into by and between Ida H. Soechting, as party of the first part, and Richard O. Glenewinkel and wife, Hedwig Glenewinkel, as parties of the second part, dated April 28, 1950, and being filed for record in the office of the County Clerk of Hays County, Texas, in Volume 146, pages 411-413, reference to which instrument is hereby made for all purposes.

It is, however, agreed and understood that this conveyance is made subject to the grants of certain water rights affecting a portion of the land described under TRACT (B) above, as evidenced by the Agreement made and entered into by and between Richard O. Glenewinkel and wife, Hedwig Glenewinkel, as parties of the first part, and Ida H. Soechting, as party of the second part, and the Agreement made and entered into by and between Richard O. Glenewinkel and wife, Hedwig Glenewinkel as parties of the first part and Harry A. Glenewinkel and wife, Alma E. Glenewinkel, as parties of the second part, said Agreements being dated April 28, 1950, and being filed for record in the office of the County Clerk of Hays County, Texas, reference to which instruments is hereby made for all pertinent purposes.

It is expressly stipulated and agreed that an undivided one-eighth (1/8) interest of all oil, gas and other minerals in, on, under and that may be produced from the above described lands is not included in this conveyance. Such undivided one-eighth (1/8) interest of all such oil, gas and other minerals is hereby accepted and reserved from this conveyance, together with all incidental rights of ingress and egress for the purpose of finding, saving, treating, storing and removing any and all such minerals.

312 840

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging and all improvements thereon situated to DONALD W. TUFF and wife, GERMAINE TUFF, their heirs and assigns, forever; and,

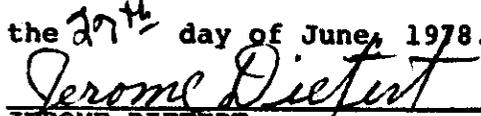
We do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said DONALD W. TUFF and wife, GERMAINE TUFF, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to EASEMENTS, RESTRICTIONS, and RESERVATIONS, if any of record, and all taxes not now due and payable.

Said above described indebtednesses are further secured by a Deed of Trust of even date herewith from DONALD W. TUFF and wife, GERMAINE TUFF, to JAMES M. CORNELIUS, Trustee for JEROME DIETERT and MARGARET DIETERT, and it is expressly agreed and stipulated that a vendor's lien and superior title is reserved against the above described property, premises and improvements until the above described notes and all interest thereon are fully paid according to their face and tenor, effect and reading, when this deed is to become absolute.

And, it is further agreed that the said DONALD W. TUFF and wife, GERMAINE TUFF, shall keep all taxes and assessments against said property paid as the same become due and payable, and shall permit no taxes to become delinquent against said property.

Failure on the part of the said DONALD W. TUFF and wife, GERMAINE TUFF, to keep and observe all terms, conditions and stipulations of this deed and of the above described notes may mature said notes at the option of the holders, and the liens reserved in this deed may become subject to foreclosure.

WITNESS OUR HANDS, this the 27<sup>th</sup> day of June, 1978.

  
JEROME DIETERT

  
MARGARET DIETERT

THE STATE OF TEXAS  
COUNTY OF COMAL

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312 841

BEFORE ME, the undersigned authority, on this day personally appeared MARGARET DIETERT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27<sup>th</sup> day of June, 1978.

*John R. Powell*  
NOTARY PUBLIC, in and for  
Comal County, Texas



THE STATE OF TEXAS  
COUNTY OF COMAL

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VC: 312 : 812

BEFORE ME, the undersigned authority, on this day personally appeared JEROME DIETERT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27<sup>TH</sup> day of June, 1978.

*John R. Powell*  
NOTARY PUBLIC, in and for  
Comal County, Texas



STATE OF TEXAS }  
COUNTY OF HAYS }

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Hays County, Texas, as stamped hereon by me, on



*Jul 14 1978*  
*Lyndee B. Clayton*  
COUNTY CLERK  
HAYS COUNTY, TEXAS

COUNTY CLERK

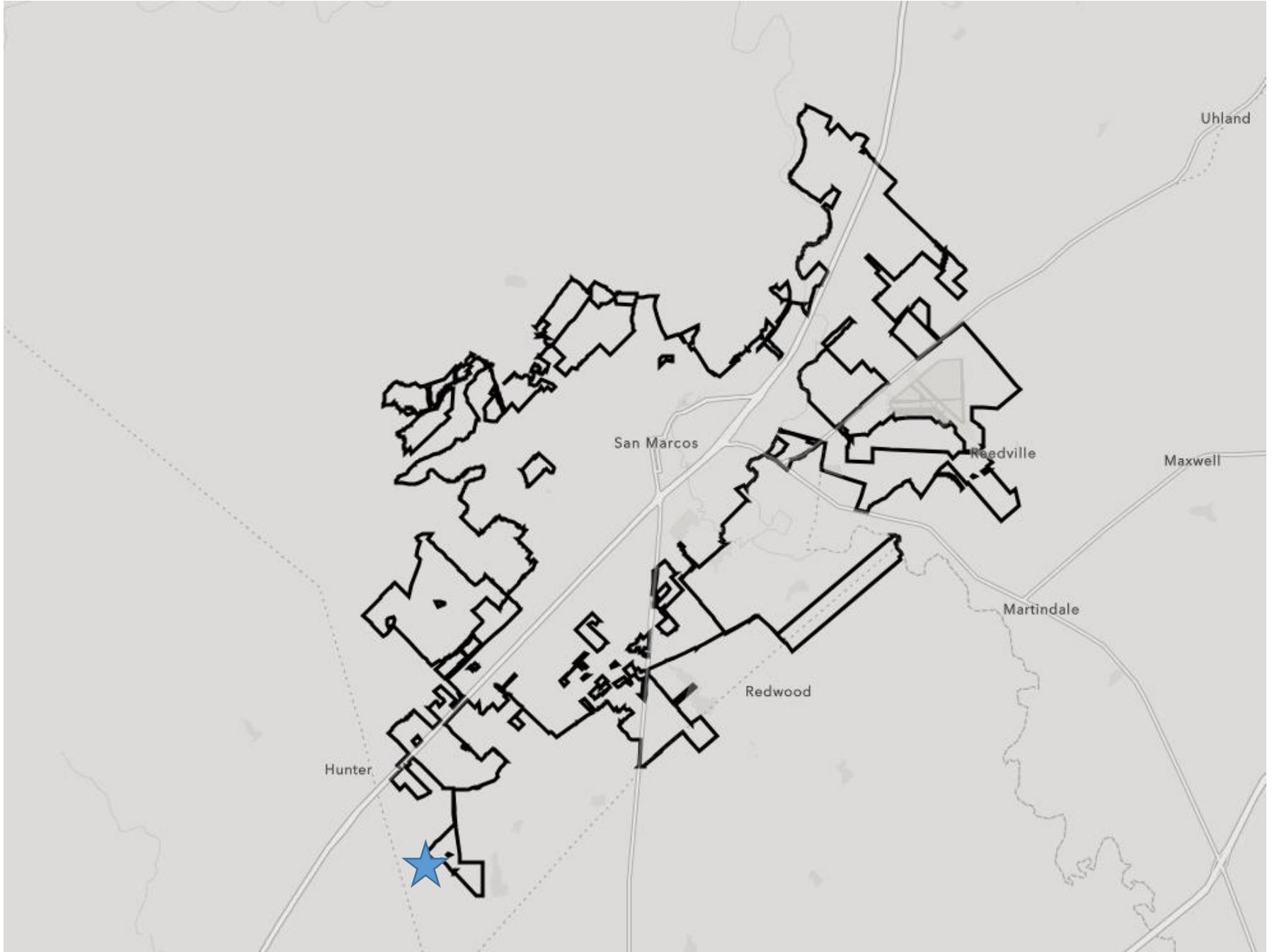
*Lyndee B. Clayton*

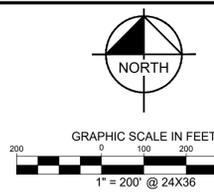
HAYS COUNTY, TEXAS  
1978 JUL 13 PM 4 42

### List of Lienholders

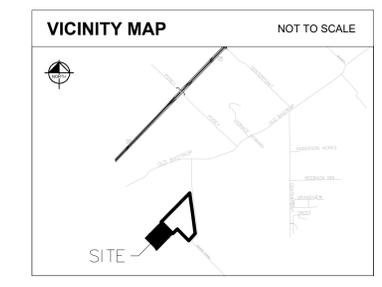
- **Tract 1:** First Financial Bank, N.A.  
1000 Forest Park Blvd.  
Fort Worth, TX 76110
  
- **Tract 2:** (None)

Location Map

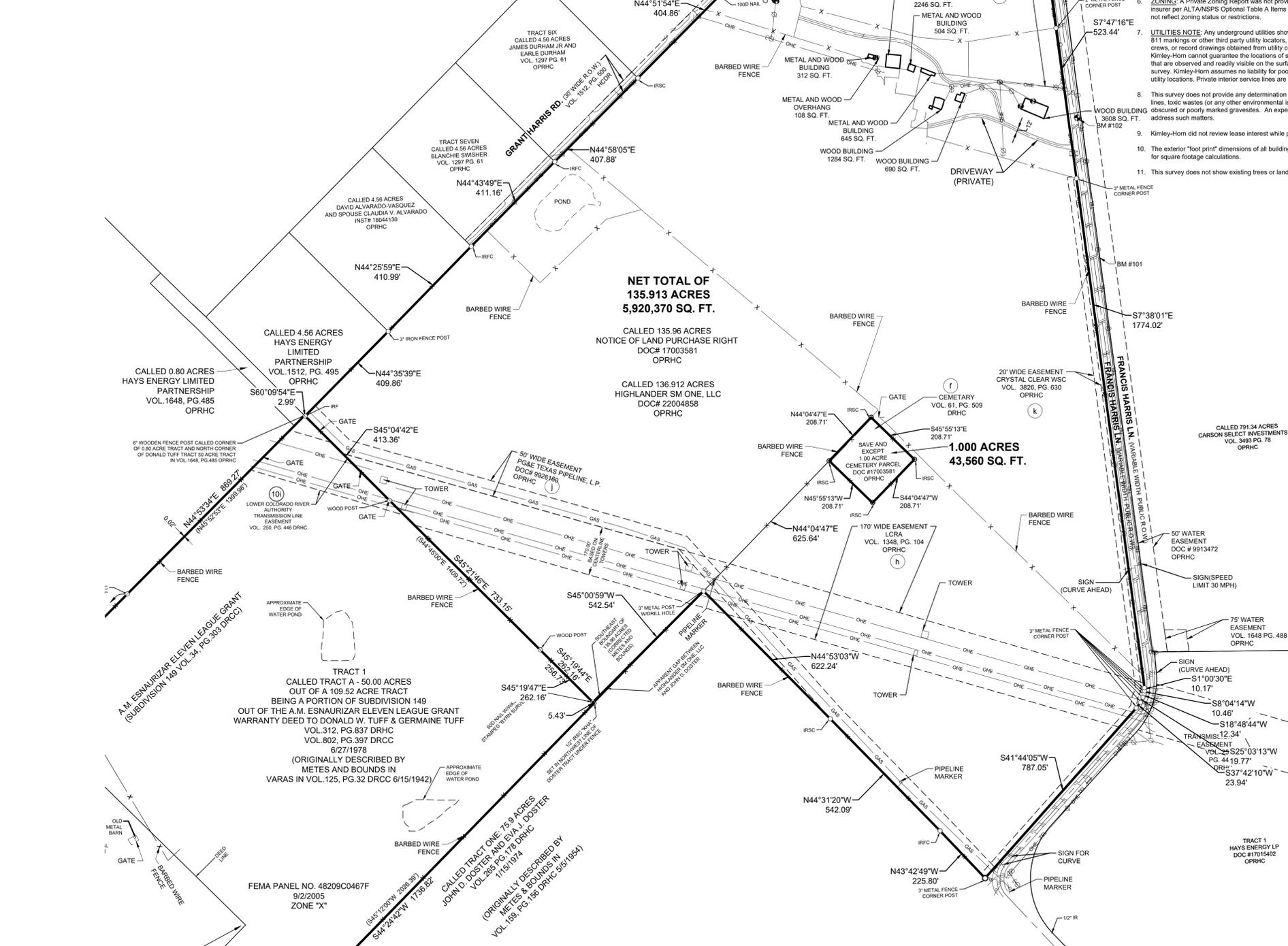




LINE TYPE LEGEND	
(---)	BOUNDARY LINE
(---)	EASEMENT LINE
(---)	BUILDING LINE
(---)	GAS
(---)	UNDERGROUND GAS LINE
(---)	OHE
(---)	OVERHEAD UTILITY LINE
(---)	UGT
(---)	UNDERGROUND TELEPHONE LINE
(---)	FENCE
(---)	ASPHALT PAVEMENT



LEGEND	
(○)	CABLE TV HANDHOLE
(○)	TELEPHONE HANDHOLE
(○)	GUY ANCHOR
(○)	ELECTRIC METER
(○)	UTILITY POLE
(○)	A/C UNIT
(○)	AC UNIT
(○)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
(○)	DRHC RECORDS OF HAYS COUNTY
(○)	MAIL BOX
(○)	SANITARY SEWER CLEAN OUT
(○)	TREE
(○)	IRON ROD W/ "KHA" CAP SET
(○)	IRON ROD W/ CAP STAMPED "BYRN SURVEY" FOUND
(○)	IRON ROD FOUND
(○)	P.O.B. POINT OF BEGINNING
(○)	DRHC RECORDS OF HAYS COUNTY
(○)	DRHC RECORDS OF HAYS COUNTY



**GENERAL NOTES:**

- TITLE COMMITMENT NOTES:** This survey was performed utilizing that certain title report prepared by Fidelity National Title Insurance Company, G.F. No. 21-4431-C (Issue Date: October 27, 2021; Effective Date: October 7, 2021) and reflects only those easements and encumbrances of record mentioned therein. Kimley-Horn did not abstract the public records. The surveyed tract may be subject to additional government regulations and restrictions prior to further site development.
- FLOOD STATEMENT:** (USE FOR ZONE X UNSHADED) According to Community Panel No. 48209C0486F dated September 2, 2005 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject tract is located within Zone "X" (un-shaded) which is defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain; commonly known as the 500-year floodplain. Zone "X" (un-shaded) is outside of any FEMA established flood hazard zone. All zone delineations shown hereon are approximate. This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create any liability on the part of Kimley-Horn or the undersigned.
- GEODETTIC BASIS STATEMENT:**

**HORIZONTAL CONTROL:** The bearings, distances, areas and coordinates shown hereon are the Texas State Plane Coordinate System, SOUTH CENTRAL Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the GRID. The unit of linear measurement is U.S. Survey Feet.
- ENCROACHMENTS:** Per ALTA/NSPS Survey Standards Item 5, Section C. Paragraph III: The term "Encroachment" implies a legal opinion. "Evidence of potentially encroaching structural appurtenances and projections observed in the process of conducting fieldwork" relative to title lines, setbacks, adjoining properties, and rights-of-way, will be shown, but the survey will make no judgment of "encroachment" or "non-encroachment".
- The subject tract has access to the public street right-of-ways of Francis Harris Lane.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ALTA/NSPS Optional Table A Items 6(a/b). This survey does not reflect zoning status or restrictions.
- UTILITIES NOTE:** Any underground utilities shown hereon are from Texas 811 markings or other third party utility locators, and located by survey crews, or record drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- This survey does not provide any determination concerning wetlands, fault lines, toxic wastes (or any other environmental issue), archeological sites or obscured or poorly marked grave sites. An expert consultant should address such matters.
- Kimley-Horn did not review lease interest while performing survey.
- The exterior "foot print" dimensions of all building shown hereon are used for square footage calculations.
- This survey does not show existing trees or landscaping.

**NOTES ADDRESSING SCHEDULE B EXCEPTIONS:**

- (Pursuant to Commitment for Title Insurance listed in General Note 1.)
- The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
    - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.
    - Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. The term "encroachment" includes encroachment of existing improvements located on the land onto adjoining land, and encroachments on the land of existing improvements located on adjoining land in the event of a conflict between this exception and Covered Risk 1 (C), this exception shall control. (Applies to Owner's Policy only)
    - Subject to terms in possession under unrecorded leases or rental agreements.
    - Any portion of the property lying within the boundary of any road or roadway.
    - Subject to any and all rights and/or privileges existing or which may later exist by virtue of that portion of the subject property being used as a cemetery including, but not limited to, the rights of sepulcher and interment and the rights of ingress and egress in and to said cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Deed recorded in Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deed Records of Hays County, Texas, and being transferred to San Marcos Telephone Company by instrument recorded in Volume F, Page 509, Deed Records of Hays County, Texas. (DOES NOT AFFECT)
    - Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9413, District Court Records, Hays County, Texas, as recorded in Volume R, Page 492, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9026150, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, by and between Hays Energy, LLC, a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited partnership, and ENGIE Development, LLC, Delaware limited liability company, as recorded in Document No. 17003081, of the Official Public Records of Hays County, Texas.
    - Right of first refusal as set forth in Notice of Land Purchase Right, dated M. January 3, 2017, recorded in Document No. 17003081, of the Official Public Records of Hays County, Texas.
    - Subject property lies within the boundaries of York Creek Improvement District and may be subject to taxes or special assessments as provided by law.

**LEGAL DESCRIPTION:**

(Pursuant to Commitment for Title Insurance listed in General Note 1.)

DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 AND 167 OF THE DIVISION OF THE AM ENSAURIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1948 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9, 1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

**SURVEYORS CERTIFICATION:**

To: Highlander Real Estate Partners, LLC,  
(name of lender, if known);  
(name of insurer, if known);  
(names of others as negotiated with the client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 8, 9, 13 and 16 of Table A thereof.

Field Work Date: 10/21/2021  
Survey Date: 11/09/2021  
Revised Date: 1/27/2025

*John G. Mosier*  
John Gregory Mosier  
Registered Professional Land Surveyor No. 6330  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166  
greg.mosier@kimley-horn.com



**METS AND BOUNDS:**

- BEING a 136.913 acre (5,963,930 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.913 (5,920,370 square feet) of land situated in the A.M. Esnaurizar Survey aka A.M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas, and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County, Texas; and being more particularly described as follows:
- BEGINNING** at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public right-of-way) and the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;
- THENCE** along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:
- South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner;
  - South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner;
  - South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;
  - South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;
  - South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;
  - South 08°18'44" West, 10.46 feet to a 3-inch metal fence post found for corner;
  - South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner;
  - South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;
  - South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;
  - South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;
- THENCE**, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances:
- North 43°42'49" West, 225.80 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°31'03" West, 542.09 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;
- THENCE**, South 45°00'59" West, 542.54 feet along the northeasterly line of that 75.9 acre tract to a 600 nail with washer stamped "BYRN SURVEY" found for corner;

**THENCE**, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff In Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and distances:

  - North 45°19'44" West, 262.16 feet to a wood post found for corner;
  - North 45°21'46" West, 733.15 feet to a wood post found for corner;
  - North 45°04'42" East, 413.36 feet to a 1/2-inch iron rod found for corner;

**THENCE**, North 44°33'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495 of the Official Public Records of Hays County;

**THENCE**, North 44°25'59" East, 410.99 feet to a 1/2-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document No. 18044130 of the Official Public Records of Hays County;

**THENCE** along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances:

  - North 44°43'49" East, 411.16 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°58'05" East, 407.88 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - North 44°51'54" East, 404.86 feet to a 1000 nail found for corner;
  - North 44°32'48" East, 405.35 feet to a 1/2-inch capped iron rod found for corner;
  - North 44°19'19" East, 410.59 feet to a 1/2-inch capped iron rod found for corner;
  - North 45°29'28" East, 450.37 feet to a 1/2-inch capped iron rod found for corner;
  - North 45°29'21" East, 169.58 feet along the southeasterly right-of-way line of Grant Harris Road to the POINT OF BEGINNING and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

**COMMENCING** at a 1/2-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract:

**THENCE**, North 44°04'47" East 625.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" to the POINT OF BEGINNING of the Save and Except described herein;

Thence the following three (3) courses and distances across the said 136.96 acre tract:

  - North 44°04'47" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - South 45°55'13" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
  - South 44°04'47" West, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;

**THENCE**, North 45°55'13" West 208.71 feet to the POINT OF BEGINNING, and containing 1.000 acre (43,560 square feet), for a total of 136.913 acres of land in Hays County, Texas.

The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**ALTA/NSPS LAND TITLE SURVEY**  
135.913 ACRES  
A. M. ENSAURIZAR SURVEY AKA A. M. ENSANRIZAR SURVEY, ABSTRACT NO. 6  
HAYS COUNTY, TEXAS

**Kimley»Horn**

601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

No.	DATE	REVISION DESCRIPTION
1	1/27/25	updated survey name to include AKA

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	MAV	JGM	1/27/2025	068727800	1 OF 1

**A METES AND BOUNDS  
DESCRIPTION OF A  
63.578 ACRE TRACT OF LAND**

**BEING** a 63.578 acre (2,769,448 square feet) tract of land situated in the A.M. Esnaurizar Survey, aka A. M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas, and being a portion of the A.M. Esnaurizar Eleven League Grant Subdivision 149, plat of which is recorded in Volume 34, Page 303, Deed Records Comal County, and containing all of that certain tract 50.00 acre Tract A, and a portion of that certain 50.00 acre Tract B, both described in instrument to Donald W. Tuff and Germaine Tuff in Volume 312, Page 837, Deed Records Hays County, and Volume 802, Page 397, Deed Records Comal County; and being more particularly described as follows:

**BEGINNING** at a 6-inch wood fence post found on the southwesterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495, Official Public Records Hays County, marking the North corner of said 50.00 acre Tract A, and the East corner of that certain 0.80 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1648, Page 485, Official Public Records Hays County; and marking the north corner of the herein described tract;

**THENCE**, South 60°09'54" East, 2.99 feet along the southwesterly line of said 4.56 acre tract to a 1/2-inch iron rod found marking the West corner of that certain 136.912 acre tract described in instrument to Highlander SM, LLC in Document No. 22004858, Official Public Records Hays County;

**THENCE**, along the common line of said 136.912 acre tract and said 50.00 acre Tract A, the following three (3) calls:

1. South 45°04'42" East, 413.36 feet to a wood fence post found for corner;
2. South 45°21'46" East, 733.15 feet to a wood fence post found for corner;
3. South 45°19'47" East, at 256.73 feet passing a 60d-nail with washer stamped "BYRN Survey" found marking the southwest corner of said 136.912 acre tract; continuing for a total distance of 262.16 feet to a 1/2-inch iron rod with cap stamped "KHA" set under a barbed wire fence on the northwesterly line of that certain 75.9 acre Tract One, described in instrument to John D. Doster and Eva J. Doster, recorded in Volume 265, Page 178, Deed Records Hays County, and marking the East corner of herein described tract;

**THENCE**, South 44°24'42" West, 1736.82 feet along the common line of said 50.00 acre Tract A and said 75.9 acre tract, to a found 1-inch iron pipe called for as the west corner of said 75.9 acre tract, and the northeast corner of that certain 46.8 acre Tract Three, recorded in said in Volume 265, Page 178;

**THENCE**, along the common line of said 46.8 acre tract and aforesaid 50.00 acre Tract A, the following two (2) calls:

1. South 44°40'50" West, 283.13 feet to a 6-inch wood corner post marking the South corner of herein described tract, and an interior North corner of said 46.8 acre tract;
2. North 29°48'52" West, 286.88 feet to an 8-inch wood corner post found marking the northern-most northwest corner of said 46.8 acre tract, and a southeast corner of aforesaid 50.00 acre Tract B;

**THENCE**, North 45°16'07" West, 1151.95 feet crossing said 50.00 acre Tract B to a 1/2-inch iron rod with cap stamped "KHA" set on the southeasterly line of that certain called 49.68 acre tract described in instrument to Connie D. Martin in Document No. 80031113, Official Public Records Hays County, and marking the West corner of the herein described tract; said set rod bears South 44°58'19" West, 687.46 feet to a 1/2-inch iron rod with illegible cap found at the called North corner of Subdivision 124 of Esnaurizar Grant, and marking:

1. the South corner of said 49.68 acre tract;
2. the East corner of that certain tract 3.02 acre tract described in instrument to Connie Martin in Document No. 2008-80031897, Official Public Records Hays County, and Document No. 20080604468 Official Public Records Comal County;
3. the North corner of that certain 2.54 acre tract out of a 3.74 acre tract, described in instrument to Donald and Germaine Tuff in Volume 928, Page 471, Deed Records Comal County; said found rod bears: South 67°37'49" East, 36.85 feet to a found 25" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball), and North 11°50'10" West, 56.35 feet to a found 22" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball);

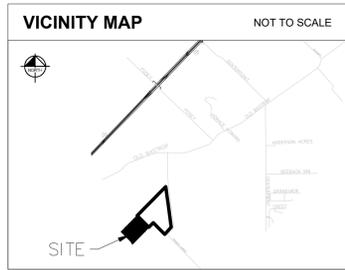
**THENCE**, along common line of said 49.68 acre tract, and of said 50.00 acre Tract A and said 50.00 acre Tract B, the following three (2) calls:

1. North 44°58'19" East, 1,073.33 feet to a 1/2-inch iron rod with cap stamped "ASH 5687" found for corner;
2. North 44°53'34" East, 869.27 feet to the **POINT OF BEGINNING**, and containing 63.578 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NADd'83). All distances are on the Grid and shown in U.S. Survey Feet. This description was generated on 8/28/2024 at 2:31 pm, based on geometry in the drawing file k:\sna\_survey\highlander real estate partners\068727800-Francis Harris\Dwg\Francis Harris Base.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

*John G. Mosier 1-16-2025*

John G. Mosier  
Registered Professional Land Surveyor No. 6330  
Kimley-Horn and Associates, Inc.  
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San Antonio, Texas 78216  
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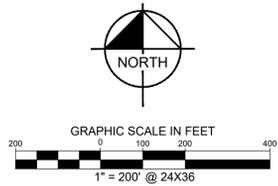
**TITLE COMMITMENT LEGAL DESCRIPTION:**

TRACT 1: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT A CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO.

TRACT 2: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT B CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "B" ATTACHED HERETO.

TRACT 3: BEING 1.2 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNAURIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 496, PAGE 300, OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 386, PAGE 188, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "C" ATTACHED HERETO.

TRACT 4: BEING 2.54 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNAURIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 928, PAGE 471, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.



**LINE TYPE LEGEND**

---	UTILITY POLE
---	EASEMENT LINE
---	BUILDING LINE
---	IRON ROD FENCE
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	"BYRN SURVEY" FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF COMAL COUNTY
---	DRCC DEED RECORDS OF COMAL COUNTY
---	PLAT RECORDS OF COMAL COUNTY
---	DEED CALL

**LEGEND**

---	GUY ANCHOR
---	UTILITY POLE
---	1/2" IRON ROD W/ "KHA" CAP SET
---	IRON ROD W/ CAP STAMPED
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	"BYRN SURVEY" FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF HAYS COUNTY
---	DRHC DEED RECORDS OF COMAL COUNTY
---	DRCC DEED RECORDS OF COMAL COUNTY
---	PLAT RECORDS OF COMAL COUNTY
---	DEED CALL

**A METES AND BOUNDS DESCRIPTION OF A 63.578 ACRE TRACT OF LAND**

BEING A 63.578 ACRE (2,769,448 SQUARE FEET) TRACT OF LAND SITUATED IN THE A. M. ESNAURIZAR SURVEY AKA A. M. ESNAURIZAR, ABSTRACT NO. 6, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT SUBDIVISION 149, PLAT OF WHICH IS RECORDED IN VOLUME 34, PAGE 303, DEED RECORDS COMAL COUNTY, AND CONTAINING ALL OF THAT CERTAIN TRACT A, AND A PORTION OF THAT CERTAIN 50.00 ACRE TRACT B, BOTH DESCRIBED IN INSTRUMENT TO DONALD W. TUFF AND GERMAINE TUFF IN VOLUME 312, PAGE 837, DEED RECORDS HAYS COUNTY, AND VOLUME 802, PAGE 397, DEED RECORDS COMAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 6-INCH WOOD FENCE POST FOUND ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 4.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1512, PAGE 495, OFFICIAL PUBLIC RECORDS HAYS COUNTY, MARKING THE NORTH CORNER OF SAID 50.00 ACRE TRACT A, AND THE EAST CORNER OF THAT CERTAIN 0.80 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1648, PAGE 485, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGHLANDER SM, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

**THENCE** ALONG THE COMMON LINE OF SAID 136.912 ACRE TRACT AND SAID 50.00 ACRE TRACT A, THE FOLLOWING THREE (3) CALLS:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
2. SOUTH 45°14'40" EAST, 733.15 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 600-NAIL W/ WASHER STAMPED "BYRN SURVEY" FOUND MARKING THE SOUTHWEST CORNER OF SAID 136.912 ACRE TRACT; CONTINUING FOR A TOTAL DISTANCE OF 262.16 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE NORTHWESTERLY LINE OF THAT CERTAIN 75.9 ACRE TRACT ONE, DESCRIBED IN INSTRUMENT TO JOHN D. DOSTER AND EVA J. DOSTER, RECORDED IN VOLUME 265, PAGE 178, DEED RECORDS HAYS COUNTY, AND MARKING THE EAST CORNER OF HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 44°24'42" WEST, 1736.82 FEET ALONG THE COMMON LINE OF SAID 50.00 ACRE TRACT A AND SAID 75.9 ACRE TRACT, TO A FOUND 1-INCH IRON PIPE CALLED FOR AS THE WEST CORNER OF SAID 75.9 ACRE TRACT, AND THE NORTHEAST CORNER OF THAT CERTAIN 46.8 ACRE TRACT THREE, RECORDED IN SAID IN VOLUME 265, PAGE 178;

**THENCE** ALONG THE COMMON LINE OF SAID 46.8 ACRE TRACT AND AFORESAID 50.00 ACRE TRACT A, THE FOLLOWING TWO (2) CALLS:

1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND AN INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

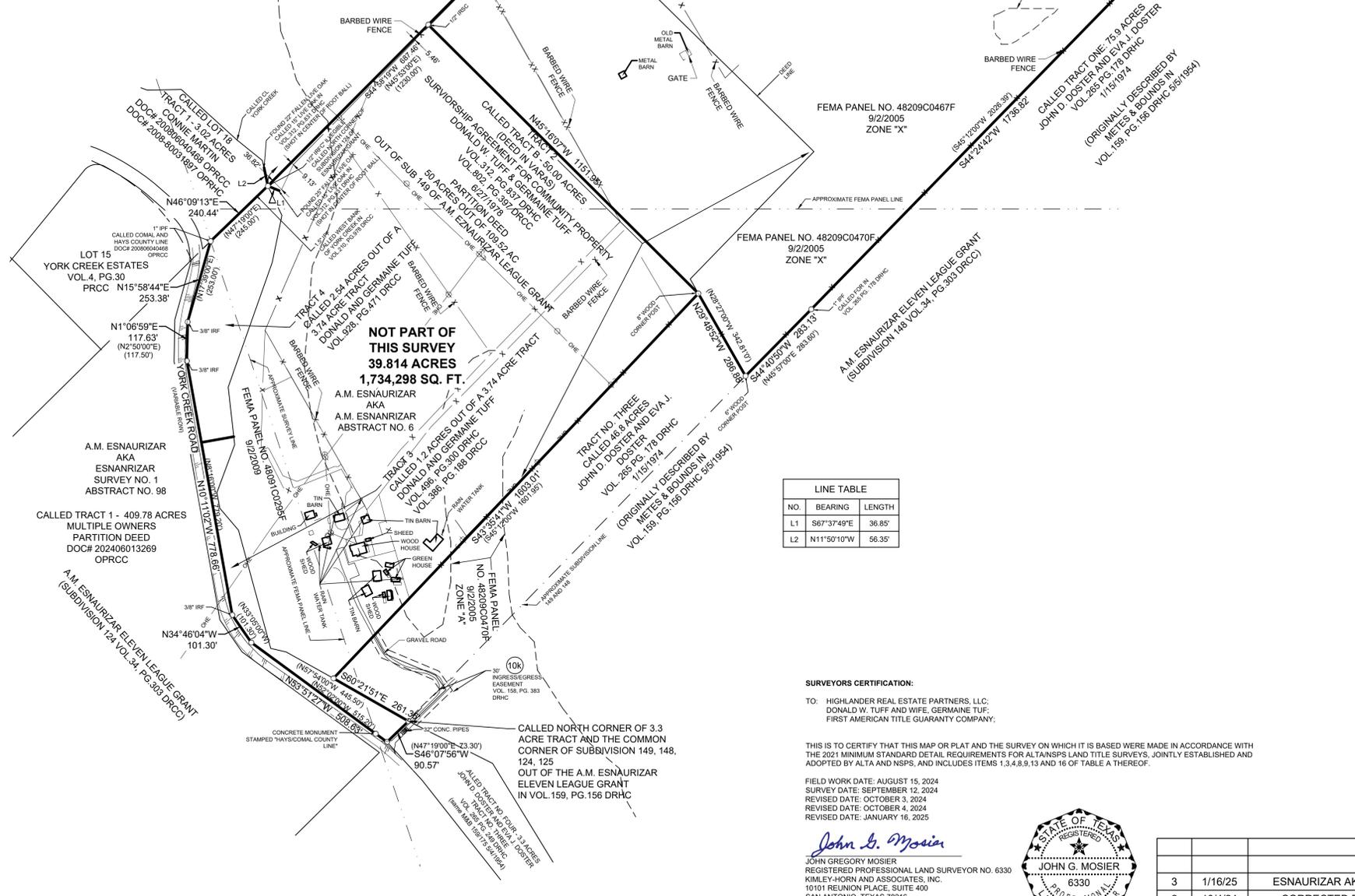
**THENCE** NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 49.68 ACRE TRACT, DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLIGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNAURIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.68 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20089004488 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 2" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

**THENCE**, ALONG COMMON LINE OF SAID 49.68 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (3) CALLS:

1. NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
2. NORTH 44°53'34" EAST, 869.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS, THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NAD83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/26/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER\_REAL\_ESTATE\_PARTNERSHIP\8087780\FRANCIS\_HARRIS\DWG\FRANCIS\_HARRIS\_BASIS.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.

**SUBJECT TRACT 63.578 ACRES 2,769,448 SQ. FT.**



**LINE TABLE**

NO.	BEARING	LENGTH
L1	S67°37'49"E	36.85'
L2	N11°50'10"W	56.35'

**SURVEYORS CERTIFICATION:**

TO: HIGHLANDER REAL ESTATE PARTNERS, LLC, DONALD W. TUFF AND WIFE, GERMAINE TUFF; FIRST AMERICAN TITLE GUARANTY COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 8, 9, 13 AND 16 OF TABLE A THEREOF.

FIELD WORK DATE: AUGUST 15, 2024  
 SURVEY DATE: SEPTEMBER 12, 2024  
 REVISED DATE: OCTOBER 3, 2024  
 REVISED DATE: OCTOBER 4, 2024  
 REVISED DATE: JANUARY 16, 2025

*John G. Mosier*  
 JOHN GREGORY MOSIER  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6330  
 KIMLEY-HORN AND ASSOCIATES, INC.  
 10101 REUNION PLACE, SUITE 400  
 SAN ANTONIO, TEXAS 78216  
 PH. 210-541-9166  
 GREG.MOSIER@KIMLEY-HORN.COM



**EXCEPTIONS FROM COVERAGE**

IN ADDITION TO THE EXCLUSIONS AND CONDITIONS AND STIPULATIONS, YOUR POLICY WILL NOT COVER LOSS, COSTS, ATTORNEY'S FEES, AND EXPENSES RESULTING FROM:

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):
  - DELETED
2. RIGHTS OF PARTIES IN POSSESSION (OWNER'S POLICY ONLY) THIS EXCEPTION MAY BE DELETED AT THE REQUEST OF THE PROPOSED INSURED, UPON A PHYSICAL INSPECTION BY THE TITLE COMPANY AND PAYMENT OF ITS REASONABLE AND ACTUAL COSTS THEREOF.
3. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.
4. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ON THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND IN THE EVENT OF A CONFLICT BETWEEN THIS EXCEPTION AND COVERED RISK 1 (C); THIS EXCEPTION SHALL CONTROL (APPLIES TO OWNER'S POLICY ONLY)
5. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.
6. ALL CONVEYANCES, CONTRACTS, DEEDS, RESERVATIONS, EXCEPTIONS, LIMITATIONS, LEASES, AND SIMILAR INTERESTS IN OR TO ANY GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES BELOW THE SURFACE OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, ALL AS PROVIDED BY SECTION 2703.056 (A) OF THE TEXAS INSURANCE CODE.
7. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO HOPE ENGINEERING AND SUPPLY COMPANY, A CORPORATION, DATED JANUARY 11, 1928, RECORDED IN VOLUME 54, PAGE 638, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
8. EASEMENT RESERVED IN PARTITION DEED EXECUTED BY AND BETWEEN EMMA GLENEWINKEL, AND IDA H. SOECHTING (NEE GLENEWINKEL JOINED BY HUSBAND EGON SOECHTING, RICHARD O. GLENEWINKEL, HARRY GLENEWINKEL, AND CARL W. GLENEWINKEL, AS RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), VOLUME 146, PAGE 409 (SUBJECT TO), AND VOLUME 146, PAGE 413 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
9. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO UNITED GAS PIPE LINE COMPANY, DATED MARCH 10, 1948, RECORDED IN VOLUME 90, PAGE 624 (SUBJECT TO), OF THE COMAL RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
10. EASEMENT EXECUTED BY JEROME DIETERT AND WIFE, MARGARET DIETERT, TO LOWER COLORADO RIVER AUTHORITY, DATED MARCH 20, 1972, RECORDED IN VOLUME 250, PAGE 446 (SUBJECT TO AS SHOWN), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
11. RESERVATION OF ALL SUBTERRANEAN WATERS INCLUDING, WITHOUT LIMITATION, ALL PERCOLATING WATERS AND UNDERGROUND RESERVOIRS AND ALL OTHER RIGHTS IN CONNECTION WITH SAME, AS SET FORTH BY INSTRUMENT(S) RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), AND VOLUME 146, PAGE 409 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
12. TERMS, CONDITIONS, AND STIPULATIONS IN THAT CERTAIN AGREEMENT, BY AND BETWEEN IDA H. SOECHTING AND RICHARD O. GLENEWINKEL AND WIFE, HEDWIG GLENEWINKEL, AS RECORDED IN VOLUME 146, PAGE 411, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 158, PAGE 383, (DOES NOT AFFECT) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
13. UNDIVIDED INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS IN, ON, UNDER OR THAT L. MAY BE PRODUCED FROM THE HEREIN DESCRIBED PROPERTY, TOGETHER WITH ALL RIGHTS RELATING THERETO, EXPRESS OR IMPLIED, RESERVED UNTO JEROME DIETERT AND MARGARET DIETERT IN DEED TO DONALD W. TUFF AND WIFE, GERMAINE TUFF, DATED 12/27/1978, AND RECORDED IN VOLUME 312, PAGE 837, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, SAID MINERAL INTEREST NOT TRACED SUBSEQUENT TO THE DATE OF THE ABOVE CITED INSTRUMENT.
14. SUBJECT PROPERTY LINES WITHIN THE BOUNDARIES OF YORK CREEK IMPROVEMENT DISTRICT. (SUBJECT TO)

**GENERAL NOTES:**

1. TITLE COMMITMENT NOTES: THIS SURVEY WAS PERFORMED UTILIZING THAT CERTAIN TITLE REPORT PREPARED BY FIRST AMERICAN TITLE GUARANTY COMPANY, G.F. NO. 24-1545-C, (ISSUE DATE: JUNE 3, 2024, EFFECTIVE DATE: MAY 28, 2024) AND REFLECTS ONLY THOSE EASEMENTS AND ENCUMBRANCES OF RECORD MENTIONED THEREIN. KIMLEY-HORN DID NOT ABSTRACT THE PUBLIC RECORDS. THE SURVEYED TRACT MAY BE SUBJECT TO ADDITIONAL GOVERNMENT REGULATIONS AND RESTRICTIONS PRIOR TO FURTHER SITE DEVELOPMENT.
2. FLOOD STATEMENT: ACCORDING TO COMMUNITY PANEL NO. 48209C0467F DATED SEPTEMBER 2, 2005 AND 48209C0470F DATED SEPTEMBER 2, 2005 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.
3. GEODETIC BASIS STATEMENT:
  - HORIZONTAL CONTROL: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE GRID. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.
  - ENCROACHMENTS: PER ALTA/NSPS SURVEY STANDARDS ITEM 5, SECTION C, PARAGRAPH III THE TERM "ENCROACHMENT" IMPLIES A LEGAL OPINION, "EVIDENCE OF POTENTIALLY ENCROACHING STRUCTURAL APPURTENANCES AND PROJECTIONS OBSERVED IN THE PROCESS OF CONDUCTION FIELDWORK" RELATIVE TO TITLE LINES, SETBACKS, ADJOINING PROPERTIES, AND RIGHTS-OF-WAYS, WILL BE SHOWN, BUT THE SURVEY WILL MAKE NO JUDGMENT OF "ENCROACHMENT" OR "NON-ENCROACHMENT".
  - ZONING: A PRIVATE ZONING REPORT WAS NOT PROVIDED BY THE OWNER OR THE INSURER PER ALTA/NSPS OPTIONAL TABLE A ITEMS (A)(B). THIS SURVEY DOES NOT REFLECT ZONING STATUS OR RESTRICTIONS.
  - UTILITIES NOTE: ANY UNDERGROUND UTILITIES SHOWN HEREON ARE FROM TEXAS 811 MARKINGS OR OTHER THIRD PARTY UTILITY LOCATORS, AND LOCATED BY SURVEY CREWS, OR RECORD DRAWINGS OBTAINED FROM UTILITY COMPANIES REPRESENTATIVES. KIMLEY-HORN CANNOT GUARANTEE THE LOCATIONS OF SAID UTILITIES EXCEPT THOSE THAT ARE OBSERVED AND READILY VISIBLE ON THE SURFACE AT THE TIME OF THIS SURVEY. KIMLEY-HORN ASSUMES NO LIABILITY FOR POORLY OR IMPROPERLY MARKED UTILITY LOCATIONS. PRIVATE INTERIOR SERVICE LINES ARE NOT SHOWN.
  - THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTES (OR ANY OTHER ENVIRONMENTAL ISSUE), ARCHEOLOGICAL SITES OR OBSERVED OR POORLY MARKED GRAVESITES. AN EXPERT CONSULTANT SHOULD ADDRESS SUCH MATTERS.
  - KIMLEY-HORN DID NOT REVIEW LEASE INTEREST WHILE PERFORMING SURVEY.
  - THE EXTERIOR "FOOT PRINT" DIMENSIONS OF ALL BUILDING SHOWN HEREON ARE USED FOR SQUARE FOOTAGE CALCULATIONS.

**ALTA/NSPS LAND TITLE SURVEY**  
**63.578 ACRES**

A. M. ESNAURIZAR SURVEY AKA A. M. ESNAURIZAR SURVEY, ABSTRACT NO. 6 HAYS COUNTY, TEXAS

**Kimley»Horn**

10101 Reunion Place, Suite 400 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

No.	DATE	REVISION DESCRIPTION
3	1/16/25	ESNAURIZAR AKA ESNAURIZAR
2	10/4/24	CORRECTED BEARING CALL
1	10/3/24	UPDATE 10K REFERENCE

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	MAV	JGM	11/10/2021	068727800	1 OF 1

## DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

### Section 2.4.2.1 Applicability and Effect

- A. Applicability.** The process for a Comprehensive Plan map amendment applies to other associated City Master Plans and the maps thereof including:
1. Preferred Scenario Map;
  2. Thoroughfare Plan Map; and
  3. Greenways Plan.
- B. Effect.** Approved comprehensive plan map amendments shall authorize the approval of subsequent development applications consistent with the amendment.
- C. Use of Preferred Scenario Map.** The Preferred Scenario Map of the City's Comprehensive Plan shall be used to determine whether a request for a zoning map amendment may be considered by the City Council, based on Section 4.1.1.6.

### Section 2.4.2.2 Application Requirements

- A.** An application for a Comprehensive Plan map amendment shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.
- B.** Consideration of Preferred Scenario Map amendments that are modifications to a Neighborhood Low-Existing Place Type shall be limited to twice per year as determined by the Responsible Official.
- C.** A request for amendment of the Preferred Scenario Map submitted by a property owner must be accompanied by an application for a consistent zoning amendment for land within the city limits, or by a subdivision concept plat, for land within the ETJ.

(Ord. No. 2025-01, 1-21-25)

### Section 2.4.2.3 Approval Process

#### A. Responsible Official Action

1. Upon submission, the Responsible Official shall schedule the following informational meetings:
  - a. A neighborhood presentation meeting in accordance with Section 2.3.1.1(E).
  - b. An informational meeting with members of the Neighborhood Commission;
  - c. An informational meeting with members of the Planning and Zoning Commission, and;
  - d. An informational meeting with the City Council prior to the first City Council public hearing.
2. The Responsible Official shall provide notice of the application in accordance with Section 2.3.2.1.
3. The Responsible Official shall provide posted notice and personal notice in accordance with Section 2.3.2.1 for a public hearing before the Planning and Zoning Commission except for City Initiated changes where Notice shall be provided in accordance with Table 2.1.
4. The Responsible Official shall also provide published notice of two (2) public hearings before the City Council in accordance with Section 2.3.2.1.
5. The Responsible Official shall review the application for a Comprehensive Plan amendment in accordance with the criteria in Section 2.4.2.4 and provide a report to the Planning and Zoning Commission.
6. The Responsible Official shall also provide a report and any recommendations from the Planning and Zoning Commission to the City Council when the City Council considers the proposed amendment to a Comprehensive Plan Map.

(Ord. No. 2019-45, 12-17-19)

**B. Planning and Zoning Commission Action.**

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance Section 2.3.3.1.
2. The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application for a Comprehensive Plan amendment.
3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of six (6) members of the Planning and Zoning Commission.

(Ord. No. 2019-60, 9-1-20)

**C. City Council Action.**

1. Before taking final action on a proposed Comprehensive Plan amendment, the City Council shall hold two (2) public hearings where they may consider the recommendations of the Planning Commission, Responsible Official and any comments made during the public hearings.
2. The Council may review the application in light of the criteria in Section 2.4.2.4.
3. An application for a Comprehensive Plan amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.
4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five (5) members of the City Council.
5. After the public hearing is closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance.

(Ord. No. 2019-60, 9-1-20)

**Section 2.4.2.4 Criteria for Approval**

- A. The following list of criteria for review and recommendations regarding a proposed Comprehensive Plan amendment are not all-inclusive. Review and recommendations of proposed Comprehensive Plan amendments should consider whether:
  1. The proposed amendment is consistent with other policies of the Comprehensive Plan;
  2. The proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area.
  3. The proposed amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City;
  4. The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
  5. The proposed amendment constitutes a substantial benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and
  6. The proposed amendment will impact:
    - a. Adjacent properties;
    - b. Existing or future land use patterns;
    - c. Existing or planned public services and facilities;
    - d. Existing or planned transportation networks or greenways; and
    - e. The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management.

# COMMERCIAL/ EMPLOYMENT LOW

*To facilitate lower density, auto-oriented retail, office, and industrial type uses.*

Commercial/Employment Low places comprise much of the non-residential areas of San Marcos today. They tend to include a variety of industrial uses, distribution, auto-oriented retail, and dining options, as well as lower intensity, single use and standalone office uses, including civic, medical, and educational. It is expected that many of these existing areas will not transition to another place during the life of the plan, but there may still be opportunities to make these place types better connected and more desirable. New Commercial/Employment Low Areas should be focused on designated areas along or near highways.

**Land Use:** Primarily characterized by light to heavy industrial, warehouse and distribution, lower density office, and general commercial; additional uses may include civic, institutional, and hospitality.

**Built Form:** Typically 1-2 stories with buildings situated further from each other and further from the street than in most place types. Larger format retailers are often paired with strip commercial centers and/or pad development (smaller standalone buildings) located closer to the street, but still auto-oriented and frequently including a drive-through; industrial and distribution uses often include large outdoor storage areas; the typical employment density of these areas is 8-15 jobs per acre.

**Mobility:** Lower density road network with heavy reliance on frontage roads and internal site circulation, multi-use pathways and sidewalks. Major roadways should include dedicated bike facilities and transit connections.

**Amenities:** A range of parks, open spaces and trails can make Commercial/Employment Low areas more attractive, but are not essential to make them a highly functioning place.

# COMMERCIAL/ EMPLOYMENT LOW

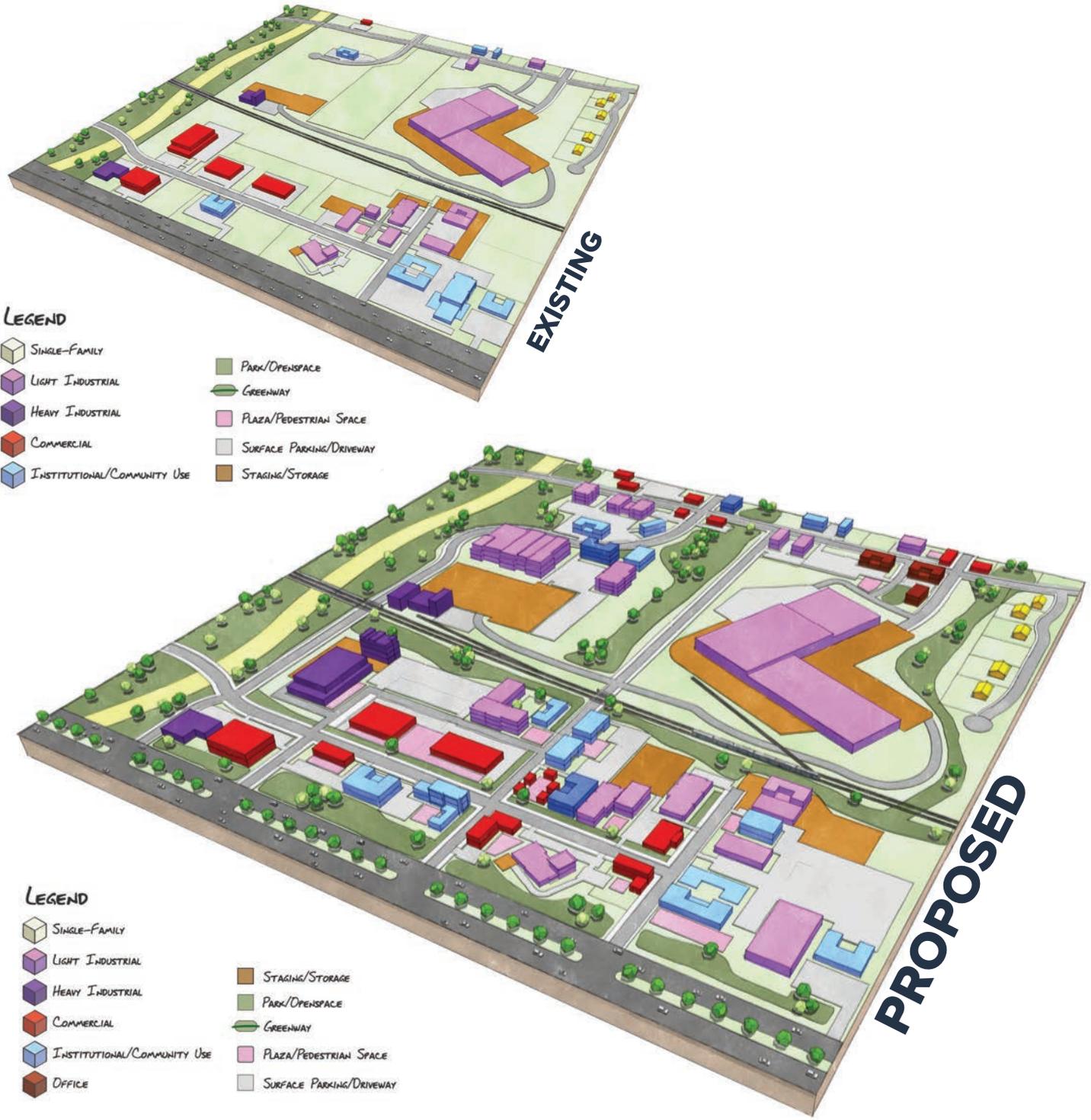
<b>Primary Land Uses</b>	<ul style="list-style-type: none"> <li>• Light to Heavy Industrial</li> <li>• Warehouse and Distribution</li> <li>• Lower Density Office</li> <li>• Lower Density Retail</li> </ul>
<b>Secondary Land Uses</b>	<ul style="list-style-type: none"> <li>• Supportive Service Commercial (e.g., gas stations)</li> <li>• Civic Uses and Parks and Open Space</li> </ul>
<b>Mobility Characteristics</b>	<ul style="list-style-type: none"> <li>• Lower density road network with accommodations for large vehicles</li> <li>• Multi-use pathways and sidewalks</li> <li>• Dedicated bike facilities throughout</li> <li>• Transit connections at key nodes</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Primarily off-street parking lots (shared parking highly encouraged)</li> <li>• On-street in certain situations</li> </ul>
<b>Parks and Open Space</b>	<ul style="list-style-type: none"> <li>• Community Parks to provide active and passive recreational opportunities for employees and residents nearby, as well as integrated stormwater features</li> <li>• Regional Parks to provide recreational opportunities and to potentially buffer these places from neighborhoods</li> <li>• Pocket Parks and Plazas to create places for outdoor seating and dining</li> <li>• Trails and Greenways to provide transportation and recreational opportunities connecting to and through the area</li> <li>• Common Open Space with integrated stormwater features and passive recreation amenities</li> </ul>
<b>Desirable Transitions</b>	<ul style="list-style-type: none"> <li>• Neighborhood Medium</li> <li>• Neighborhood High</li> <li>• Mixed Use Low</li> <li>• Mixed Use Medium</li> <li>• Commercial/Employment Medium</li> <li>• Conservation/Cluster</li> </ul>
<b>Fiscal Considerations</b>	<ul style="list-style-type: none"> <li>• Place Type with greatest potential to capture employment growth</li> <li>• Lower density uses generate less efficient infrastructure investment, but value of non-residential development will vary fiscal impact</li> <li>• Impact on calls for service varies by use (e.g., retail more, industrial less)</li> </ul>

## Overlay Characteristics/Considerations

Historic Resource	N/A
Environmental	Consider Low Impact Development (LID) applying Best Management Practices (BMPs) and other best practices with overall development limited to approximately 50% of land area
Cultural Resource	No Development



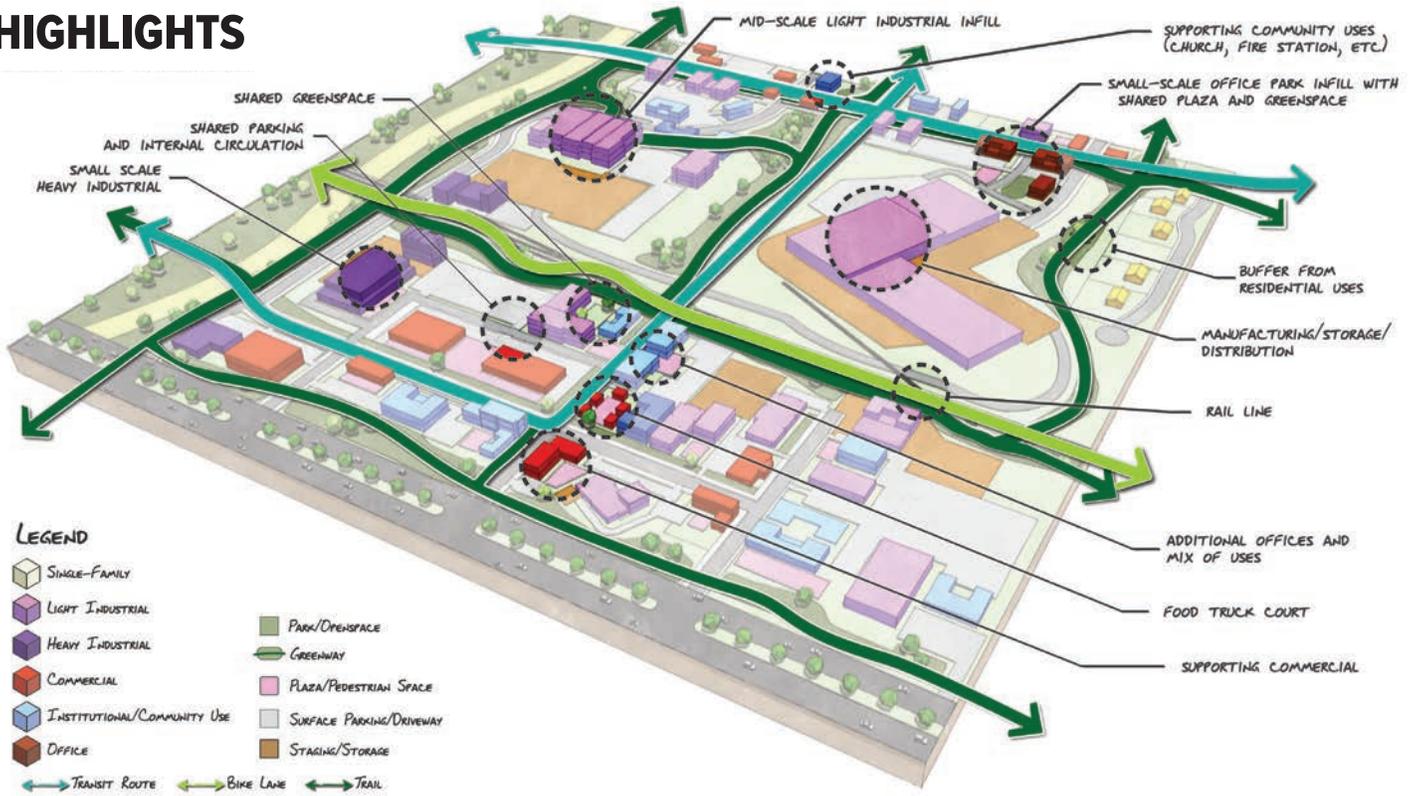
# COMMERCIAL/EMPLOYMENT LOW



Note: these graphics are for illustrative purposes only.

# COMMERCIAL/EMPLOYMENT LOW

## HIGHLIGHTS



Variety of industrial uses



Supporting office spaces



Small-scale parks with shared green space

# CONSERVATION/ CLUSTER

*To identify areas to conserve and reserve for future development as a means of focusing more intensive development in other areas of the community.*

*Development that does occur within conservation and reserve areas should be low impact to the natural environment by using a variety of development techniques and strategies.*

The Conservation/Cluster Place Type identifies areas where development would be discouraged over the life of the Comprehensive Plan. As community and stakeholder input and feedback were gathered, the conception of the place type evolved to also include guidance for when development may still occur within areas that are currently open space, farmland, or otherwise undeveloped. Development techniques and strategies to ensure San Marcos retains many of these assets and maintains a high environmental quality include Low Impact Development, clustered development, ranchettes, and small clusters of diverse housing in strategically located areas.

**Land Use:** These areas are primarily characterized by parks, improved open space, agricultural, ranch, and undeveloped land and may have public/institutional uses.

**Built Form:** While little to no development is often desired, typical development includes a diverse range of residential and some small amounts of 1-2 story mixed-use, commercial and civic development; the maximum density of these areas should be approximately 6-10 units per acre in developed areas and a typical net density of 1-5 units per acre.

**Mobility:** Emphasis on pedestrian facilities, connected trails, and shared use paths. In Reserve areas, utilities should generally be provided locally (e.g., well, septic, etc.) or via city utilities if more compact development is proposed.

**Amenities:** Large open spaces and trails are the most common amenities; in most instances, the lack of or limited development is an amenity in and of itself and water naturally flows through vegetation before reaching creeks.

# CONSERVATION/ CLUSTER

<b>Primary Land Uses</b>	<ul style="list-style-type: none"> <li>• Parks</li> <li>• Improved Open Space</li> <li>• Agricultural, Ranch, and Undeveloped Land</li> </ul>
<b>Secondary Land Uses</b>	<ul style="list-style-type: none"> <li>• Public/Institutional</li> <li>• Potential Clustered Housing and/or Mixed-Use Development with large buffer zones around creeks</li> </ul>
<b>Mobility Characteristics</b>	<ul style="list-style-type: none"> <li>• Limited and should typically limit higher order streets</li> <li>• Heavy emphasis on pedestrian facilities, typically in the form of trails and pathways</li> <li>• May accommodate bikes on bike lanes or shared use paths</li> <li>• Transit connections typically on periphery</li> <li>• In developed areas, lower density road network, primarily local streets</li> <li>• Sidewalks and/or multi-use pathways and shared streets</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Primarily self parked in garages, carports, and driveways</li> <li>• Supplemental on-street parking</li> </ul>
<b>Parks and Open Space</b>	<ul style="list-style-type: none"> <li>• Primarily Trails and Greenways to preserve the integrity of natural drainage corridors and provide transportation and recreational opportunities connecting to and through the area</li> <li>• Common Open Space with integrated stormwater features and passive recreation amenities</li> <li>• Neighborhood Parks to provide active and passive recreation opportunities for nearby residents, as well as integrated stormwater features</li> </ul>
<b>Desirable Transitions</b>	<ul style="list-style-type: none"> <li>• Neighborhood Low</li> <li>• Commercial/Employment Low</li> </ul>
<b>Fiscal Considerations</b>	<ul style="list-style-type: none"> <li>• None or has potential to perform like a Neighborhood Low or Medium Place Type if a cluster-style development is pursued</li> </ul>

## Overlay Characteristics/Considerations

Historic Resource	No Difference
Environmental	See above; primarily clustered development and very low density ranch and ranchette style housing
Cultural Resource	No Development



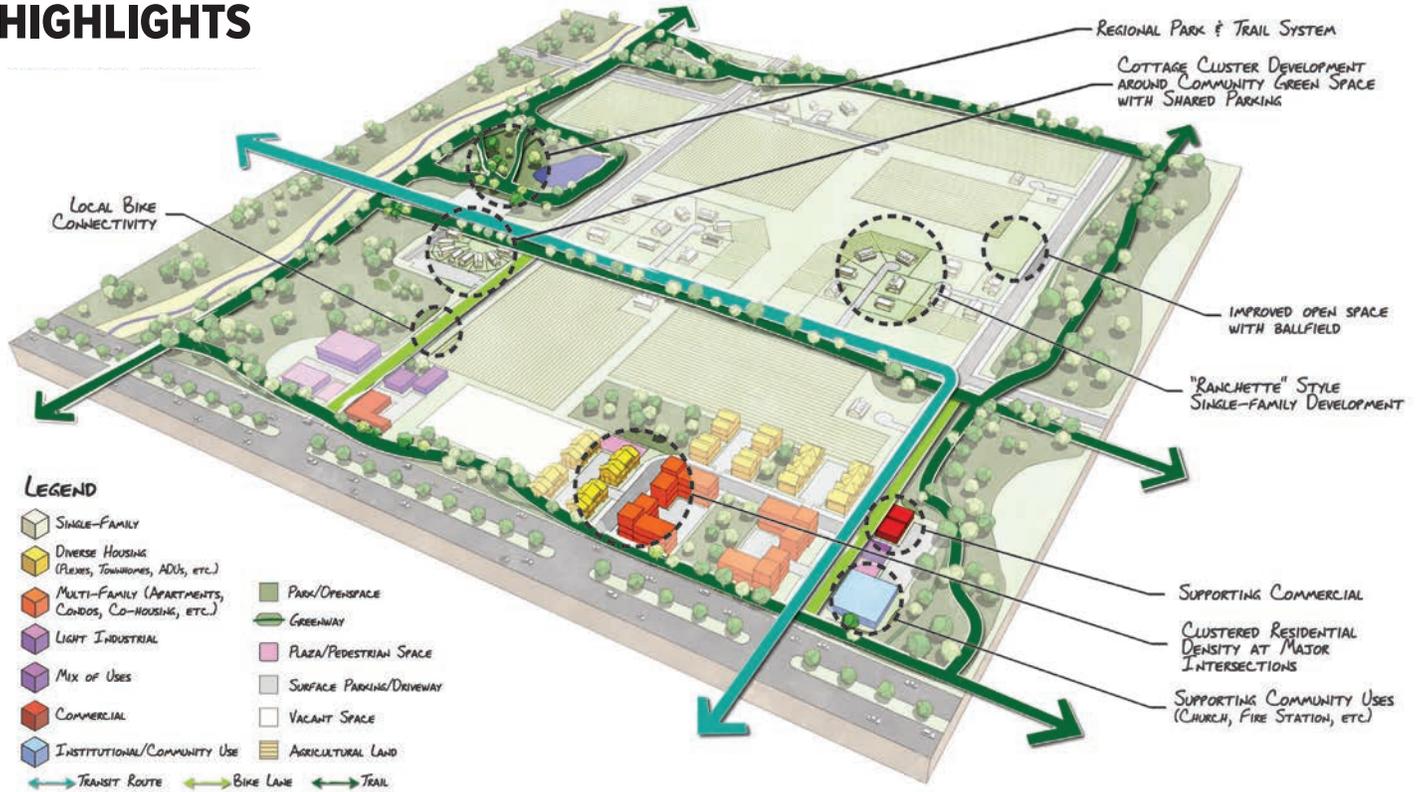
# CONSERVATION/CLUSTER



Note: these graphics are for illustrative purposes only.

# CONSERVATION/CLUSTER

## HIGHLIGHTS



Focus on clustered cottage style housing



Supporting commercial



Regional park and open space



Trail and multi-use path connectivity



Higher residential density at key locations



Supporting community uses

# Comprehensive Plan / District Translation Table 4.1

Commercial/Employment Low vs Conservation/ Cluster

Development Code Zoning Classifications :: Vision SMTX Comprehensive Plan Place Types

Zoning District		Place Types									
		Neighborhood Low-Existing	Neighborhood Low-New	Neighborhood Medium	Neighborhood High	Neighborhood Transition	Mixed Use Low	Mixed Use Medium	Employment/ Commercial Low	Employment/ Commercial Medium	Conservation/ Cluster
Conventional Residential	FD	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
	SF-R	C	NP	NP	-	-	-	-	-	-	-
	SF-6	C	C	NP	-	-	-	-	-	-	-
	SF-4.5	C	C	C	NP	-	-	-	-	-	-
Neighborhood Density Districts	ND-3	See Section 4.1.2.4 and 4.1.2.5 of the Development Code	C	C	NP	NP	NP	NP	-	-	-
	ND-3.2		C	C	NP	NP	NP	NP	-	-	-
	ND-3.5		C	C	C	C	NP	NP	-	-	-
	ND-4		C	C	C	C	C	NP	-	-	-
	N-CM		C	C	C	C	C	C	-	C	-
Character Districts	CD-1	C	C	NP	NP	C	-	-	NP	NP	See Section 4.1.2.6 of the Development Code
	CD-2	-	NP	-	-	-	-	-	-	-	
	CD-2.5	-	C	NP	NP	C	-	-	-	-	
	CD-3	-	C	NP	NP	C	NP	-	-	-	
	CD-4	-	NP	-	NP	NP	C	C	NP	C	
	CD-5	-	-	-	-	NP	NP	C	NP	C	
	CD-5D	-	-	-	-	-	-	C	-	-	
	PA	-	C*	-	-	-	C*	C*	C*	C*	
Special Districts	CM	-	-	-	-	-	NP	NP	C	C	NP
	HC	-	-	-	-	-	NP	NP	C	C	-
	LI	-	-	-	-	-	-	-	C	NP	-
	HI	-	-	-	-	-	-	-	C	NP	-
	MH	-	C	NP	NP	NP	NP	-	-	-	NP

C= Consider      NP= Not Preferred      (-) = Preferred Scenario Amendment (PSA) Required

*\*For Table 4.18, Employment Center = Employment/Commercial Medium and Low; High Intensity Zone = Mixed Use Medium; Medium Intensity Zone = Mixed Use Low; Low Intensity Area = Conservation/Cluster and Neighborhood Low-New*



 Subject Property

 Parcels

 ETJ

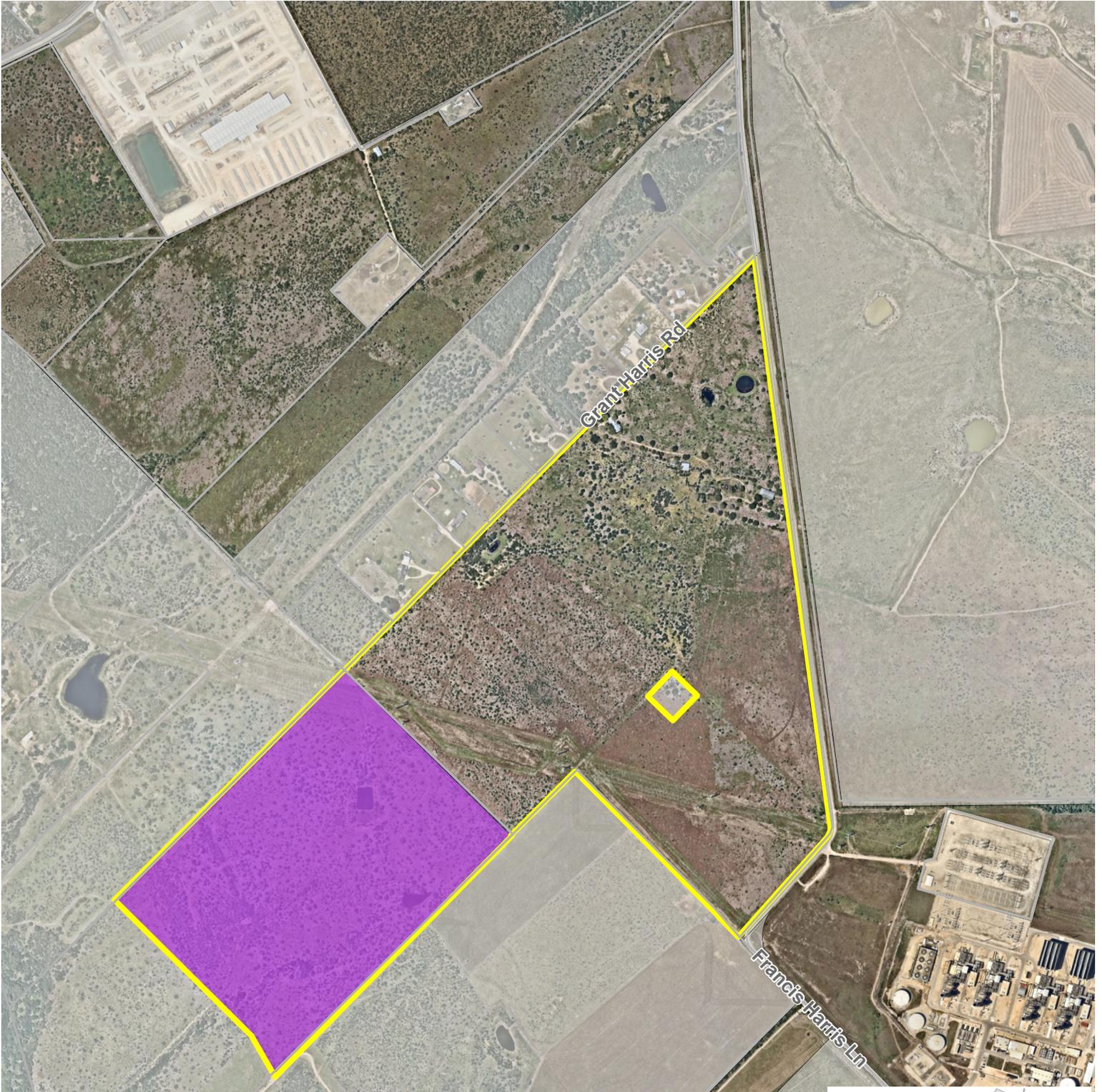


Site Location

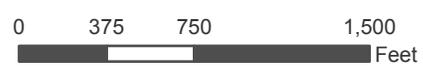


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 10/20/2025



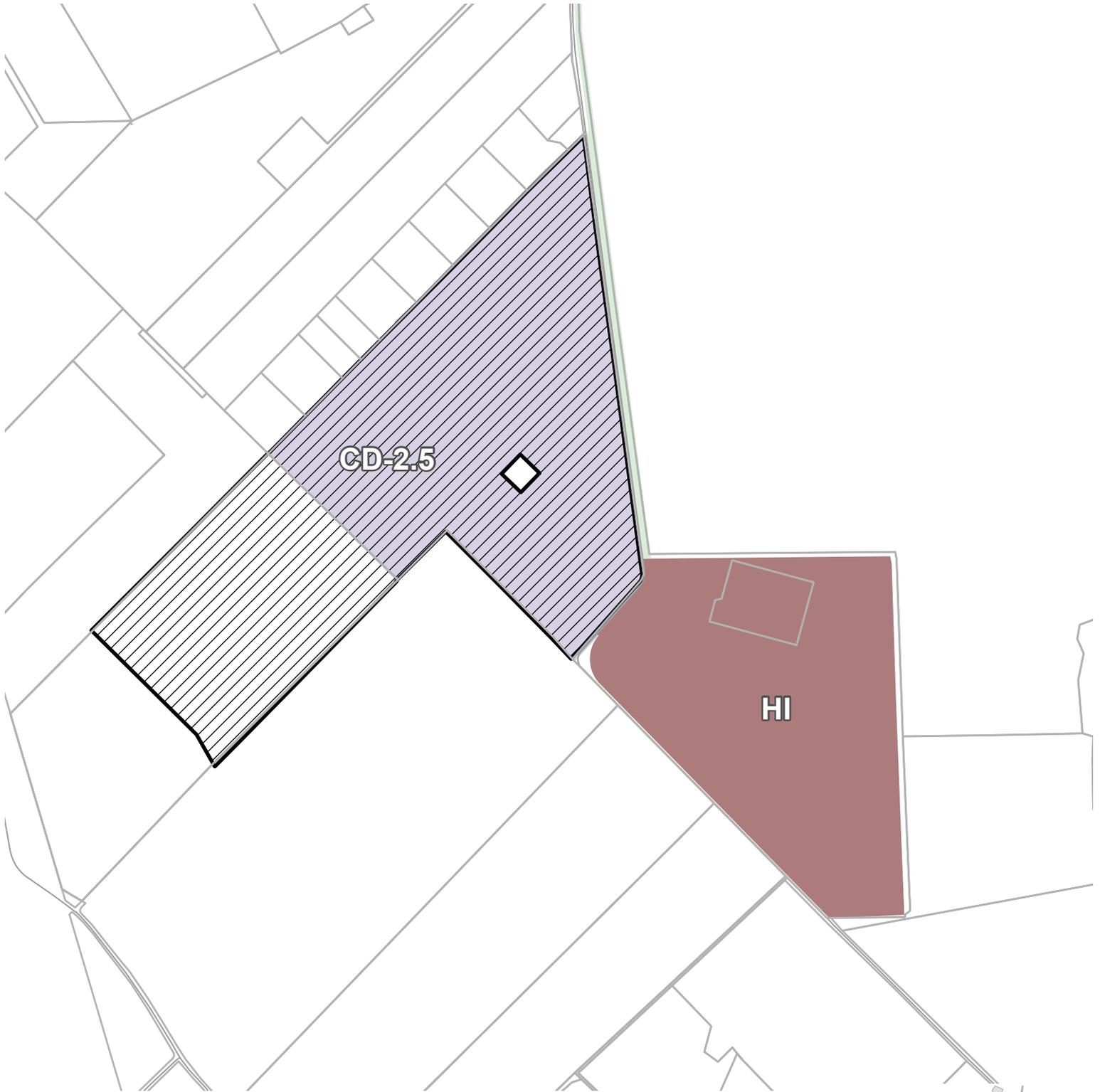
-  Parcels
-  Subject Property (ZC-25-13/PSA-25-02)
-  AN-25-02 Annexation Request
-  ETJ



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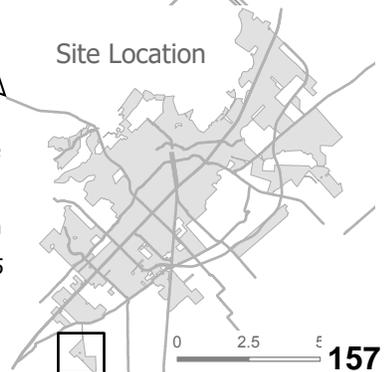
Francis Harris Ln Maberry Data Center  
Preferred Scenario Amendment  
900BLK Francis Harris Ln



-  Parcels
-  Subject Property
-  AR
-  CD-2.5
-  HI

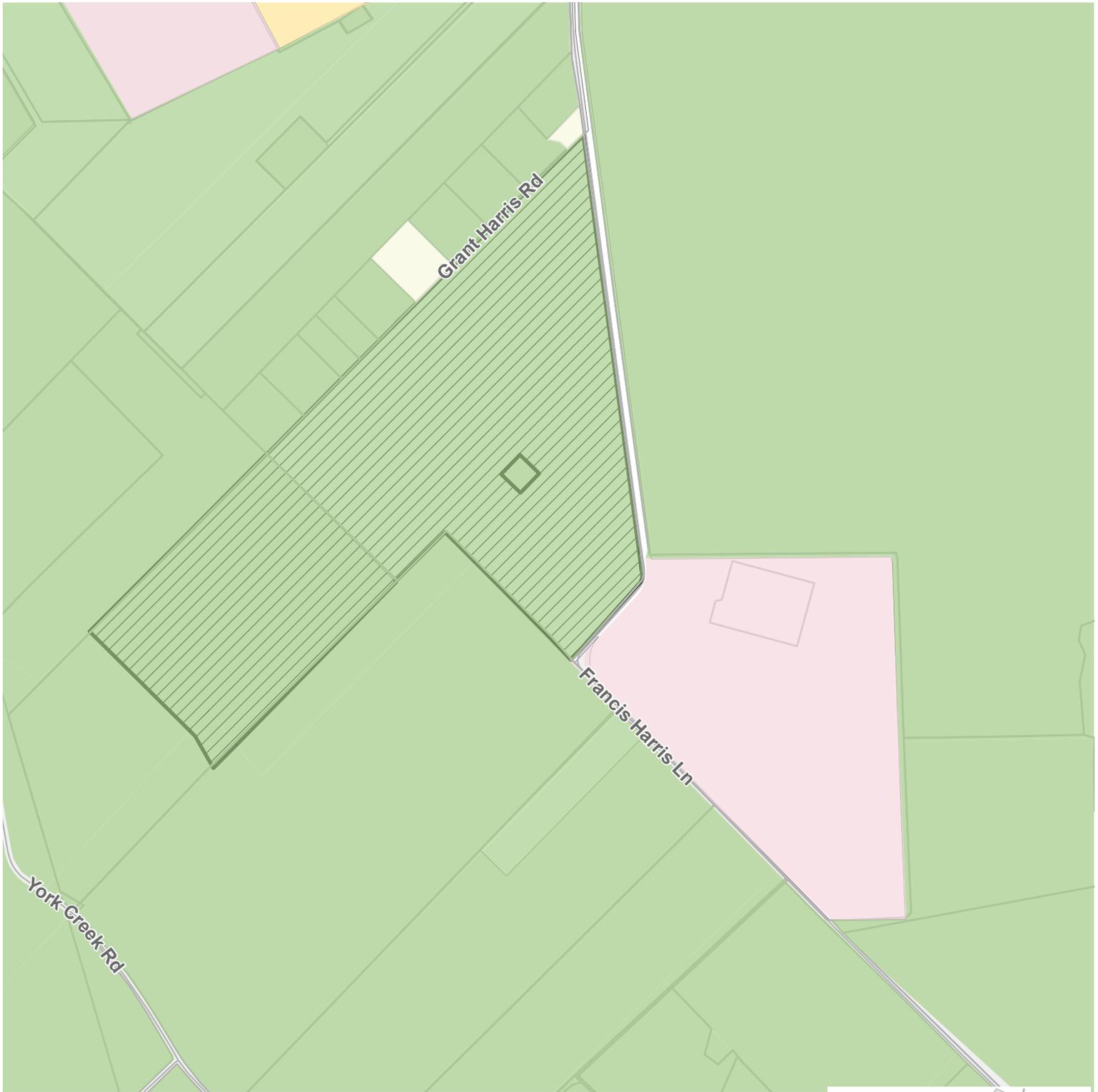


Site Location



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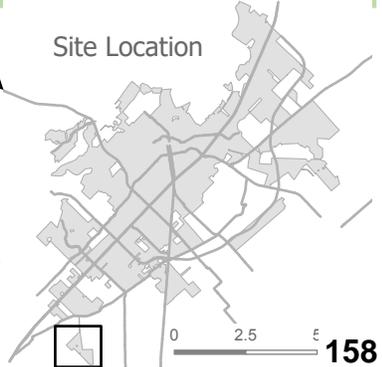
Date: 10/21/2025



- Neighborhood - Medium
- Neighborhood - Low
- Commercial/Employment Low
- Low and Areas of Stability, Conservation/Cluster
- Parcels
- Subject Property
- ETJ

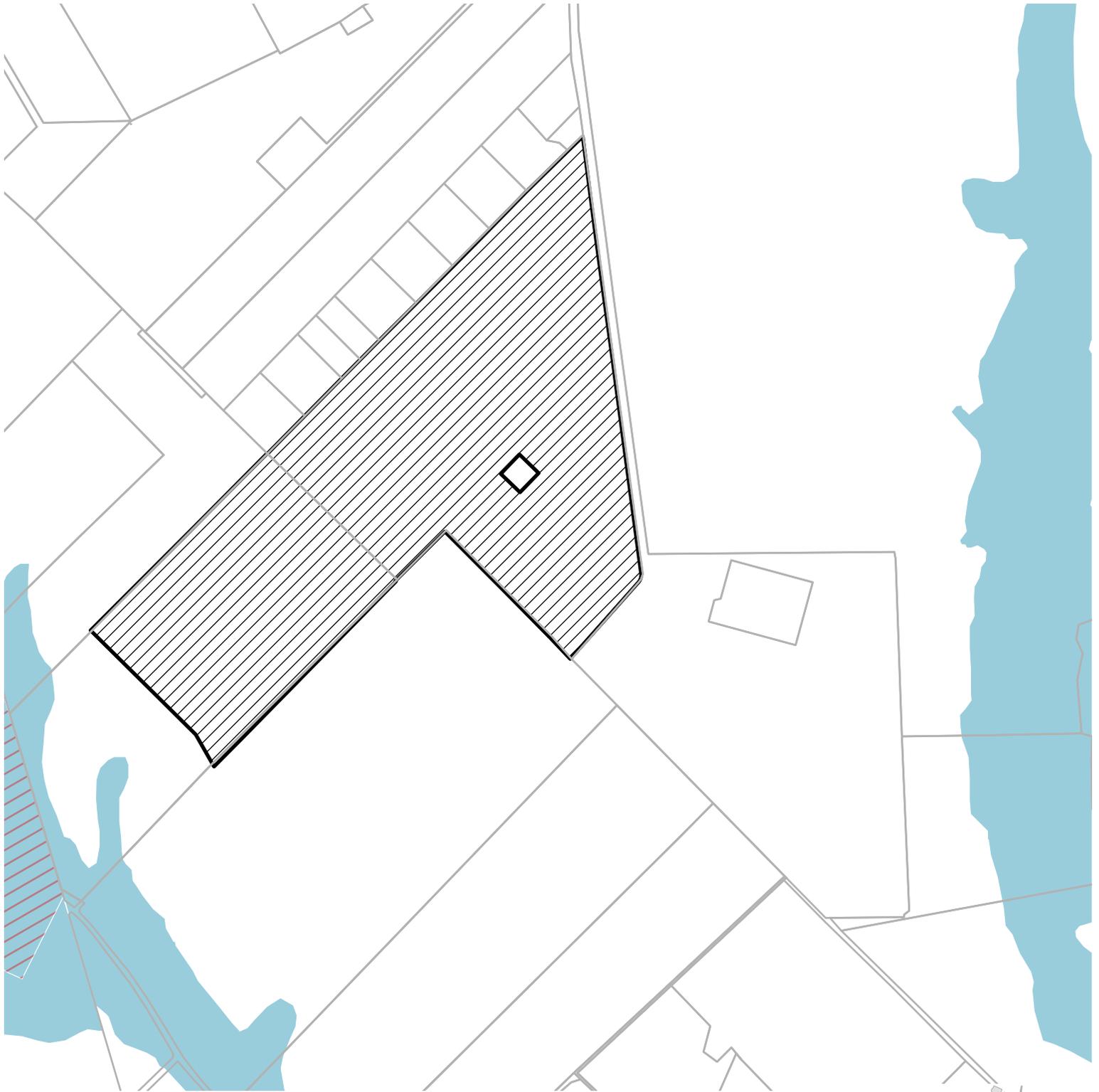


Site Location



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Date: 10/21/2025



-  Parcels
-  Subject Property
-  Floodway
-  100 Year Floodplain

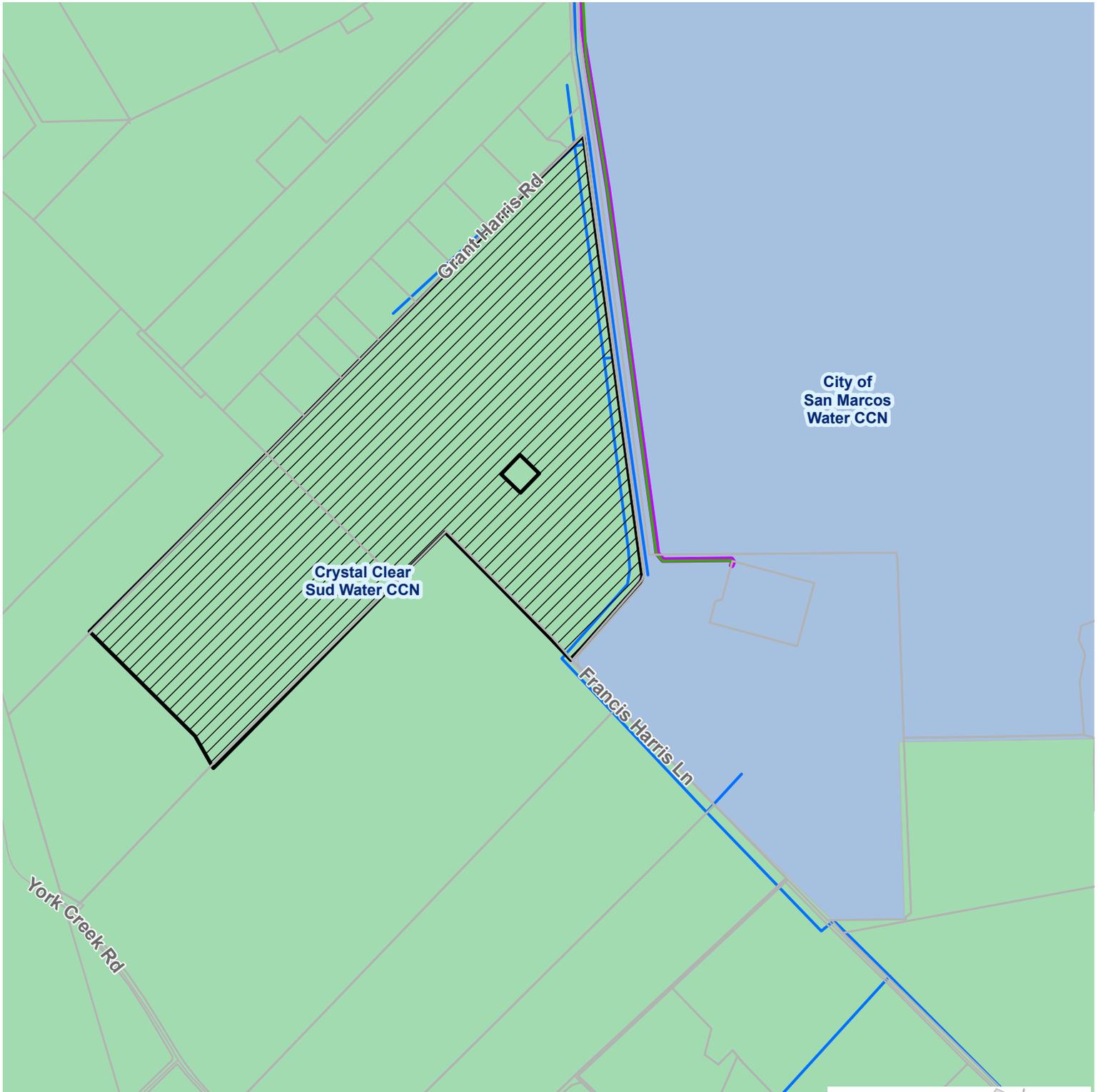


Site Location



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Date: 10/21/2025

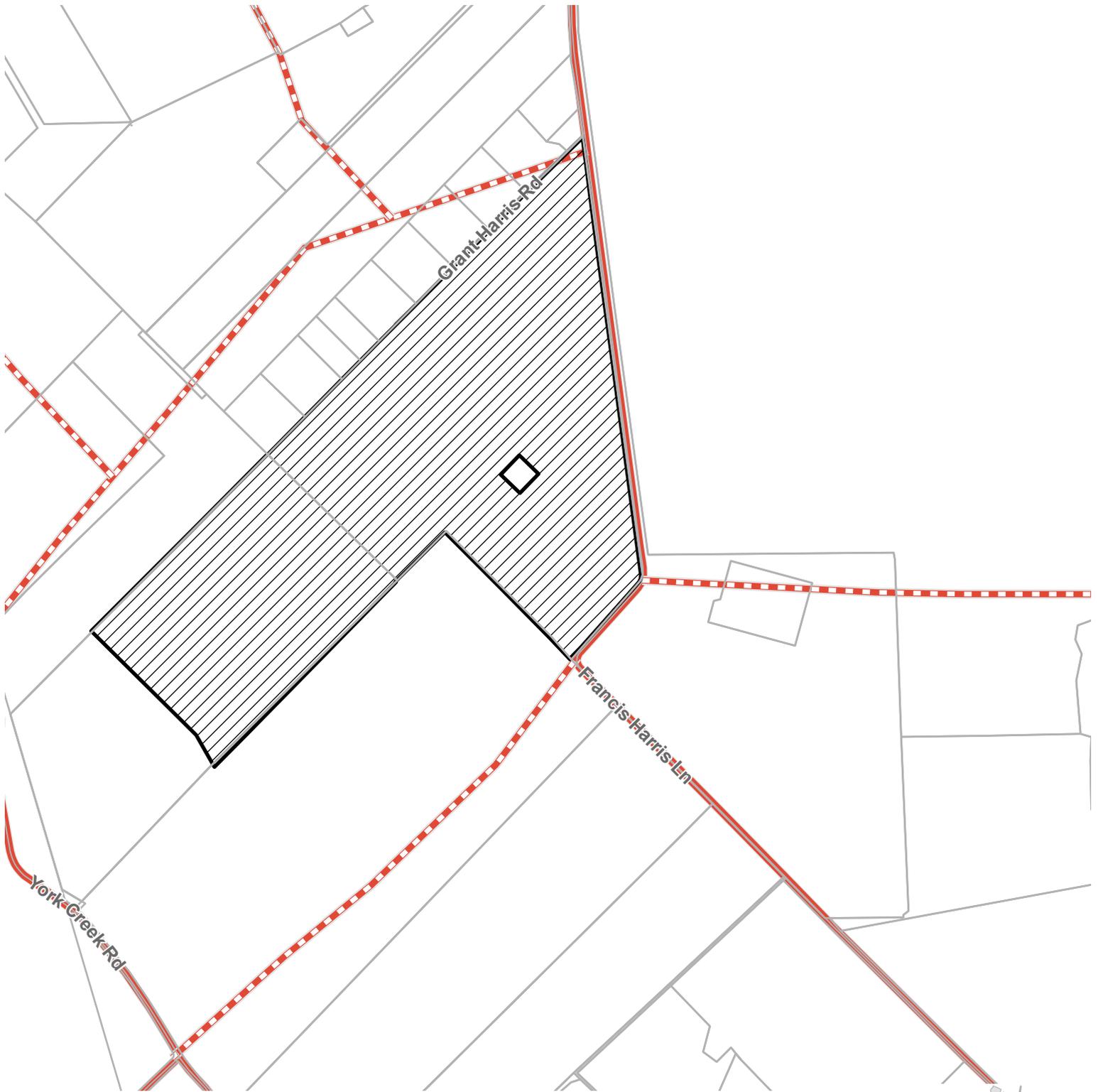


-  Parcels
-  Subject Property
-  Sanitary Main Active
-  Potable Water Main Active
-  Reclaimed Water Main



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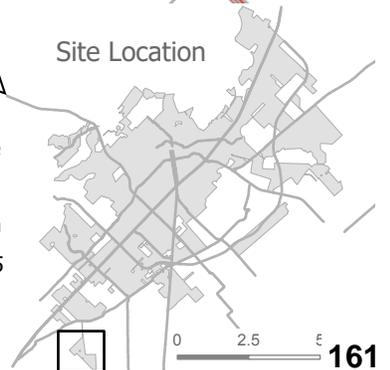
Date: 10/21/2025



-  Parcels
-  Subject Property
-  Enhanced, Ave
-  Proposed, Ave



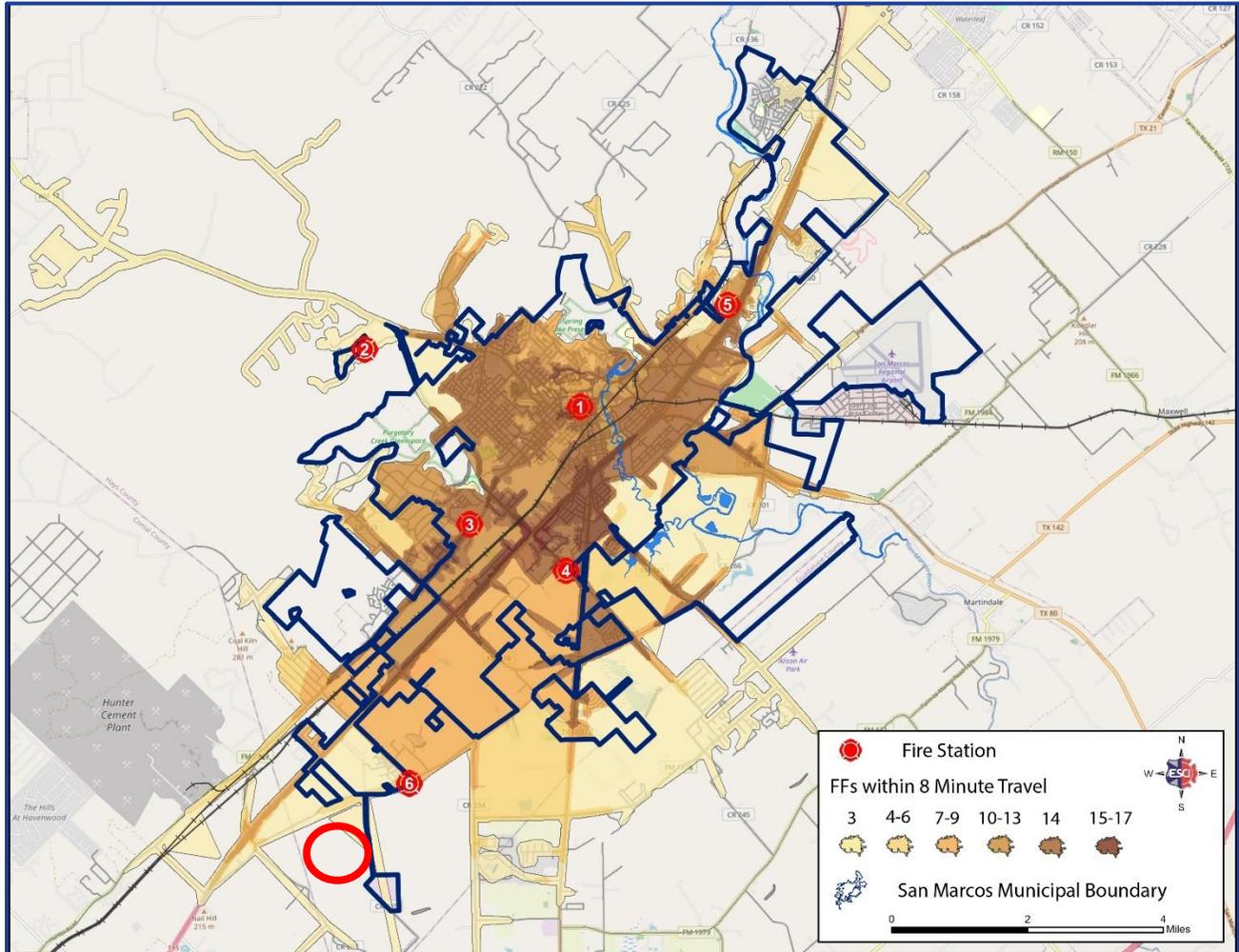
Site Location



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Date: 10/28/2025

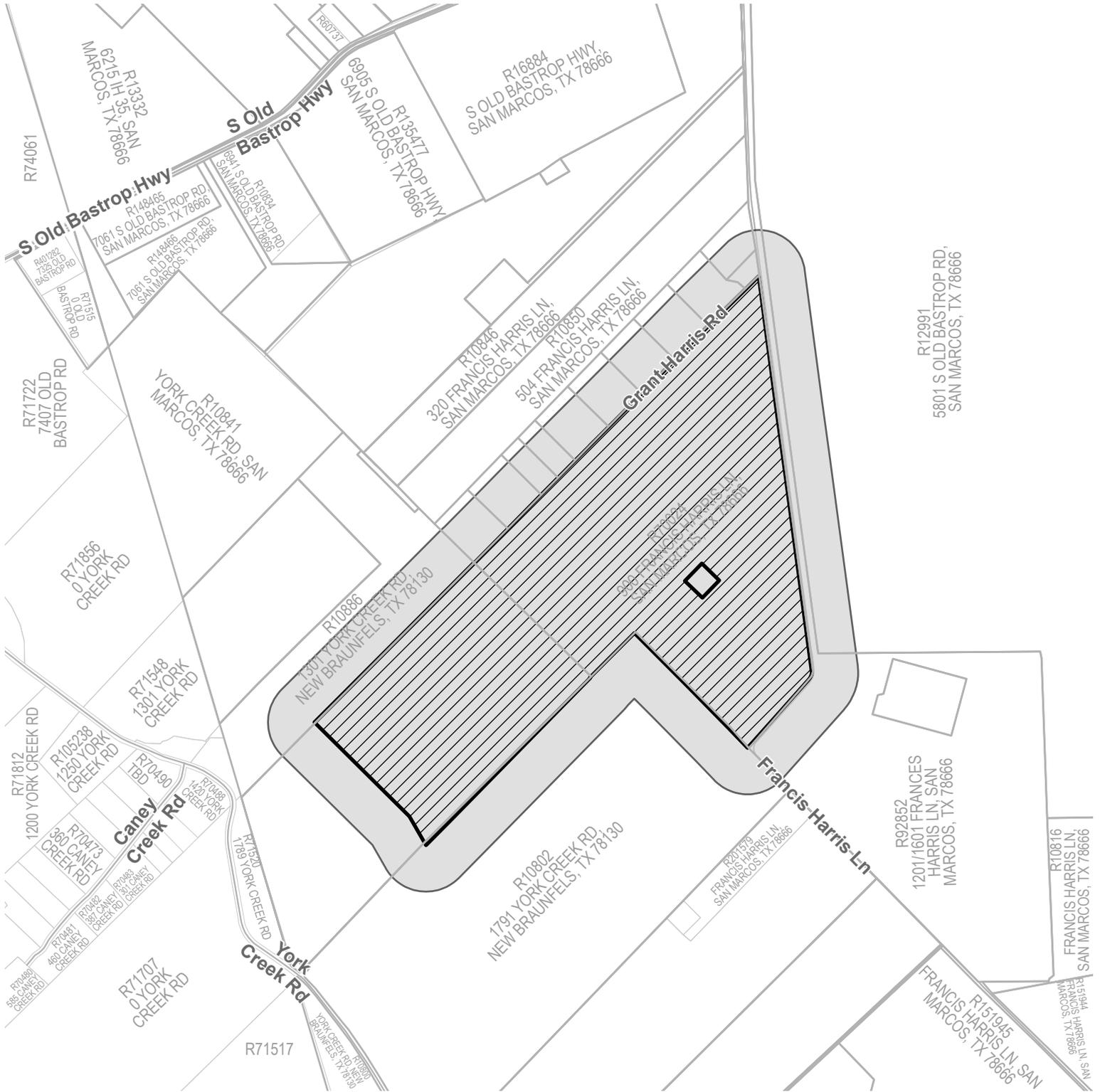
**Figure 112: SMFD 8-Minute Effective Response Force**  
*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*



**○ AN-25-02 / ZC-25-13/ PSA-25-02 APPROXIMATE LOCATION**

# Francis Harris Ln Maberry Data Center

## Preferred Scenario Amendment 900BLK Francis Harris Ln Notification Map



-  Parcels
-  Subject Property
-  400ft Buffer



Site Location



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Date: 12/17/2025



12/18/2025

PSA-25-02

**Notice of Public Hearing  
Preferred Scenario Amendment  
Conservation/Cluster to Commercial/Employment Low  
900BLK Francis Harris Lane / Francis Harris Lane Maberry Data Center Preferred Scenario  
Amendment**

*PSA-25-02 (900BLK Francis Harris Ln / Francis Harris Lane Maberry Data Center Preferred Scenario Amendment) Hold a public hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC and Donald and Germaine Tuff, for a Preferred Scenario Amendment from "Conservation/ Cluster" to "Commercial/ Employment - Low", for approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas. (J.Cleary)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold two public hearings to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, January 13, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- Two public hearings will be held at the hybrid, virtual / in-person, City Council Meetings on **Tuesday, February 3, 2026** and on **Tuesday, February 17, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearings on Grande channel 16, Spectrum channel 10, or by using the following link: <https://sanmarcostx.gov/Videos>. Or sign up at: [www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) or call 512-393-8090 to request a link to participate in the public hearings virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission:**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

**For City Council:**

[www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup)

For more information regarding this request, contact the case manager, **Julia Cleary**, at **512.805.2658** or [jcleary@sanmarcostx.gov](mailto:jcleary@sanmarcostx.gov). When calling, please refer to case number **PSA-25-02**. *The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Address	Owner City /Zip/State
111271	996 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVARADO, REFUGIO	996 GRANT HARRIS RD	SAN MARCOS, TX 78666-8983
10818	1150 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVARDO-VASQUEZ DAVID & SAMANIEGO- MARTINEZ AURORA	1150 GRANT HARRIS RD	SAN MARCOS, TX 78666
135215	616 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVEAR JOSE M & TIJERINA MARIA L	616 GRANT HARRIS RD	SAN MARCOS, TX 78666-8976
111270	920 GRANT HARRIS RD, SAN MARCOS, TX 78666	BRAESWOOD ALLIANCE GROUP LLC - SERIES 5 920	409 TIMBERLINE DR S	COLLEYVILLE, TX 76034-3508
10832	5801 S OLD BASTROP HWY, SAN MARCOS, TX 78666	CARSON SELECT INVESTMENTS LP	C/O CARSON SELECT INVESTMENTS GP LLC GENERAL PARTNER, 407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063
10802	1791 YORK CREEK RD, NEW BRAUNFELS, TX 78130	DOSTER JOHN D & EVA J	1791 YORK CREEK RD	NEW BRAUNFELS, TX 78130
172940	1090 GRANT HARRIS RD, SAN MARCOS, TX 78666	GARCIA JULIO CESAR & CANCHOLA ANGELICA DAVILA	1090 GRANT HARRIS RD	SAN MARCOS, TX 78666-8978
111269	820 GRANT HARRIS RD, SAN MARCOS, TX 78666	GUYTON, LORENE	820 GRANT HARRIS RD	SAN MARCOS, TX 78666-8965
92852	1201/1601 FRANCES HARRIS LN, SAN MARCOS, TX 78666	HAYS ENERGY LP	ATTN: STATE & LOCAL TAX DEPT, PO BOX 219071	DALLAS, TX 75221-9071
172939	1054 GRANT HARRIS RD, SAN MARCOS, TX 78666	HERNANDEZ ANGEL L & CANCHOLA GEORGINA DAVILA	1054 GRANT HARRIS RD	SAN MARCOS, TX 78666-8978
70024	900 FRANCIS HARRIS LN, SAN MARCOS, TX 78666	HIGHLANDER SM ONE LLC	2505 ALLSTON LN	AUSTIN, TX 78746-1918
10886	1301 YORK CREEK RD, NEW BRAUNFELS, TX 78130	MARTIN CONNIE D	14053 HUBER RD	SEGUIN, TX 78155-1767
108388	766 GRANT HARRIS RD, SAN MARCOS, TX 78666	RODRIGUEZ ROBERTO & RACHEL	P O BOX 903	KYLE, TX 78640
10877	1789 YORK CREEK RD, NEW BRAUNFELS, TX 78130	TUFF, DONALD W & GERMAINE	1789 YORK CREEK RD	NEW BRAUNFELS, TX 78130
		Michael Adams	106 Losya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666

**From:** Gena Fleming <[REDACTED]>  
**Sent:** Tuesday, December 9, 2025 6:30 AM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] National Data Center Moratorium

Dear Planning and Zoning Commissioners,

More than 230 environmental organizations have signed a letter to Congress supporting a national moratorium on the approval and construction of new data centers. The letter, sent Monday, December 8, highlights these centers' impacts on water resources, electricity rates, greenhouse gas emissions and job losses.

Below is a link to the single-page letter followed by a list of the signatories by region and state.

<https://www.foodandwaterwatch.org/wp-content/uploads/2025/12/National-Data-Center-Moratorium.pdf>

Thank you for your denial last March of the proposal to amend the Preferred Scenario map from "Conservation/ Cluster" to "Commercial/Employment Low" for the proposed Maberry/CyrusOne data center project. I hope this evening you will honor the same decision.

Best wishes,

Gena Fleming  
San Marcos, TX

# National Data Center Moratorium Now!

December 8, 2025

Dear Members of Congress:

We, the undersigned organizations collectively representing millions of people in all 50 states, call on you to support a national moratorium on the approval and construction of new data centers.

The rapid expansion of data centers across the United States, driven by the generative artificial intelligence (AI) and crypto boom, presents one of the biggest environmental and social threats of our generation. This expansion is rapidly increasing demand for energy, driving more fossil fuel pollution, straining water resources and raising electricity prices across the country. All this compounds the significant and concerning impacts AI is having on society, including lost jobs, social instability and economic concentration.

The harms of data center growth are increasingly well-established, and they are massive. They include:

- Enormous electricity consumption: A tripling of data centers in the next five years would result in data centers consuming as much electricity as about 30 million households.
- Unsustainable water consumption: A tripling of data centers would require as much water as is used by 18.5 million households – simply for cooling the computer servers.
- Contribution to climate change: 56 percent of the electricity used to power data centers is sourced from fossil fuels.
- Skyrocketing electricity costs: Electricity rates have increased 21.3 percent from 2021 to 2024 – drastically outpacing inflation – driven largely by the rapid build-out of data centers, something that could continue to escalate over time.
- Job losses: According to an AI executive, AI could negate half of all entry-level white-collar jobs in the next five years and spike overall unemployment by up to 20 percent.

The rapid, largely unregulated rise of data centers to fuel the AI and crypto frenzy is disrupting communities across the country and threatening Americans' economic, environmental, climate and water security. We urge you to join our call for a national moratorium on new data centers until adequate regulations can be enacted to fully protect our communities, our families, our environment and our health from the runaway damage this industry is already inflicting.

For more information, contact Food & Water Watch Policy Director Jim Walsh – [jwalsh@fwwatch.org](mailto:jwalsh@fwwatch.org)

Sincerely,

## **National Organizations**

Food & Water Watch (Letter Convener)

Americans for Financial Reform

Athena Coalition

Climate Communications Coalition

Climate Defense Project

Coastal Lands Action Network (CLAN)

Consumer Watchdog

EcoAction Committee of Green Party of the  
United State

Elders Coalition for Climate Action

Frack Action

FracTracker Alliance

Friends of the Earth US

GAIA (Global Alliance for Incinerator Alternatives)  
Grassroots Environmental Education  
Green Amendments For The Generations  
GreenLatinos  
Greenpeace USA  
Institute for Policy Studies Climate Policy Program  
John Muir Project  
Joyoushout  
National Coalition Against Cryptomining  
Oil Change International  
Oil & Gas Action Network  
Our Revolution  
Partnership for Policy Integrity  
People Power United  
Physicians for Social Responsibility  
Progressive Democrats of America (PDA)  
Progressives for Climate  
Property Rights and Pipeline Center  
Syracuse Cultural Workers  
The Science and Environmental Health Network  
U.S. Climate Action Network  
Unitarian Universalists for a Just Economic Community  
Women's Earth and Climate Action Network

### **Regional Organizations**

Berkshire Environmental Action Team  
Beyond Extreme Energy  
Coalition for a Nuclear Free Great Lakes  
Columbia Riverkeeper  
Ct. River Defenders  
Delaware Riverkeeper Network  
Freshwater Future  
Friends of the Columbia Gorge  
No Pipeline Expansion Northeast  
Oregon Conservancy Foundation  
Partnership for Southern Equity  
Slingshot  
The Enviro Show

### **State Organizations**

#### **Alabama**

The Central Alabama Chapter of Climate Reality  
The People's Justice Council

#### **Arizona**

Don't Waste Arizona

#### **California**

350 Bay Area Action  
Ballona Wetlands Institute  
Community Energy reSource  
Defend Ballona Wetlands  
Interfaith Climate Action Network of Contra Costa County  
Long Beach Alliance for Clean Energy  
Media Alliance  
Sacred Places Institute for Indigenous Peoples  
San Diego 350  
San Francisco Bay Physicians for Social Responsibility  
Santa Cruz Climate Action Network  
SoCal 350 Climate Action  
Sunflower Alliance

#### **Colorado**

Black Parents United Foundation  
CASE Citizens Alliance for a Sustainable Englewood  
Climate Reality Project - Northern Colorado Chapter  
Energy Smart Colorado  
FoCo Trash Mob, a Beyond Plastics Affiliate  
Roots to Resilience

#### **Connecticut**

Sunrise New Haven  
Sustainable Fairfield

#### **Florida**

Earth Ethics, Inc.  
First United Church of Tampa  
Forging Alliances, Inc.  
IDEAS For Us  
Regenerate Acupuncture LLC  
ReThink Energy Florida

**Georgia**

Concerned Citizens of Cook County  
Georgia WAND Education Fund Inc.  
Nuclear Watch South

**Hawaii**

350Hawaii

**Idaho**

Snake River Alliance

**Illinois**

Citizens Against Heartland Greenwashing  
Projects  
Coalition for Springfield's Utility Future  
Coalition to Stop CO2 Pipelines  
Eco-Justice Collaborative  
Fox Valley Citizens for Peace & Justice  
Nuclear Energy Information Service (NEIS)  
Prairie Earthlings  
Save Our Illinois Land  
Sustainable Springfield

**Indiana**

Citizens Action Coalition  
Heartwood

**Iowa**

100 Grannies  
Iowa Citizens for Community Improvement

**Louisiana**

For a Better Bayou  
Greater New Orleans Interfaith Climate  
Coalition  
HousingLOUISIANA  
#PutHousingFirst Triad

**Maine**

Alliance of Maine Health Professionals for  
Climate Action  
Defend Our Health  
Physicians for Social Responsibility Maine

**Maryland**

Cedar Lane Unitarian Universalist  
Environmental Justice Ministry  
Citizens for Responsible Growth  
Green Party of Montgomery County, Maryland

**Massachusetts**

350 Central Mass  
Animals Are Sentient Beings, Inc.  
Better Future Project  
Canton Residents for a Sustainable Equitable  
Future  
Fore River Residents Against the Compressor  
Station  
Grandmothers' Village Project, Inc.  
Resist the Pipeline  
SALEM Democratic City Committee  
Save Massachusetts Forests  
Worcester Congregations for Climate and  
Environmental Justice

**Michigan**

Citizens' Resistance At Fermi Two (CRAFT)  
Don't Waste Michigan

**Minnesota**

Climate Generation

**Mississippi**

Cherokee Concerned Citizens  
Mississippi Rising Coalition

**Nebraska**

Save Rural America

**Nevada**

Nevada Nuclear Waste Task Force

**New Jersey**

Citizens United for Renewable Energy  
(CURE)  
Climate Reality Project of New Jersey  
Climate Revolution Action Network  
DivestNJ  
Don't Gas the Meadowlands Coalition  
Interfaith Climate Action Committee, Montclair  
Area

Lower Raritan Watershed Partnership  
Newark Water Coalition  
NJ Forest Watch  
Passaic River Coalition  
South Jersey Progressive Democrats

### **New Mexico**

Concerned Citizens for Nuclear Safety  
Los Alamos Study Group

### **New York**

350Brooklyn  
350NYC  
Albany Progressive Action Network  
All Our Energy  
Alliance for a Green Economy  
Auburn Reduces  
Buy Local, Grow Local  
Campaign for Renewable Energy  
Cayuga Climate Action  
Citizen Action of New York  
Clean Air Coalition of Western New York  
Climate Families NYC  
Climate Solutions Accelerator of the  
Genesee-Finger Lakes Region  
Coalition for Outreach, Policy & Education  
(COPE)  
Committee to Preserve the Finger Lakes  
Dryden Solutions  
Finger Lakes Strong  
For the Many  
Fossil Free Tompkins  
FrackBustersNY  
Green Education and Legal Fund  
Green Party of Nassau County  
Hudson River Sloop Clearwater  
Indivisible Scarsdale  
Ithaca Democratic Socialists of America  
Little Lakes Sustainability Network  
Mother Rebels  
Nassau Hiking & Outdoor Club  
Newburgh Clean Water Project  
New York Communities for Change  
New York Progressive Action Network  
No Data Center FLX

North Tonawanda Climate Smart Communities  
Task Force  
NYPAN Enviro Committee  
ORBC  
Reach Out America  
Residents Allied for the Future of Tioga  
(RAFT)  
Rise and Resist  
Safe Energy Rights Group  
Sane Energy Project  
Seneca Lake Guardian  
Show Up LI  
South Shore Audubon Society  
Stop the Algonquin Pipeline Expansion  
(SAPE)  
Sunrise NYC  
Sustainable Finger Lakes  
Third Act NYC  
Third Act Upstate NY  
Tompkins County Climate Protection Initiative  
United For Clean Energy  
Westchester for Change  
Zero Waste Ithaca

### **North Carolina**

350 Triangle  
7 Directions of Service  
Blue Ridge Environmental Defense League  
Center for Progressive Reform  
NC Climate Justice Collective  
NC Environmental Justice Organization  
NC WARN  
River Guardian Foundation

### **Ohio**

AW Area Community Response Awareness  
Group  
Between the Waters  
Central Ohio Green Education Fund  
Communities United for Action  
FreshWater Accountability Project  
Ohio Nuclear Free Network  
Ohio Valley Environmental Advocates  
Save Ohio Parks

**Oregon**

Extinction Rebellion PDX  
Oregon PSR  
Tank the Tanks  
United Neighbor of Oregon Coalition

**Pennsylvania**

Berks Gas Truth  
Better Path Coalition  
Clean Air Action  
Climate Reality Project, Lehigh Valley Chapter  
Climate Reality Project: Susquehanna Valley  
PA Chapter  
Concerned Health Professionals of  
Pennsylvania  
McKean County Green Party  
Mountain Watershed Association  
Move Past Plastic (MPP)  
Pennsylvania Action on Climate  
Physicians for Social Responsibility  
Pennsylvania  
Save our Susquehanna

**South Carolina**

Sustaining Way

**South Dakota**

Dakota Rural Action

**Texas**

Climate Conversation Brazoria County  
Frontera Water Protectors  
Hold the Line Campaign  
Texas Physicians for Social Responsibility  
Turtle Island Restoration Network

**Virginia**

ARTivism Virginia

**Washington**

Seattle Democratic Socialists of America -  
Ecosocialism Working Group  
Trout Unlimited- Washington Chapter

**Wisconsin**

Milwaukee Riverkeeper

**West Virginia**

West Virginia Citizen Action Group

**From:** Elizabeth Arceneaux <[REDACTED]>  
**Sent:** Thursday, December 11, 2025 3:05 PM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Data Center Water and Power

Hello Planning and Zoning members,

I watched the P&Z meeting 12-9-25. You are having to do very difficult work, and some of the responses to your questions seemed to be lacking some specificity. In terms of the total water use that data centers extract through direct use internally and indirect use from energy production at thermal plants, (gas or nuclear ), I wanted to provide you with additional information.

Water use for production of energy is a real concern for the proposed data center. Since they are estimating 4 buildings, we can assume that this data center will be a 400 MW demand (generally built in 100 MW/building). According to the 2025 Texas Water Development Board 10-year Regional Water plan, 0.25 gallons of water is needed to cool a thermal power plant for each kwh it generates. For a 400 MW plant running 24 hours a day, this would be  $400 \text{ MW} \times 1000 \text{ kw/MW} \times 24 \text{ hours} \times 0.25 \text{ gal/kwh} = 2.4$  Million gallons/day to cool the power plant that powers the data center. Plus the 75,000 gallons/day to cool the equipment in the data center. So each of you with water use questions is correct to be concerned.

When it comes to water, the City of San Marcos, Crystal Clear and the Hays Energy Plant get their water from the same sources: GBRA with the primary source (50% for San Marcos) from Canyon Lake. So it is important because they may be 3 different entities, but rely on the same source of water. See below for supporting documents:

Who provides water to Hays Energy (power plant on 1601 Francis Harris)? : GBRA and City of San Marcos (Sources of water are Canyon Lake, San Marcos River, Edwards Aquifer, Carrizo/Alliance, reclaimed water (1.6 MGD COSM)

<https://www.gridinfo.com/plant/hays-energy-project/55144>

Who provides water to City of San Marcos?: GBRA Canyon Lake, Edwards Aquifer, San Marcos River, Carrizo/Alliance

<https://www.sanmarcostx.gov/4555/San-Marcos-Water-Supply-Portfolio>

Who provides water to Crystal Clear? Lake Dunlap (which gets water from Canyon Lake), San Marcos River, Edwards Aquifer, Carrizo/Alliance

[https://www.crystalclearsud.org/documents/296/WCP\\_DCP\\_Plan\\_-\\_2024\\_FINAL.pdf](https://www.crystalclearsud.org/documents/296/WCP_DCP_Plan_-_2024_FINAL.pdf) page 1

What are the power sources for PEC? LCRA and solar and wind assets. LCRA power plant is located in LaGrange and outside of the GBRA watershed.

I think an important “Ask” of this project is that the data center commit to using PEC as the source of power for a very long-term period (20-30 years). My real concern is that the data center owners and designers will find it “more efficient” to buy power directly from the Hays Energy plant once approval is granted to build from the City of San Marcos. Likewise, Hays Energy has a capacity of 900 MW and may find it economically more feasible to sell directly to one source rather than add power to the grid to be overseen by ERCOT. Power from the Hays Energy Plant means water from the GBRA water sources at 2.4 million gallons/day for a 400 MW generation rate. This will reduce water from the sources that Crystal Clear and the City of San Marcos get drinking water from.

The city of San Marcos provides 1.6 Million Gallons a day of reclaimed water (Utility Director Tyler Hjorth) to Hays Energy for cooling. This is all they have at this point with other sources going to Texas State and Kissing Tree. Data centers have a tendency to expand their size of operations once built and this would place an even higher water demand on the power generation and power plant water needs.

City staff, Mark Enders, the Habitat Conservation Coordinator [REDACTED] is very familiar with the critically low water levels in Canyon Lake, and the Edwards Aquifer and the low flows in the San Marcos River. Robert Mace with the Meadows Center [REDACTED] is also very knowledgeable about our limited water supplies and could provide valuable insight. Reaching out to these two gentlemen, could give you all needed insight on this side of the decision process.

In my opinion, if controls are put into place to 1) require the data center to report at least monthly on its average daily water use 2) limit the internal water use to the proposed 75,000 gallons, and 3) prohibit the data center from utilizing the adjacent power plant for its energy source (i.e. commit to PEC as proposed), then the project impact on the City's drinking water sources can be minimized.

Thank you for considering these thoughts.

Lisa Arceneaux, P.E.

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Spam/Phishing button in the Mimecast tab if you think this email is malicious.

**From:** Sean Jones <[REDACTED]>  
**Sent:** Tuesday, December 9, 2025 12:15 AM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Data Center Development Agenda Item II

Dear Members

I am a proud resident of San Marcos. I moved here five years ago to get away from Austin and find a smaller community full of like-minded people. I've found a true community here through the relationships I've made with my fellow San Marcos residents.

I write to ask you to vote down the zoning of the lands that John Mayberry is attempting to develop with data centers. These are beautiful lands that have already been zoned for residential development. Developing data centers there will ruin the lives of the people in the surrounding area, many who I know personally. This goes against the wishes of the majority of residents I know here who want to protect our environment, one of the greatest resources we residents value.

Data centers don't serve our community in any way. They produce very few jobs, they produce no products or resources for our community and they strain our energy and water resources to the max. Growth in San Marcos cannot happen merely from tax revenue from these centers. Growth happens when businesses provide jobs to the community and produce goods and services we can use. These centers do none of that. They serve businesses far away and use our resources and land to profit from it.

Please vote against the amendment to change the property from Conservation Cluster to Commercial and vote against any data centers being built on these lands. This is not what I or the majority of fellow residents I know want for our community.

Sean Jones

5000 Lime Kiln Rd

San Marcos, TX 78666

**From:** Chef Ashley Olson <[REDACTED]>  
**Sent:** Tuesday, January 6, 2026 1:26 PM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Support of Data Center

Dear Chairman and Members of the Planning and Zoning Commission,

I am writing to express my support for the proposed data center project currently before the Council. Over the past year, this project has gone through a thorough, thoughtful, and community-driven review process. What began as a proposal with many unknowns and unanswered questions has evolved through months of public engagement, careful deliberation, and collaboration among supporters, opponents, environmental experts, organizers, business leaders, and community members.

This project is a clear example of our local process working the way it should. Community voices were heard, concerns were addressed, and meaningful improvements were made. The restrictive covenant now reflects both the values of San Marcos residents and the developers' commitment to protecting the unique features that define our community: our pristine environment, one-of-a-kind natural resources, and our spring-fed river that so many of us cherish.

From a fiscal standpoint, the projected tax benefits for the City of San Marcos, Hays County, and the San Marcos CISD are significant. At a time when both the city and the school district continue to face difficult and sometimes heartbreaking budget decisions, this project represents an opportunity to strengthen our local tax base. The revenues generated can support essential services, expand resources for our neighbors who need them most, and help reduce the pressure placed on homeowners, business owners, and renters through property taxes.

For these reasons, I respectfully urge you to support the proposed data center project and move it forward for the benefit of our community, our economy, and our shared future in San Marcos.

Thank you for your service and for your consideration.

Sincerely,  
Ashley Olson  
Southern with a French Twist  
[REDACTED]

--

Warmly,

Ashley Olson

Founder | Executive Chef

Southern with a French Twist

[www.southernwithafrenchtwist.com](http://www.southernwithafrenchtwist.com)

## RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (this "**Agreement**") is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Highlander SM One, LLC, a Texas limited liability company ("**Highlander**"), and Donald W. Tuff and Germaine Tuff ("**Tuffs**", and together with Highlander, the "**Owner**"), and the City of San Marcos, Texas (the "**City**").

### RECITALS:

A. Highlander is the owner of a tract of land totaling approximately 135.912 acres situated in Hays County, Texas, more particularly described in Exhibit "A", attached hereto, and the Tuffs are the owner of a tract of land totaling approximately 63.578 acres situated in Hays County, Texas, more particularly described in Exhibit "A-1", attached hereto (collectively, the "**Property**").

B. Owner submitted an application to the City on September 17, 2025 for the rezoning of the Property to Light Industrial pursuant to Zoning Request ZC-25-02 (the "**Zoning Case**").

C. A data center is expected to be built on the Property. For purposes of this Agreement, a "data center" is a property classification, which means a building or buildings primarily used to house computer systems and associated components, such as telecommunications and storage system.

D. The City has required this Agreement in connection with the Zoning Case in order to permit the development of a data center on the Property, and the Owner desires to subject the Property to the terms of this Agreement.

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the Owner and the City do hereby agree as follows:

**1. Establishment of Restrictive Covenant.** All of the recitals above are incorporated herein. The Parties hereto agree and acknowledge that the Property shall be held, sold, transferred, conveyed and occupied subject to the following:

(A) The following uses and activities are prohibited on the Property:

- (i) Warehouse and Distribution\*
- (ii) Waste-Related Service\*

*\* As such uses are defined in the 2025 San Marcos Development Code.*

(B) If a data center is constructed on the Property, the data center will utilize a closed-loop, non-evaporative cooling system or similar system to cool the technology assets in the

data center. Regardless, water usage at the data center will not exceed 235 LUEs or 75,000 gallons per day.

(C) If a data center is constructed on the Property, drainage facilities shall be designed and constructed so that the rate of runoff from a site after construction shall be ten percent (10%) less than the runoff prior to construction for the two (2), ten (10), twenty five (25), and one hundred (100) year storm frequencies.

(D) If a data center is constructed on the Property, water quality facilities will be constructed that meet a Total Suspended Solid (TSS) removal requirement of at least 80% for the site.

(E) If a data center is constructed on the Property, the impervious cover for a data center will be no more than 70% of the Property.

(F) If a data center is constructed on the Property, Owner will pursue a LEED (Leadership in Energy and Environmental Design) certification for the buildings within twelve (12) months from the date of the final certificate of occupancy and commissioning of building systems for the last building to be constructed on the Property and a copy of the submitted application will be made available to the City of San Marcos for inspection.

(G) If a data center is constructed on the Property, then the noise level maximums set forth in Section 7.4.2.1(A) of the City of San Marcos Land Development Code as in effect on the date hereof shall be 75 decibels as measured from either the closest public right-of-way to the Property or from the property line of the complainant per Section 7.4.2.1(B) of the City of San Marcos Land Development Code in effect on the date hereof.

(H) If a data center is constructed on the Property, during construction the following requirements will be met and reasonable signage on the jobsite in both English and Spanish will list these standards:

- Compliance with all relevant local, state, and federal safety laws;
- All construction workers on the project will be paid by check or direct deposit, or other commercially used payment method, including electronic or other payment methods that are customary in the industry;
- All construction workers on the project will be covered by workers' compensation insurance as required by state or federal law;
- All construction workers on the project will receive personal protective equipment, free of charge if not already provided by the employer as required by state or federal law;
- All safety supervisors on the project will be current on their 30-hour, OSHA approved construction worker safety class prior to commencing construction work as

required by state or federal law.

2. **Remedies.** The City and Owner may pursue any remedies available at law or in equity to enforce the provisions of this Agreement, including the recovery of reasonable attorney's fees and court costs.

3. **No Waiver.** The failure of the City or Owner to avail itself of any of the privileges, rights, covenants, agreements, terms and conditions of this Agreement for any period of time or at any time shall not be construed or deemed to be a waiver thereof, and nothing herein contained, nor anything done or omitted to be done by the City or Owner pursuant hereto, shall be deemed a waiver by the other of any of its rights and remedies hereunder or under the laws of the State of Texas. The enforcement of any right or remedy hereunder by the City, either prior to, simultaneously with, or subsequent to any other action taken hereunder, shall not be deemed an election of remedies.

4. **Modification.** This Agreement may not be modified or amended unless such modification or amendment has been reduced to writing approved by the city council of the City and signed by all of the then-existing owners of the Property or portions thereof, and by the City, and has been recorded in the Official Public Records of Hays County, Texas.

5. **Binding Effect.** The obligations created hereunder shall create mutual benefits and servitudes running with the land. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors, heirs and assigns.

6. **Partial Invalidity.** If any provision of this Agreement shall be or become invalid, illegal or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby.

7. **Term.** Unless earlier terminated as provided herein, this Agreement shall be in effect for a period of twenty (20) years from the date hereof, i.e. this Agreement shall expire on the 20<sup>th</sup> anniversary of the date of this Agreement set forth above. Upon expiration of the twenty (20) year term, this Agreement shall automatically expire and be of no further force or effect.

8. **Misc. Provisions.** This Agreement may only be enforced by the Owner and the City. The City may not assign this Agreement. Owner may assign this Agreement. There are no third party beneficiaries to this Agreement. Upon Owner's request and within thirty (30) days of the request, the City agrees to provide Owner written confirmation that Owner is not in violation of any provision in this Agreement. If as part of that written confirmation the City believes Owner is not in compliance with any provision, City will state with specificity the details related to the lack of compliance and specifically how Owner does not comply. Lenders and Tenants may rely on City's confirmation.

9. **Chapter 245.** This Agreement establishes vested rights of Owner pursuant to Chapter 245 of the Texas Local Government Code.

10. **Condition Precedent.** It is a condition precedent to the effectiveness of this Agreement that the rezoning of the Property pursuant to the Zoning Case has been fully and finally approved by the San Marcos City Council on or before March 18, 2026. If such rezoning is not

fully and finally approved by the San Marcos City Council by such date for any reason, then this Agreement shall expire on such date and thereafter shall be of no force or effect.

**11. Default.** If any party defaults under this Agreement, then the non-defaulting party will not exercise any remedies for such default unless the defaulting party fails to cure such breach within thirty (30) days following the non-defaulting party's delivery of written notice of such breach to the defaulting party by hand delivery or overnight mail; provided, however, that if the particular default cannot reasonably be cured within thirty (30) days, then such 30-day cure period will be extended for up to two (2) additional thirty (30) day periods to allow the defaulting party a reasonable opportunity to cure its breach, so long as the defaulting party commences the required cure within such 30-day period and thereafter diligently pursues the same to completion.

**12. No Dedication.** Nothing in this Agreement shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the public any right whatsoever.

[SIGNATURES ON NEXT PAGE]

**HIGHLANDER:**

Highlander SM One, LLC  
a Texas limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of Highlander SM One, LLC, a Texas limited liability company, in such capacity, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**TUFFS:**

\_\_\_\_\_  
Donald W. Tuff

\_\_\_\_\_  
Germaine Tuff

ACKNOWLEDGMENT

STATE OF TEXAS            §  
  §  
COUNTY OF \_\_\_\_\_ §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Donald W. Tuff and Germaine Tuff.

\_\_\_\_\_  
Notary Public, State of Texas

**CITY:**

City of San Marcos, Texas

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS     §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of the City of San Marcos, Texas, in such capacity, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

CONSENT AND SUBORDINATION

First Financial Bank ("Lienholder"), as the holder of certain lien(s) on the Property set forth in deed of trust recorded as Document No. \_\_\_\_\_, Official Public Records, Hays County, and other liens and security interests in the Property (collectively, the "Liens"), consents to this Restrictive Covenant Agreement. Lienholder subordinates the Liens to this Restrictive Covenant Agreement, so that a foreclosure of the Liens will not extinguish the Restrictive Covenant Agreement.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2025.

**LIENHOLDER:**

First Financial Bank

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

THE STATE OF TEXAS     §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was executed before me on this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of **FIRST FINANCIAL BANK**, on behalf of said bank.

(SEAL)

\_\_\_\_\_  
Notary Public Signature

EXHIBIT A

**Description of the Property (Highlander)**

DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 149 AND 167 OF THE DIVISION OF THE AM ESNAURRIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1848 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9,1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED A ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

DRAFT

EXHIBIT A-1

**Description of the Property (Tuffs)**

**BEING** A 63.578 ACRE (2,769,448 SQUARE FEET) TRACT OF LAND SITUATED IN THE ANTONIO MARIA ESNAURIZAR SURVEY, ABSTRACT NO. 6 HAYS COUNTY, TEXAS, AND BEING A PORTION OF A.M. ESNAURIZAR ELEVEN LEAGUE GRANT SUBDIVISION 149, PLAT OF WHICH IS RECORDED IN VOLUME 34, PAGE 303, DEED RECORDS COMAL COUNTY, AND CONTAINING ALL OF THAT CERTAIN TRACT 50.00 ACRE TRACT A, AND A PORTION OF THAT CERTAIN 50.00 ACRE TRACT B, BOTH DESCRIBED IN INSTRUMENT TO DONALD W. TUFF AND GERMAINE TUFF IN VOLUME 312, PAGE 837, DEED RECORDS HAYS COUNTY, AND VOLUME 802, PAGE 397, DEED RECORDS COMAL COUNTY; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 6-INCH WOOD FENCE POST FOUND ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 4.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1512, PAGE 495, OFFICIAL PUBLIC RECORDS HAYS COUNTY, MARKING THE NORTH CORNER OF SAID 50.00 ACRE TRACT A, AND THE EAST CORNER OF THAT CERTAIN 0.80 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1648, PAGE 485, OFFICIAL PUBLIC RECORDS HAYS COUNTY; AND MARKING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGH ANDERSON, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

**THENCE**, ALONG THE COMMON LINE OF SAID 136.912 ACRE TRACT AND SAID 50.00 ACRE TRACT A THE FOLLOWING THREE (3) CALLS:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD POST FOUND FOR CORNER;
2. SOUTH 45°21'46" EAST, 733.15 FEET TO A WOOD POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 60D-NAIL WITH WASHER STAMPED "BYRN SURVEY" FOUND MARKING THE SOUTHWEST CORNER OF SAID 136.912 ACRE TRACT; CONTINUING FOR A TOTAL DISTANCE OF 262.16 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE NORTHWESTERLY LINE OF THAT CERTAIN 75.9 ACRE TRACT ONE, DESCRIBED IN INSTRUMENT TO JOHN D. DOSTER AND EVA J. DOSTER, RECORDED IN VOLUME 265, PAGE 178, DEED RECORDS HAYS COUNTY, AND MARKING THE EAST CORNER OF HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 44°24'42" WEST, 1736.82 FEET ALONG THE COMMON LINE OF SAID 50.00 ACRE TRACT A, AND SAID 75.9 ACRE TRACT TO A FOUND 1-INCH IRON PIPE CALLED FOR AS THE WEST CORNER OF SAID 75.9 ACRE TRACT, AND THE NORTHEAST CORNER OF THAT CERTAIN 46.8 ACRE TRACT THREE, RECORDED IN SAID IN VOLUME 265, PAGE 178;

**THENCE**, ALONG THE COMMON LINE OF SAID 46.8 ACRE TRACT, AND AFORESAID 50.00 ACRE TRACT A, THE FOLLOWING TWO (2) CALLS:

1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND THE INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

**THENCE**, NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 49.68 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLEGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNAURIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.68 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20080604468 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 25" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

**THENCE**, ALONG COMMON LINE OF SAID 49.68 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (2) CALLS:

1. NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
2. NORTH 44°53'34" EAST, 869.27 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS. THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NADD'83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/28/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER REAL ESTATE PARTNERS\068727800-FRANCIS HARRIS\DWG\FRANCIS HARRIS BASE.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



# **Public Hearing PSA-25-02 Francis Harris Lane Maberry Data Center Preferred Scenario Amendment Conservation/ Cluster to Commercial/ Employment Low**

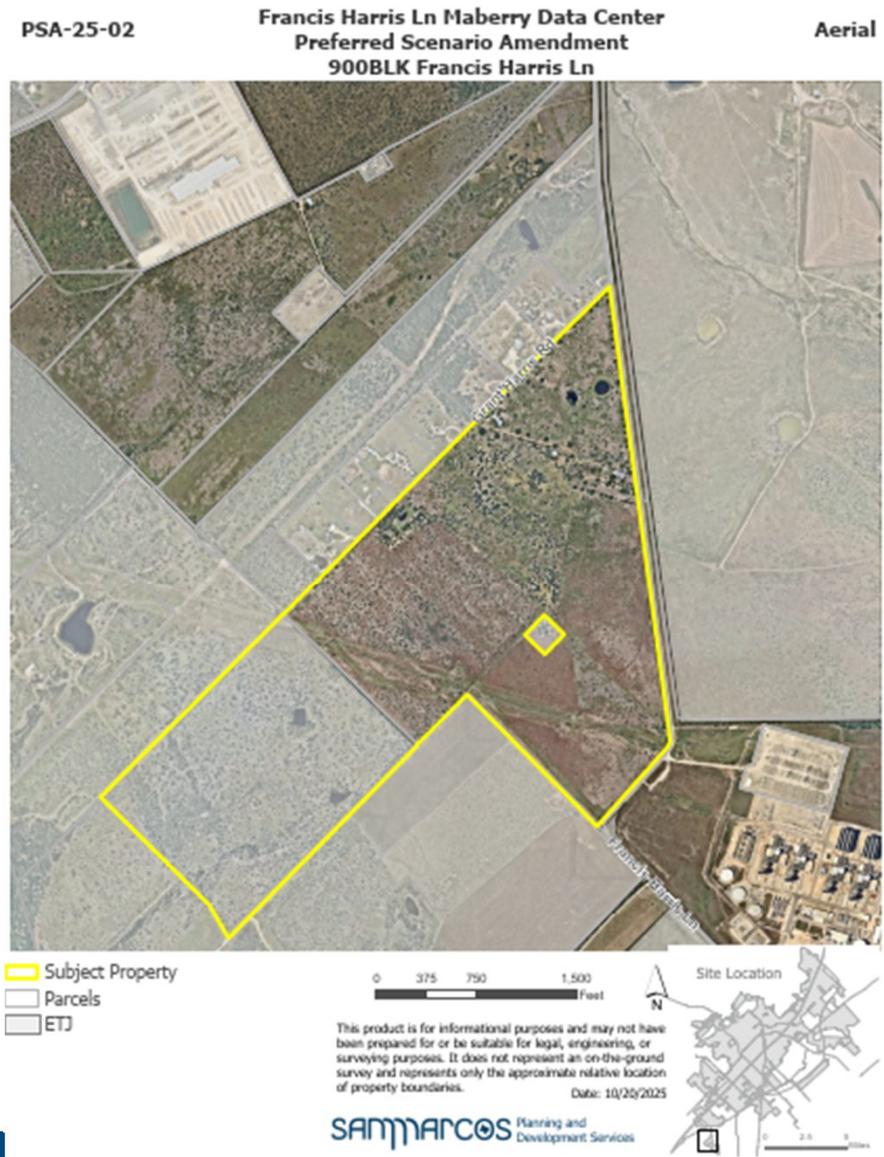
Hold a Public Hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC, and Donald and Germaine Tuff, to amend the Preferred Scenario map from "Conservation/ Cluster" to "Commercial/Employment Low " for 199.49 +/- acres of land, more or less, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas (J. Cleary)

[sanmarcostx.gov](http://sanmarcostx.gov)

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# Property Information

- Approximately 200 acres
- Located within both the City limits and the ETJ
- Surrounding Land Uses
  - Rural Residential
  - Power Plant (Hays Energy)
  - Vacant/ Agricultural
  - Cemetery
- Related applications
  - ZC-25-13 (CD 2.5/ FD to LI)
  - AN-25-02 (Annexation of southwestern 60 acres)
- Resubmittal of PSA-25-01.



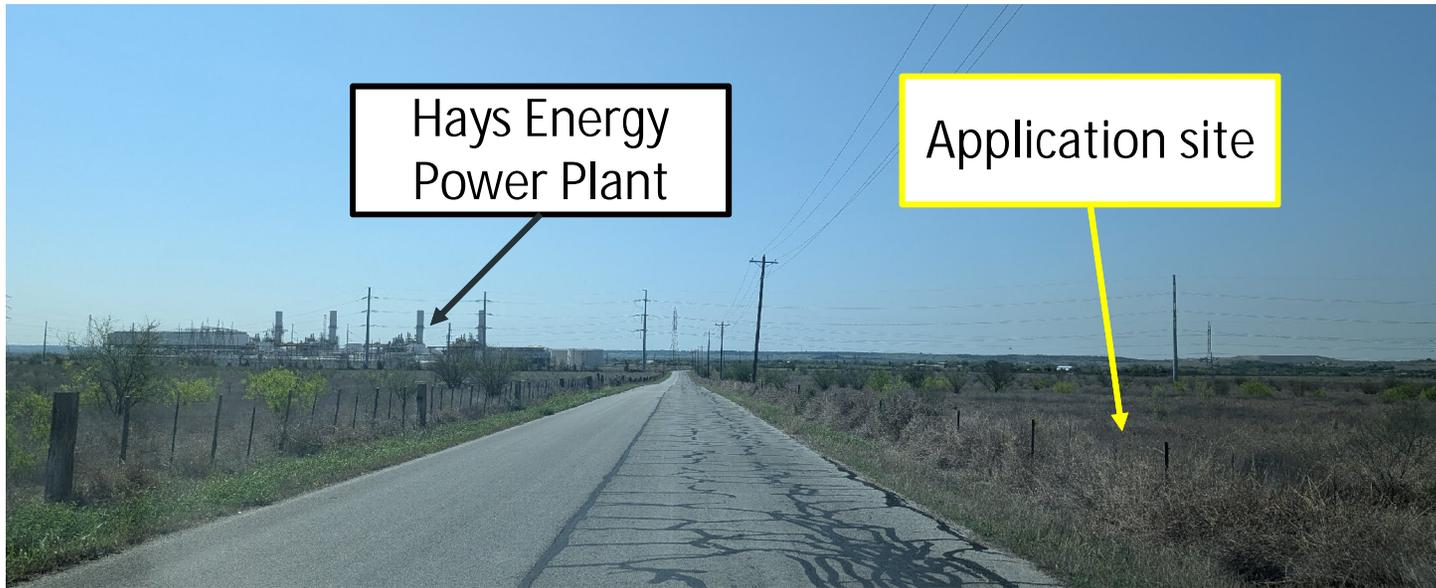


# History

- **March 25, 2025** - PSA-25-01 recommended for denial by Planning and Zoning Commission. Per Section 2.2.4.2.A of the Code, where the Planning and Zoning Commission recommends denial, a 6-1 vote from Council is required for the item to be approved.
- **Aug 19, 2025** - Council voted 5-2 in favor of approving PSA-25-01 on first reading however the motion to approve failed as it did not have sufficient votes for a supermajority.
- **October 2025** - New Preferred Scenario Amendment (PSA-25-02) submitted by the applicant. The nature of the request is the same.

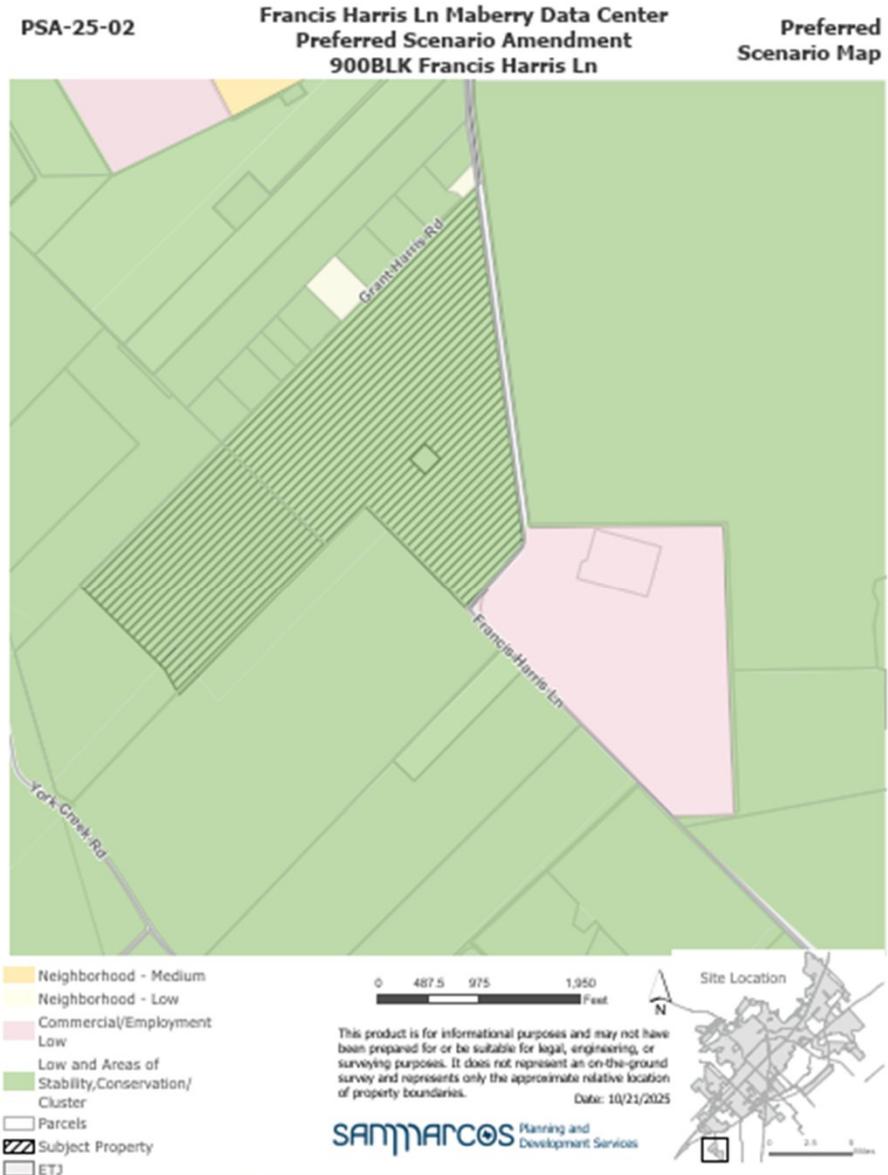


# Existing Context (Francis Harris Lane Southbound View)



# Request

- Amend the Preferred Scenario Map
- Conservation/ Cluster to Commercial/ Employment Low.
- Proposing Light Industrial Zoning to construct a Data Center.





## Current Designation “Conservation/Cluster”

- *“To identify areas to conserve and reserve for future development as a means of focusing more intensive development in other areas of the community. Development that does occur within conservation and reserve areas should be low impact to the natural environment by using a variety of development techniques and strategies.*
- Allows Character Districts, “MH” Manufactured Housing, “CM” Commercial, “FD” Future Development and “Low Intensity” Planning Areas.

## Proposed Designation “Commercial Employment Low”

- *“To facilitate lower density, auto-oriented retail, office, and industrial type uses. Primarily characterized by light to heavy industrial, warehouse and distribution, lower density office, and general commercial; additional uses may include civic, institutional, and hospitality. ”*
- Allows all Special Districts except for Manufactured Housing, Character Districts 4 and 5, and “Employment Center” Planning Areas.

PSA-25-02

Francis Harris Ln Maberry Data Center  
Preferred Scenario Amendment  
900BLK Francis Harris Ln

Zoning



- Parcels
- Subject Property
- AR
- CD-2.5
- HI

0 487.5 975 1,950 Feet



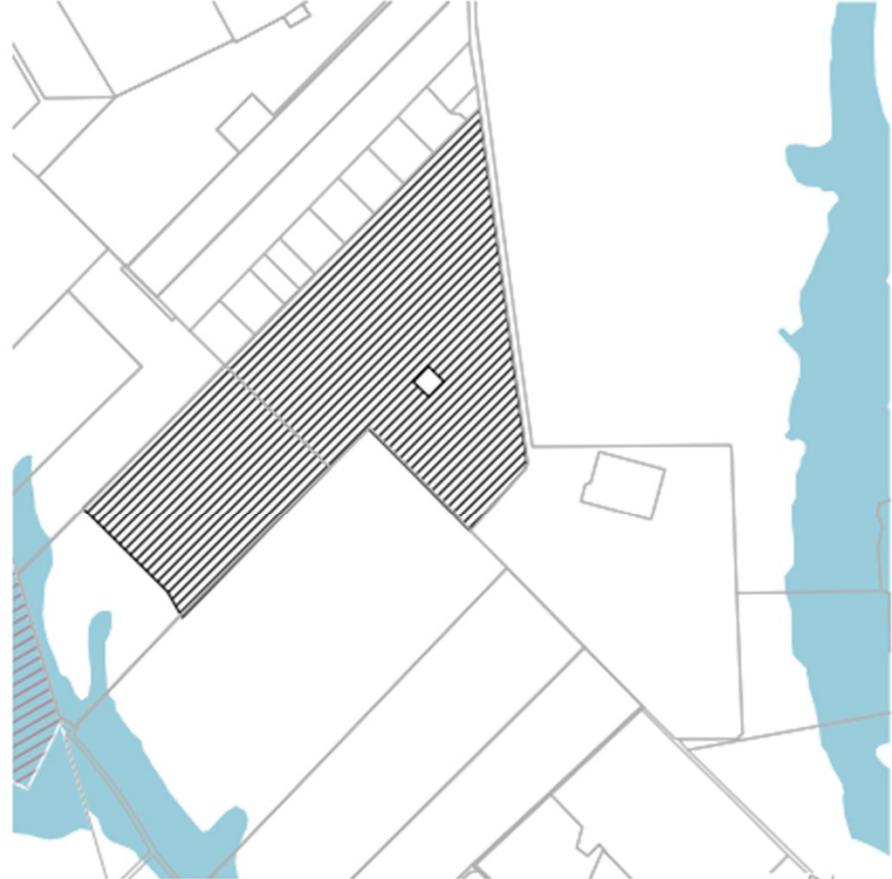
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Date: 10/21/2025

**SAN MARCOS** Planning and Development Services

PSA-25-02

Francis Harris Ln Maberry Data Center  
Preferred Scenario Amendment  
900BLK Francis Harris Ln

Environmental Features



- Parcels
- Subject Property
- Floodway
- 100 Year Floodplain

0 487.5 975 1,950 Feet



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Date: 10/21/2025

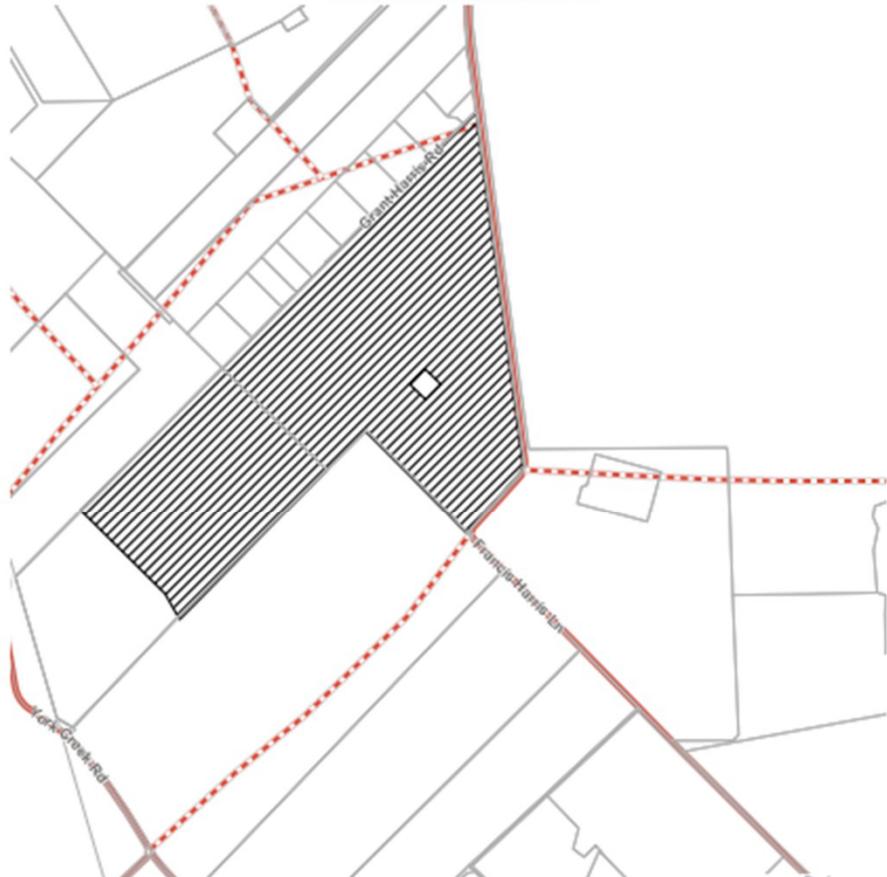
**SAN MARCOS** Planning and Development Services



PSA-25-02

### Francis Harris Ln Maberry Data Center Preferred Scenario Amendment 900BLK Francis Harris Ln

Thoroughfare Plan



- Parcels
- Subject Property
- Enhanced, Ave
- Proposed, Ave



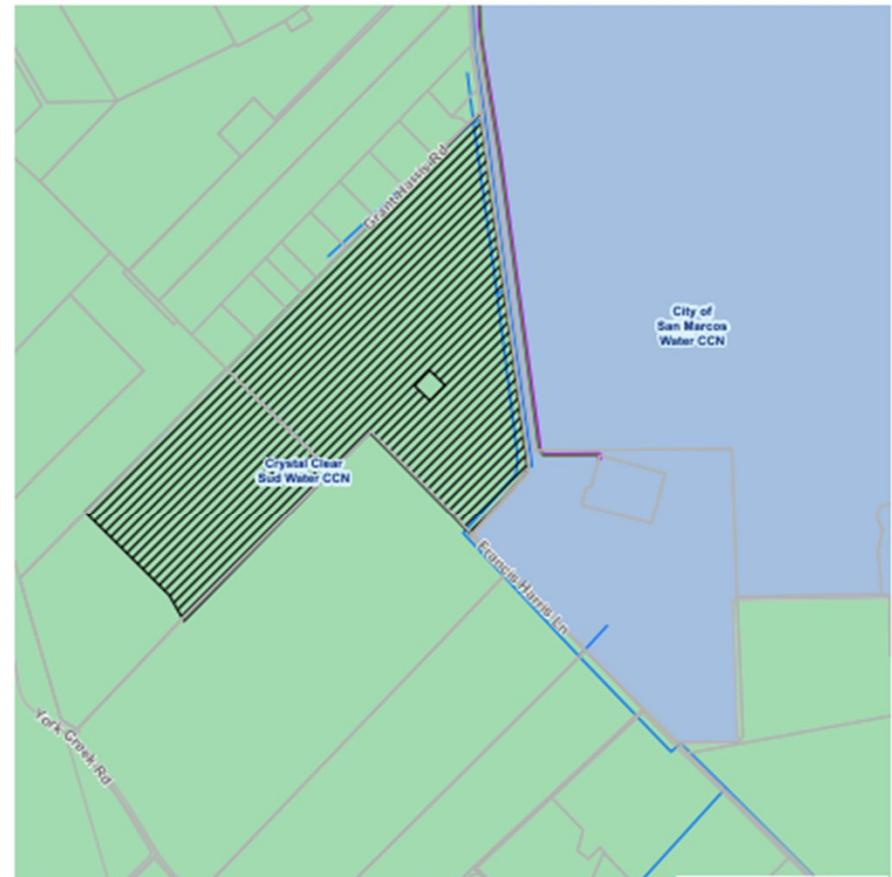
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Date: 10/28/2025

**SAN MARCOS** Planning and Development Services

PSA-25-02

### Francis Harris Ln Maberry Data Center Preferred Scenario Amendment 900BLK Francis Harris Ln

Water and Wastewater



- Parcels
- Subject Property
- Sanitary Main Active
- Potable Water Main Active
- Reclaimed Water Main



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.  
Date: 10/21/2025

**SAN MARCOS** Planning and Development Services



# Restrictive Covenants Proposed by Applicant

## **Prohibited Uses**

- Warehouse and Distribution
- Waste Related Services

## **Conditions if Data Center is Constructed**

- Water usage at the data center will not exceed 235 LUEs or 75,000 gallons per day.
- Drainage facilities shall be designed and constructed so that a rate of runoff from a site after construction shall be 10% less than the runoff prior to construction for the 2-, 10-, 25- and 100-year storm frequencies.



# Restrictive Covenants Proposed by Applicant (cont.)

## Conditions if Data Center is Constructed (cont.)

- Impervious cover limited to 70% (compared to 80% permitted under Light Industrial zoning)
- LEED certified building
- Sound at the property line shall not exceed 75 decibels.

Time	Section 7.2.4.1 limits	Proposed limits
10:00 a.m. – 10:00 p.m.	85 decibels	75 decibels
10:00 p.m. – 10:00 a.m.	75 decibels	75 decibels



# Preferred Scenario Amendment Process

- Nov 19, 2025 Neighborhood Commission Update Item (no action)
- Dec 9, 2025 Planning & Zoning Commission Update Item (no action)
- Dec 16, 2025 City Council Update item (no action)
- Jan 13, 2026 Planning & Zoning Commission Public Hearing
- Feb 3, 2026 City Council Public Hearing (no action)
- Feb 17, 2026 City Council Public Hearing & First Reading
- March 3, 2026 City Council Ordinance Reconsideration (2nd Reading)



Additional slides presented  
by City Manager's Office  
during the Council meeting  
on Aug 19, 2025, in response  
to key questions from  
Council and the public.



# NOISE

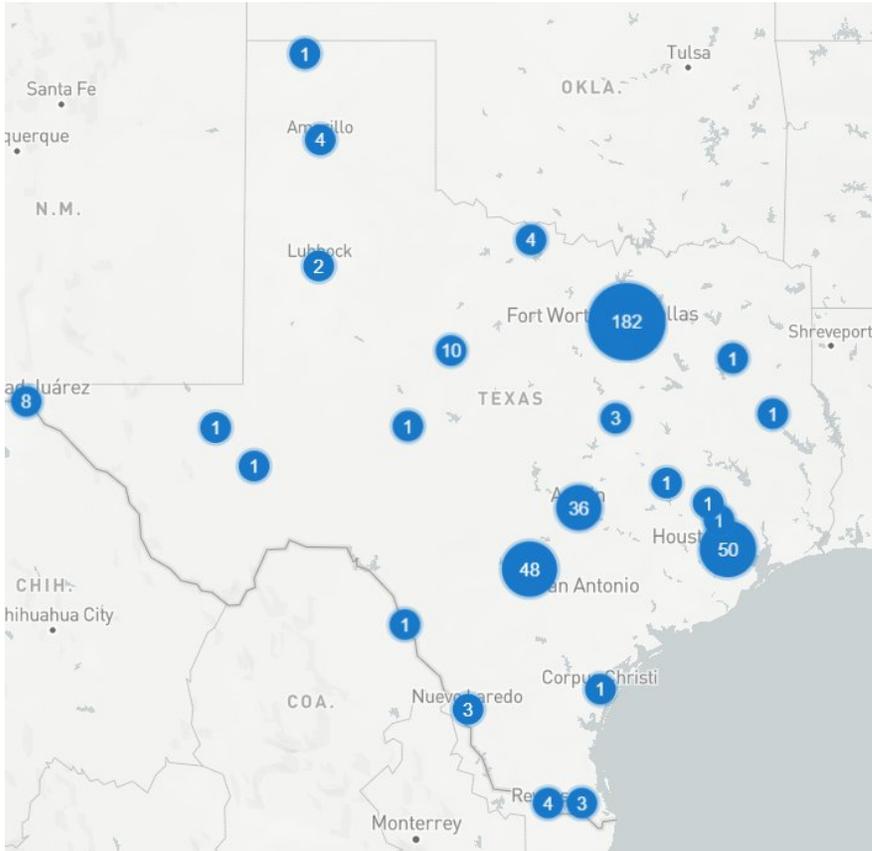
Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# Data Centers by Texas City/Market



Market	Data Centers
Tyler	1
Abilene	10
Wichita Falls	4
Harlingen	3
Laredo	3
Waco	3
Corpus Christi	1
Eagle Pass	1
Fort Stockton	1
Montgomery TX	1
Pecos	1
San Angelo	1
Stratford	1
<b>Total Data Centers:</b>	<b>366</b>

Source: <https://www.datacentermap.com/usa/texas/>

[sanmarcostx.gov](http://sanmarcostx.gov)

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25



# New Data Centers are planned for the Austin/SA Market and Texas

Tract Uhland Campus  
Cloudburst  
SE DC DevCo LLC  
Microsoft  
Sabey Data Centers  
Stargate

Figure 2: H2 2024 Wholesale Secondary Market

Market	Inventory (MW)	Y-o-Y Change (MW)		Available MW/Vacancy Rate
Central Washington	246.4	▲	84.2	0.4 / 0.16%
Austin/San Antonio	191.1	▲	4.7	4.8 / 2.5%
Houston	179.0	▲	44.9	26.4 / 14.8%
Southern California	176.1	▲	15.6	27.5 / 15.6%
Seattle	150.0	▲	11.1	10.0 / 6.7%
Denver	109.1	▲	16.2	20.4 / 18.7%
Minneapolis	62.6	▲	3.0	14.7 / 23.5%
Charlotte/Raleigh	58.9	▲	6.8	8.6 / 14.6%

Source: CBRE Research, CBRE Data Center Solutions, H2 2024.

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25



# Typical data centers in a neighborhood (SATX)



Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

[sanmarcostx.gov](http://sanmarcostx.gov)

# Placement and shielding of outdoor equipment



Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

x.gov



# Noise from the Hays Energy Plant

When the property was originally annexed and zoned single-family (CD2.5) in 2022, restrictive covenants were established on behalf of the future residents to mitigate the impact of noise generated at the Hays Energy Plant:

- buyers sign acknowledging the nuisance
- masonry construction within 1,500 ft of the plant
- 6' masonry wall
- additional landscape screening along the wall

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# Which land use is appropriate next to Power Plant?

470+ Single Family Homes

or

Data Center



**Hays Power Plant**

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25



# WATER USE and ENERGY DEMAND

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# Proposed Data Center Will Use Enhanced Cooling System that Conserves Water

Data Center Cooling System Type		
Cooling System Type	Evaporative	Closed Loop Non-Evaporative
Water Use	Very High	Minimal

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# Data Center water allocation is less than CD2.5 (single-family) zoning already approved for this site

## Proposed data center

- Use closed loop non-evaporative cooling system and will limit maximum water usage for the 200-acre site to 235 LUE's or 75,000 gallons per day.

## Alternative single family project

- 136-ac CD2.5 zoning already contracted for ~557 LUE's\* or ~178,000 gpd
- If 64-ac zoned CD2.5 (200 acres total) ~819 LUE's or ~260,000 gpd

Roughly a 55% to 70% reduction in allocated water usage

\* Per company presentation on August 13, 2025

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25 (updated)



## Data Center estimated water usage is less than CD2.5 (single-family) zoning already approved for this site

### Proposed data center

- Up to five (5) data center buildings using ~ 4,000 to 7,000 gpd per building\*
- Total estimated water usage = **20,000 to 35,000 gallons per day**

### Alternative single family project

- Current plat = 470 lots, 2.5 people per home, 67 to 97 gpd per person  
(67 gpd per person under drought restrictions, 97 gpd per person typical)
- Total estimated water usage = **78,725 to 113,975 gallons per day**

More than a 55% reduction in estimate actual water usage

[sanmarcostx.gov](http://sanmarcostx.gov)

\* Per company presentation on August 13, 2025  
Additional slides presented by City Manager's Office during the Council meeting on 8.19.25 (updated)

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# Power and Water Considerations for Data Centers

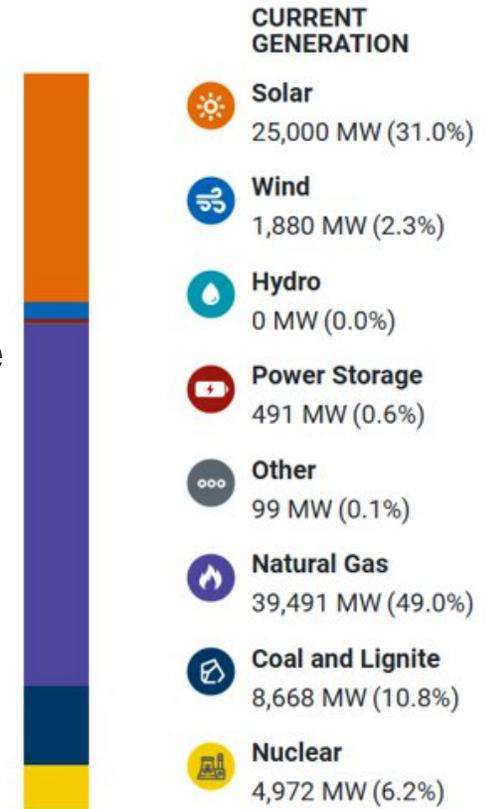
## P O W E R

- Data Centers require a significant amount of power
- ERCOT and transmission service providers regulate data center connections to the grid
- Proposed size, and grid interconnections are evaluated to ensure grid stability and reliability
- Generation capacity/transmission system constraints are considered through the interconnection process

## W A T E R

- Power generation uses significant amounts of water
- Some generation technologies require little water (air-cooled turbines, solar, battery storage, wind)
- Water rights or water supply agreements for any new generation must be in place to satisfy ERCOT rules

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25



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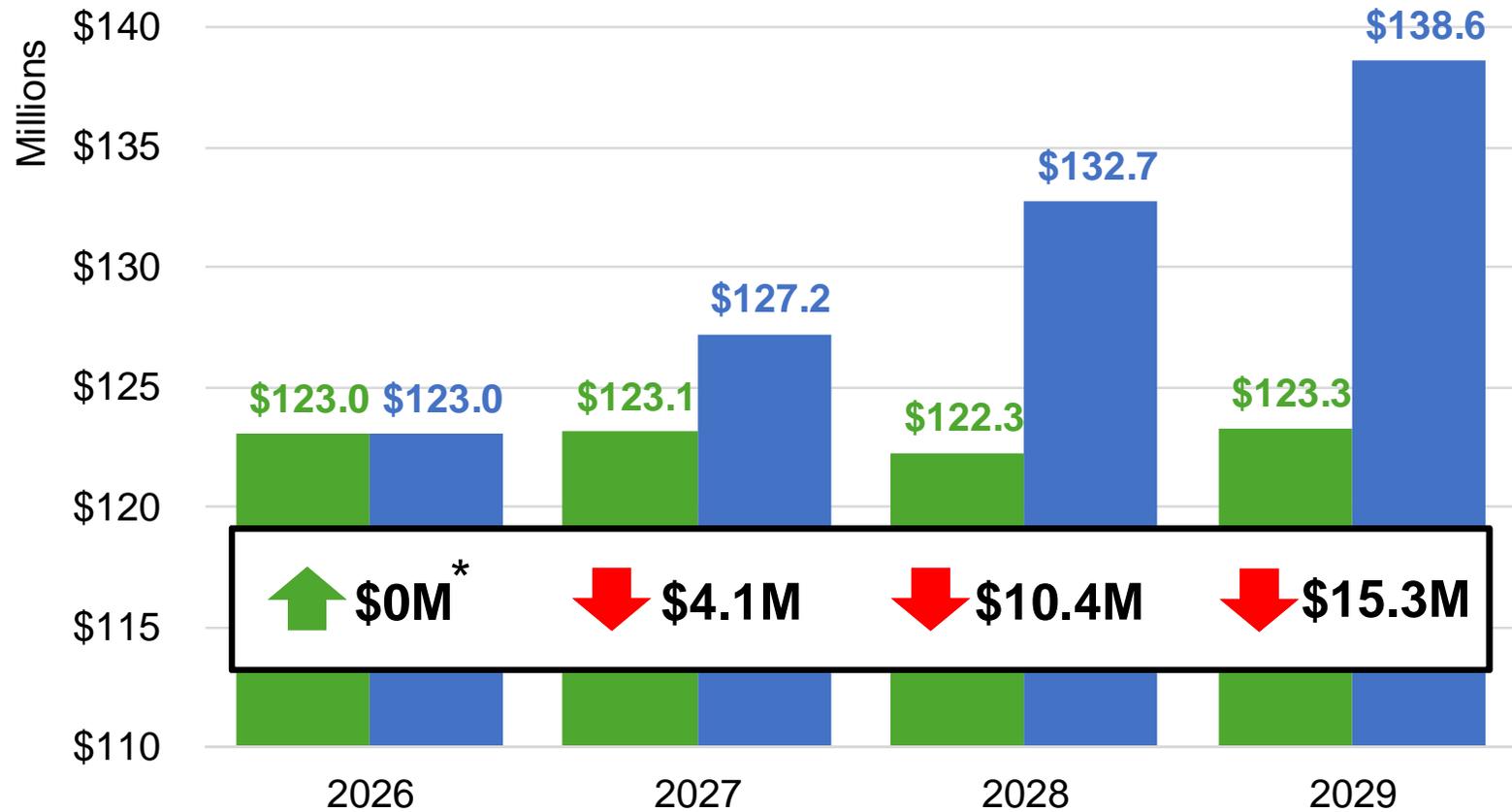
# FINANCIAL

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# Adopted Tax Rate 65.15¢



■ Total Revenues ■ Total Expenses

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25 (Updated)

[sanmarcostx.gov](http://sanmarcostx.gov)

\*Adjusted for \$3M planned use of fund balance in excess of 25%



# Property Tax Revenue

Taxing Entity Valuations*	City of San Marcos	SMCISD	Hays County**
\$ 500 M	\$ 3,258,000	\$ 5,076,000	\$ 1,963,000
\$ 1.0 B	\$ 6,515,000	\$ 10,152,000	\$ 3,925,000
\$ 1.5 B	\$ 9,773,000	\$ 15,228,000	\$ 5,888,000

\*Using FY 2026 Tax Rates

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25 (Updated)

[sanmarcostx.gov](http://sanmarcostx.gov)

\*\*Includes Hays County and Special Road



# SUMMARY

Additional slides presented by City Manager's Office during the Council meeting on 8.19.25

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# A Data Center located in the City of San Marcos has both inherent benefits and drawbacks

IN CITY	CONSIDERATIONS	OTHERS
	Energy Demand and Water:	
✗	• Grid Connection – Generation Impacts	✗
✓?	• Reclaimed Water Use at Hays Energy Plant	✗
✓	Onsite Water Use Regulation	✗
✓	Floodplain/Drainage Standards	✗
✓	Noise Restrictions	✗
✓	Financial Benefit to the City	✗

ircostx.gov

Additional slides presented by City Manager’s Office during the Council meeting on 8.19.25 (updated)



## Recommendation

- Staff recommends **approval** of PSA-25-02 as presented.



Legislation Text

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**File #: ZC-25-13, Version: 1**

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**AGENDA CAPTION:**

ZC-25-13 (Francis Harris Lane Maberry Data Center FD/ CD 2.5 to LI) Hold a public hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC and Donald and Germaine Tuff, for a Zoning Change from Future Development (FD) and Character District 2.5 (CD-2.5) to "Light Industrial" (LI) or, subject to consent of the owner, another less intense zoning district classification, for approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas. (J. Cleary)

**Meeting date:** January 13, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** See "Background Information" below.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Emerging Markets & Industry Relationships

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This is a resubmittal of a previous zoning change request (ZC-25-02) which was recommended 6-1 for denial by the Planning and Zoning Commission at their March 25, 2025, meeting. It was then withdrawn by the applicant after the associated Preferred Scenario Amendment (PSA-25-01) failed to receive the necessary votes for approval by Council at their August 19, 2025, meeting.

This zoning change covers 199.49 acres of land on the western side of Francis Harris Lane and is accompanied by the following applications:

- PSA-25-02 - Preferred Scenario Amendment from Conservation/Cluster to Commercial/Employment - Low. (resubmittal of PSA-25-01)
- AN-25-02 - Annexation request for the southwestern part of the site located outside of the city limits (approx. 64 acres).

The applicant is requesting this zoning change in order to construct a data center. Data centers are considered a Light Industrial use and so would only be permitted under either Light Industrial or Heavy Industrial zoning. No proposed site plans have been received at this time.

Per Table 4.1 of the Land Development Code, Light Industrial zoning is not permitted within Conservation/Cluster Place Types. Approval of the associated Preferred Scenario Amendment to Commercial/Employment - Low (PSA-25-02) is required before this zoning change can be approved.

Grant Harris Rd, a private driveway/ access easement with several residential structures, runs along the northwestern boundary of the property. These properties do not currently have any direct roadway frontage - the City of San Marcos Thoroughfare Plan would require the developer to dedicate Right of Way at the time of platting which would provide direct road frontage to these properties.

Staff is proposing to designate a 50' Character District-1 (CD-1) buffer along the northwestern boundary of the property adjacent Grant Harris Rd. The applicant agrees with this modification of the request. In addition, the applicant is proposing restrictive covenants, a draft of which are included in this packet.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

**N/A**

**Recommendation:**

- Staff recommends **partial approval** of ZC-25-13 for all of the requested tract with the exception of a 50' buffer along the northwestern property line of the Highlander, SM One, LLC Tract adjacent the private driveway Grant Harris Rd (see map included in the packet). This 50' buffer is recommended for the less intense zoning district of Character District-1 (subject to the consent of the owner).
- This recommendation for approval is also **subject to the approval of the associated Preferred Scenario Amendment PSA-25-02.**

<b>Zoning Request</b>	<b>900BLK Francis Harris Ln Francis Harris Ln Maberry Data Center</b>
<b>ZC-25-13</b>	



**Summary**

<b>Request:</b>	Zoning change from Future Development (FD) and Character District 2.5 (CD-2.5) to Light Industrial (LI).		
<b>Applicant:</b>	Armbrust & Brown, PLLC, 100 Congress Ave, #1300 Austin, TX, 78701	<b>Property Owner:</b>	Highlander SM One, LLC P.O Box 470249, Fort Worth, TX 76147 Donald and Germaine Tuff C/O: Kristen Quinney Porter P.O Box 312643, New Braunfels, TX 78131

**Notification**

<b>Application:</b>	September 30, 2025	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	December 28, 2025	<b># of Participants</b>	None
<b>Posted:</b>	December 23, 2025	<b>Personal:</b>	December 19, 2025
<b>Response:</b>	See attached comments.		

**Property Description**

<b>Legal Description:</b>	Approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6		
<b>Location:</b>	Generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane		
<b>Acreage:</b>	199.49 +/-	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-2.5/ ETJ (FD upon annexation)	<b>Proposed Zoning:</b>	Light Industrial
<b>Existing Use:</b>	Vacant/Residential	<b>Proposed Use:</b>	Data Center
<b>Preferred Scenario:</b>	Conservation/Cluster	<b>Proposed Designation:</b>	Commercial/Employment Low
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Available (no data available for water and electricity as these will not be provided by the City of San Marcos)	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No. There is an existing cemetery within the boundary of the site, however the cemetery is not included within this request.

<b>Zoning Request</b>	<b>900BLK Francis Harris Ln Francis Harris Ln Maberry Data Center</b>
<b>ZC-25-13</b>	



**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	None (ETJ)	Vacant/ Rural Residential	Conservation/Cluster
<b>South of Property:</b>	Heavy Industrial/ ETJ	Power Plant/ Agricultural/ Rural Residential	Conservation/Cluster & Commercial/Employment Low
<b>East of Property:</b>	Heavy Industrial/ ETJ	Power Plant/ Vacant	Conservation/Cluster & Commercial/Employment Low
<b>West of Property:</b>	None (ETJ)	Vacant	Conservation/Cluster

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Alternate Approval</b>	Denial
<ul style="list-style-type: none"> <li>Staff recommends <b>partial approval</b> of ZC-25-13 for all of the requested tract with the exception of a 50 ft buffer along the northwestern property line of the Highlander, SM One, LLC Tract adjacent the private driveway (Grant Harris Rd). This 50 ft buffer is recommended for the less intense zoning district of Character District-1 (with the consent of the owner).</li> <li>This recommendation for approval is <b><u>subject to the approval of the associated Preferred Scenario Amendment PSA-25-02.</u></b></li> </ul>		
<b>Staff:</b> Julia Cleary, AICP	<b>Title :</b> Senior Planner	<b>Date:</b> January 7, 2026

<b>Zoning Request</b>	<b>900BLK Francis Harris Ln Francis Harris Ln Maberry Data Center</b>
<b>ZC-25-13</b>	



**History**

This is a resubmittal of a previous zoning change request (ZC-25-02) which was recommended 6-1 for denial by the Planning and Zoning Commission at their March 25, 2025, meeting. It was then withdrawn by the applicant after the associated Preferred Scenario Amendment (PSA-25-01) failed to receive the necessary votes for approval by Council at their August 19, 2025, meeting.

This zoning change covers 199.49 acres of land on the western side of Francis Harris Lane and is accompanied by the following applications:

- PSA-25-02 – Preferred Scenario Amendment from Conservation/ Cluster to Commercial/Employment – Low. (resubmittal of PSA-25-01)
- AN-25-02 - Annexation request for the southwestern part of the site located outside of the city limits (approx. 64 acres).

The applicant is requesting this zoning change in order to construct a data center. Data centers are considered a Light Industrial use and so would only be permitted under either Light Industrial or Heavy Industrial zoning. No proposed site plans have been received at this time.

**Additional Analysis**

Per Table 4.1 of the Land Development Code, Light Industrial zoning is not permitted within Conservation/Cluster Place Types. Approval of the associated Preferred Scenario Amendment to Commercial/Employment – Low (PSA-25-02) is required before this zoning change can be approved.

Grant Harris Rd, a private driveway/ access easement with several residential structures, runs along the northwestern boundary of the property. These properties do not currently have any direct roadway frontage – the City of San Marcos Thoroughfare Plan would require the developer to dedicate Right of Way at the time of platting which would provide direct road frontage to these properties.

Staff is proposing to designate a 50' Character District-1 (CD-1) buffer along the northwestern boundary of the property adjacent Grant Harris Rd. The applicant agrees with this modification of the request.

**Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	With respect to the associated annexation case (and in the event that the applicant seeks to de-annex if this zoning change is denied), Fire would still likely be required to assist County Emergency Service Districts (ESDs) if there were a fire on the proposed data center site due to existing cooperative agreements. Fire would prefer that this site remains within/ is annexed into the city limits.
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Economic Development</b>	The proposed use is a target industry under the Economic Development Policy identified as a desirable industry for the City of San Marcos. Target industry: Information Technology.

Zoning Request  
ZC-25-13

900BLK Francis Harris Ln  
Francis Harris Ln Maberry  
Data Center



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
	<u>X*</u>		Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><i>There is a pending Preferred Scenario Amendment (PSA-25-02) from Conservation/Cluster to Commercial/Employment Low. The zoning change cannot be approved without the approval of the associated Preferred Scenario Amendment. If the PSA is approved, the evaluation would change from "Inconsistent" to "Consistent".</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b><i>Studies were not complete at the time of the request.</i></b>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>There are no applicable plans or studies related to this site.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this site.</i></b>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <b><i>The proposed LI zoning allows manufacturing &amp; light industrial uses like industrial office, warehouse, &amp; distribution.</i></b>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><i>The surrounding area is a combination of Heavy Industrial across Francis Harris Ln to the southeast, with agricultural/ rural agricultural on all other sides.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>The site is relatively flat with limited tree cover and is located next to an existing heavy industrial use.</i></b> <b><i>The site encloses an approx. 1 acre cemetery site (not part of this request). Access to the cemetery must be maintained per Section 711.041 of the Texas Health and Safety Code.</i></b>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>Most of the site is entitled to develop as single family residential (CD 2.5 zoning) however there are potential quality of life concerns for future residents due to the proximity of the neighboring power plant. For the southwestern portion of the tract, "FD" zoning is considered to be a temporary zoning upon annexation until the landowner proposes a specific use.</i></b>

Zoning Request  
ZC-25-13

900BLK Francis Harris Ln  
Francis Harris Ln Maberry  
Data Center



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether there is a need for the proposed use at the proposed location <b><i>The city does not have any specific studies identifying the need for data centers or proposed locations.</i></b>
		<u>X</u>	Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <b><i>Staff do not have data regarding the proposed energy or water use of the development at this time as these utilities will not be provided by the city.</i></b>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>There are several residential structures along the northwestern boundary on Grant Harris Rd. As the homes are not located within the city limits there is no Transitional Protective Yard requirement per Section 7.2.2.2 of the Code. Staff is proposing a 50' buffer alongside these properties on Grant Harris Rd which would trigger the Transitional Protective Yard requirement unless the land was dedicated as Right of Way per the City's Thoroughfare's Plan.</i></b>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <b><i>This is not a request for a Neighborhood Density District.</i></b>
<u>X</u>			The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <b><i>The site is not located within the floodplain, Edwards Aquifer Recharge Zone, or San Marcos River Corridor.</i></b>
<u>X</u>			Any other factors which shall substantially affect public health, safety, morals, or general welfare

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: March, 2023

## CONTACT INFORMATION

Applicant's Name	Michael J. Whellan	Property Owner	Multiple; See Insert
Company	Armbrust & Brown, PLLC	Company	
Applicant's Mailing Address	100 Congress Ave., #1300 Austin, TX 78701	Owner's Mailing Address	
Applicant's Phone #	[REDACTED]	Owner's Phone #	
Applicant's Email	[REDACTED]	Owner's Email	

## PROPERTY INFORMATION

Subject Property Address(es): 900 Francis Harris Ln. and a portion of 1789 York Creek Rd.

Legal Description: Lot -- \_\_\_\_\_ Block -- \_\_\_\_\_ Subdivision -- \_\_\_\_\_

Total Acreage: 199.49 Tax ID #: R Tract 1 (70024), Tract 2 (10808, 10877)

Preferred Scenario Designation: Conservation/Cluster\* Existing Zoning: Tract 1: CD-2.5 Tract 2: Unzoned

Existing Land Use(s): Undeveloped

\*Conservation/Cluster is the current Preferred Scenario Designation. Owners have requested Commercial/Employment Low.

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): LI

Proposed Land Uses / Reason for Change: Applicants request ability to provide a data center use on the property.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,000 plus \$150 per acre Technology Fee \$15 **MAXIMUM COST \$5,015**

\*Existing Neighborhood Regulating Plan Included.

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## Owner Information

### Tract 1

Property Owner: Highlander SM One, LLC (John Maberry)  
Mailing Address: P.O. Box 470249, Fort Worth, TX 76147  
Phone Number: [REDACTED]  
Email Address: [REDACTED]

### Tract 2

Property Owner: Donald and Germaine Tuff (Attorney: Kristen Quinney Porter)  
Mailing Address: P.O. Box 312643, New Braunfels, Texas 78131  
Phone Number: [REDACTED]  
Email Address: [REDACTED]

PROPERTY OWNER AUTHORIZATION

I, John Maberry (owner name) on behalf of Highlander SM One, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 900 Francis Harris Ln. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of Armbrust & Brown, PLLC (agent company) to file this application for preferred scenario map amendment and zoning (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: John Maberry Date: 9/16/25  
Printed Name, Title: John Maberry

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name, Title: Michael J. Whellan, Agent

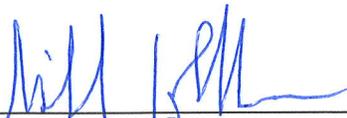
PROPERTY OWNER AUTHORIZATION

I, John Maberry (owner name) on behalf of  
Highlander SM One, LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
900 Francis Harris Ln. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
preferred scenario map (application type), and, if necessary, to work with  
amendment and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: John Maberry

Signature of Agent:  Date: 9/16/25

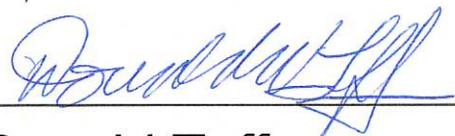
Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Donald Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: Sept 9, 2025  
Printed Name, Title: Donald Tuff

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name, Title: Michael J. Whellan, Agent

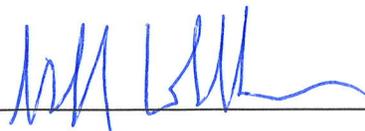
PROPERTY OWNER AUTHORIZATION

I, Donald Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Donald Tuff

Signature of Agent:  Date: 9/16/25

Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Germaine Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Germaine Tuff* Date: 9/9/25

Printed Name, Title: Germaine Tuff

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Michael J. Whellan, Agent

Form Updated October, 2019

PROPERTY OWNER AUTHORIZATION

I, Germaine Tuff (owner name) on behalf of  
-- (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1789 York Creek Rd. (address).

I hereby authorize Michael J. Whellan (agent name) on behalf of  
Armbrust & Brown, PLLC (agent company) to file this application for  
annexation, preferred (application type), and, if necessary, to work with  
scenario map amendment, and zoning  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: Germaine Tuff

Signature of Agent:  Date: 9/16/25

Printed Name, Title: Michael J. Whellan, Agent

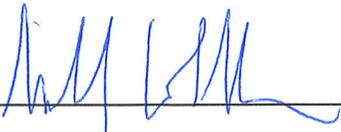
Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature:  \_\_\_\_\_  
Print Name: Michael J. Whellan

Date: 9/16/25

Form Updated March, 2023

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744

January 2, 2026

Mr. Terry Floyd, Director  
Planning & Development Services Department  
City of San Marcos  
630 E. Hopkin St.  
San Marcos, TX 78666

Subject: Applications for 900 Francis Harris Ln. and a portion of 1789 York Creek Rd. (also known as 904 Francis Harris Ln.)

Dear Mr. Floyd,

On behalf of Highlander SM One, LLC and Donald and Germaine Tuff (collectively, the “Owners”), I am submitting the following application packages, which would allow 900 Francis Harris Ln. (“Tract 1”) and a portion of 1789 York Creek Rd. (“Tract 2”) (collectively, the “Property”) to be developed as a data center:

- **Annexation.** The Owners have a pending request for the City to annex Tract 2 into the City’s full-purpose jurisdiction. (Tract 1 is already located within the City of San Marcos.)
- **Preferred Scenario Map Amendment.** The Owners request the City change the Preferred Scenario Map designation for the Property from Conservation/Cluster to Commercial/Employment Low.
- **Zoning.** The Owners request the City rezone Tract 1 from Character District 2.5 to Light Industrial (“LI”) and zone Tract 2 for LI upon annexation.

I have summarized these requests in Figure 1 below. In accordance with San Marcos policy, I met with City staff for a pre-development meeting on September 8, 2025. This letter replaces the letter dated September 17, 2025.

**Figure 1. Application Package Summary**

	Tract 1	Tract 2
<b>Size</b>	135.91 acres	63.58 acres
<b>Jurisdiction</b>		
<b>Current Jurisdiction</b>	City of San Marcos	Extraterritorial Jurisdiction
<b>Requested Jurisdiction</b>	City of San Marcos	City of San Marcos
<b>Zoning</b>		
<b>Current Zoning</b>	Character District 2.5	Unzoned
<b>Requested Jurisdiction</b>	Light Industrial	Light Industrial
<b>Preferred Scenario Map</b>		
<b>Current Designation</b>	Conservation/Cluster	Conservation/Cluster
<b>Requested Designation</b>	Commercial/Employment Low	Commercial/Employment Low



Pedernales Electric Cooperative (“PEC”) for electricity. Ultimately, information on water service and electricity consumption will be finalized through the site development process and will be subject to CCSUD, PEC, and Lower Colorado River Authority (“LCRA”) approval.

Additionally, the Owners have worked to answer concerns related to utility service, including proposing a restrictive covenant that would limit water usage to 235 LUEs – which would cut the water usage approved for the Property today roughly in half. The Owners are also committed to fully complying with a new state law, Senate Bill 6, which regulates data center development and energy use throughout Texas. (For reference, the Lone Star Chapter of the Sierra Club supported the passage of Senate Bill 6.)

Among other provisions, this new law sets cost-sharing and disclosure requirements intended to support ERCOT’s efforts to plan for grid reliability and to deter speculation. Critically, the law also provides greater authority for ERCOT to reduce energy to new large-load users during emergencies. As ERCOT’s CEO, Pablo Vegas, stated in an interview with Hearst Newspapers: “If a data center connects onto our [ERCOT’s] grid and the grid gets tight, they have to turn off before we (have rotating outages.”

- **Environmental.** The Owners are not aware of any floodplain or other environmentally sensitive features impacting the Property, and the Property is not located in the ‘Environmental Overlay’ shown in Vision SMTX. Through this process, the Owners are proposing to annex the Property into San Marcos, which will provide greater protections than are otherwise afforded in the ETJ.

Additionally, the Owners have proposed a restrictive covenant that would commit the Property to superior environmental standards, including provisions related to impervious cover, stormwater runoff, green building, and sound limits (as discussed in more detail below).

- **Cemetery.** There is a cemetery (the Nichols Cemetery) located on a parcel of land that is surrounded by Tract 1. The applicants do not own this cemetery parcel. State law (Section 711.041 of the Texas Health and Safety Code) provides public access rights to any such cemeteries, stating that: “Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds.”

Highlander SM One, LLC also previously hired a licensed Texas geoscientist to perform a ground-penetrating radar study of the area *around* the cemetery to determine if there were any other burials in the general vicinity of the cemetery. This study determined that “the current limits of the cemetery have been preserved throughout history” and that “the surveyed outer buffer zone [around the cemetery] lacks evidence suggestive of human burials”

- **Fiscal Responsibility.** The Vision SMTX Comprehensive Plan prioritizes development patterns that have a positive fiscal impact, with new revenues balanced against long-term responsibilities for providing City services and maintaining City infrastructure. While a data center use will generate meaningful new tax revenues, it will have only limited needs for City services – and thus will have a positive fiscal impact. In contrast, the previous proposal for this Property – a roughly 470-unit single-family subdivision – would generate a higher demand for City services for things like police, fire, emergency services, transportation infrastructure, and parkland, among other things.

Based on similar data center projects in Texas, we estimate roughly \$4 million in annual revenues for the City and \$7 million to San Marcos ISD.

- **Compatibility.** The Property is directly adjacent to a power plant (which the City has designated for the Commercial/Employment Low Place Type and for Heavy Industrial zoning). A data center project on the Property would be more compatible with this existing power plant use than a large single-family subdivision project.

### Restrictive Covenant

The Owners have worked collaboratively to incorporate feedback and improve their proposal. As part of this effort, the Owners have proposed a binding restrictive covenant that would commit the Property to the following, regardless of ownership:

- **Limiting Water Use.** Any data center on the Property will not exceed 235 LUEs or 75,000 gallons per day of water usage (for reference, the single-family subdivision plan at this site is approved for up to 550 LUEs).
- **Improving Drainage.** The data center development must reduce the stormwater runoff rate on the Property by 10 percent below the pre-construction runoff rate for the 2-year, 10-year, 25-year, and 100-year storms.
- **Lowering Impervious Cover.** The restrictive covenant would limit impervious cover on the Property to 70 percent – lower than what the Light Industrial zoning designation would otherwise allow (80 percent).
- **Superior Building Standards.** The owner must seek Leadership in Energy and Environmental Design (LEED) certification for any data center development on the Property.
- **Restricting Sound.** The restrictive covenant would limit sound to 75 decibels throughout the day and evening, which is a more restrictive standard that required in the City of San Marcos Development Code.
- **Restricting Uses.** The restrictive covenant would prohibit warehouse and distribution and waste-related service uses, which would otherwise be allowed in the Light Industrial zoning district.

### Case Rationale

We believe that these requests are appropriate, reasonable, and consistent with the City's goals and with good planning and land use practices. Specifically, we believe that:

- **The Owners have worked collaboratively to put forward an environmentally superior proposal** that limits water use, improves drainage, and provides superior building standards, among other things (as discussed above).
- **A data center use will produce new tax revenues with limited need for City services.** As noted above, a data center use will produce meaningful new tax revenues while having only limited

needs for City services such as police, fire, emergency services, transportation infrastructure, and parkland, among other things. As a result, such a project would be a major fiscal benefit for the City budget and for taxpayers.

- **A data center use will have a lower traffic footprint and produce less ‘wear and tear’ on roads.** The Property is currently connected to the rest of the City via one roadway, Francis Harris Lane. Thus, any traffic entering or exiting the Property will largely be concentrated on that one road. Higher-volume uses would generate greater congestion and ‘wear and tear’ for the City to manage, in contrast to the lower traffic footprint of a data center.
- **This is the right location for a data center use, from a planning perspective.** Data center uses often require large tracts of land that an owner can readily secure against unauthorized access and that are not vulnerable to environmental hazards or other such features. These characteristics generally mean that properties on the edge of the City are likelier to be appropriate for a data center use. Given this dynamic, other data center developments have been proposed in areas *outside* the City limits. Such projects would not be subject to the City’s environmental regulations and would not contribute to the City’s tax base. In contrast, this proposal would meet a higher environmental standard while also paying City taxes.

### Prior Cases

In December 2024, the Owners submitted applications for annexation, Preferred Scenario Map Amendment, and zoning related to the Property, with the goal of developing the Property for a data center use.

On March 25, 2025, the Planning and Zoning Commission held a public hearing on the Preferred Scenario Map Amendment and zoning cases. While the Owners requested that the Planning and Zoning Commission postpone the cases to allow additional time to address concerns, the Commission ultimately proceeded and recommended denial of both cases on an 8-1 vote.

At its August 19, 2025 regularly scheduled Council meeting (which concluded after midnight on August 20), Council took the following actions related to those cases:

- Council voted 7-0 in favor of the annexation request on first reading only. This case was later postponed as the associated Preferred Scenario Map Amendment and zoning cases failed to proceed (as described below).
- Council voted 5-2 in favor of the Preferred Scenario Map Amendment request. However, as Section 2.4.2.3.C.3. of the Development Code required a super-majority vote of Council in order to approve this application, the Preferred Scenario Map Amendment did not proceed.

(Importantly, the Development Code distinguishes between applications that are denied versus those that fail to achieve a super-majority threshold. Section 2.2.4.2.A. of the Development Code, which defines how the City administers the super-majority requirement, specifies that applications that fail to earn the requisite super-majority vote do “not become effective” – it does not describe the application as being denied. Specifically, that provision states: “Development applications where a super majority vote is required by this development code **shall not become effective** [emphasis added] except by the favorable vote of six members of the City Council.”)

- Council took no action on the zoning request, since the associated Preferred Scenario Map Amendment failed to proceed.

We have likewise reviewed the relevant portions of the Development Code and concluded that the Owners have the right to submit the attached applications at this time. Our analysis of the relevant provisions is provided below:

- **General Re-Application Provision.** Section 2.3.4.1.A. of the Development Code specifies that “Whenever any development application, with the exception of any plat application, is denied at a public hearing for failure to meet the substantive requirements of this Development Code, a development application for all or a part of the same property shall not be accepted for filing for a period of six months from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal.”

Council did not vote to deny any of the cases related to the Property. However, as Section 2.4.2.3.C.3. of the Development Code required a super-majority vote of Council in order to approve this application, the Preferred Scenario Map Amendment did not proceed. This action is distinct and different from a denial, which would have required a motion and a second to deny the application and an affirmative vote of a majority of Council in favor of denial.

Furthermore, Section 2.3.4.1.A. only applies to development applications that were “denied at a public hearing for failure to meet the substantive requirements of this Development Code.” None of the applications “fail[ed] to meet the substantive requirements of this Development Code.”

As a result, Section 2.3.4.1.A. does not apply to the attached applications.

- **Preferred Scenario Map Amendments.** Section 2.4.2.2. of the Development Code specifies that “Consideration of Preferred Scenario Map amendments that are modifications to a Neighborhood Low-Existing Place Type shall be limited to twice per year as determined by the Responsible Official.” The City has designated the Property for Conservation/Cluster, not Neighborhood Low-Existing.

As a result, Section 2.4.2.2. does not apply to the attached applications.

- **Zoning.** Section 2.5.1.2.F.1. prohibits the Planning and Zoning Commission and City Council from considering a zoning application for a property within a year of any of the following:
  - “A City Council vote to deny the same requested change for all or any portion of the parcel.”
  - “Withdrawal of the same requested change by the applicant after the City Council meeting at which the change is to be considered has been called to order.”
  - “A modification to the boundary of the same requested change by the applicant after the Planning and Zoning Commission has voted on the matter.”

The Owners proceeded to Council for a vote on the zoning application and did not modify the case boundaries. Ultimately, as the Preferred Scenario Map Amendment case did not proceed, Council took no action on the association zoning case.

As a result, Section 2.5.1.2.F.1. does not apply to the attached applications.

We discussed this information with the City, which agreed with our interpretation of these code provisions and with our analysis that the Owners have the right to submit the attached applications at this time

### **Conclusion**

We believe that this request is reasonable, that our proposal will help the City achieve superior policy outcomes on issues like environmental sustainability and fiscal responsibility, and that the Property is an appropriate location for a data center development.

We appreciate your consideration – and I am available to discuss this case further and answer questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a stylized flourish at the end.

Michael J. Whellan

## Attachment A: Fiscal Analysis

As part of its Vision SMTX planning process, the City considered how different development patterns affect both “the estimated revenues generated by new development” and “the estimated costs of public services required to serve that development,” with the goal of ensuring that the City grows in a fiscally responsible and sustainable manner.

In short, the City generally prioritizes development patterns that balance new tax revenues against the long-term costs of public services (for infrastructure, policing, fire and emergency services, and more). Development patterns that produce greater tax revenues than they demand in public services will help support the City’s fiscal sustainability over the long term.

By this metric, a data center is a prudent choice at this location. When compared to the most recent proposed use of this site (single-family subdivision), a data center will have a lower overall need for City services while producing meaningful tax revenues.

As noted above, the Property is located on the edge of San Marcos’ city limits and is connected to the rest of the City by a single roadway, Francis Harris Lane. This site context has several important implications for fiscal sustainability:

- **Property Location.** First, the Property’s location at the edge of the city limits means that development patterns which demand higher levels of City services will stress City resources over time. Vision SMTX notes that outlying development that demands higher levels of police, fire, and emergency services coverage can lengthen response times and generate the need for more facilities and personnel. Location can also affect other important City services; for instance, outlying residential development in areas without existing amenities often adds pressure for the City to develop and maintain new parkland, which can spread parks resources out more thinly over a larger parks system.

Data centers require less police, fire, and emergency services coverage than single-family subdivisions – and have little to no impact on other City services like parks and open space.

Given the sensitive nature of data centers – as well as the large amount of expensive technology that they hold – owners operate their own on-site security, which deters crime and reduces the need for police services; they also invest in fire suppression systems to protect their investment. In contrast, even in safe and secure subdivisions, residents often expect their City to ensure a certain level of police presence, and the large volume of households increases the probability that one or more will likely require fire or emergency services at some point.

Likewise, residents often expect their City to invest in parks and other recreational amenities near their homes. This becomes particularly important in outlying areas without easy access to existing parkland, pressuring the City to acquire and develop new parks spaces that ultimately serve a limited number of households. Data centers produce no such demand, allowing the City to use its resources to maintain and improve its existing parks system without stressing existing resources.

Finally, as described above, the project intends to use CCSUD for water service and PEC for electricity, and thus will not require City service for either utility.

- **Limited Connectivity.** Second, the limited connectivity to the City means that traffic traveling to and from the Property will largely be concentrated on one roadway (Francis Harris Lane); higher-volume uses would result in greater ‘wear and tear’ on this roadway and will require more maintenance and more frequent replacement.

Data centers produce very little traffic compared to other uses. Residential subdivisions generally feature a large volume of morning and evening commuting, in addition to trips to grocery stores, libraries, friends’ homes, and more. Commercial uses generally operate by attracting as many customers as possible. Industrial uses often feature heavy trucks dropping off and picking up various materials. Data centers, instead, feature none of these dynamics. They are secure facilities that feature fewer people than a residential subdivision and generally do not attract outside visitors. As a result, data centers have a meaningfully lower impact on roadway infrastructure and maintenance.

For reference, the Urban Land Institute, a respected land-use think tank, has reported that data centers “require fewer employees to operate than most other commercial properties, leaving minimal impacts on traffic in surrounding areas.”

The other major consideration related to fiscal sustainability is the Property’s ability to produce tax revenues that can help cover the costs of the services described above.

While single-family subdivisions often generate new tax revenues, they also meaningfully increase demand for City services. Vision SMTX notes that development patterns similar to that previously proposed for this Property (a 470-unit single-family subdivision) have the “the “Highest cost to serve (per new person) of all Place Types” and “generates [the] largest increase in new streets to maintain.”<sup>1</sup>

Data centers, instead, often produce meaningful new property tax revenues – buoyed by the types of improvements needed to house expensive computing technology – while generating a *lower* demand on City services. While Vision SMTX found that the Commercial/Employment Low Place Type (the designation requested for the Property) generally has a negative fiscal impact it also caveated this finding by specifying that the “value of non-residential development will vary fiscal impact” and that “[i]mpact on calls for service varies by use (e.g. retail more, industrial less).” In this case, as demonstrated above, the data center use in particular has a *positive* fiscal impact, producing meaningful new revenues with only a limited need for City services.

A briefing in the American Planning Association’s *Zoning Practice* publication sums up the comparison between the previous proposed use (single-family subdivision) and the current proposed use (data center) concisely, stating that data centers can be “highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes.”

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<sup>1</sup> Technically, the Preferred Scenario Map currently designates the Property for Conservation/Cluster, which primarily consists of parks, open space, and agricultural or ranchland. However, Vision SMTX notes that Conservation/Cluster actually “has the potential to perform like a Neighborhood Low or Medium Place Type if a cluster-style development is pursued.” In this case, the Property has most recently been planned for a new subdivision consisting of an estimated 470 detached single-family homes, a development pattern that more closely reflects the Neighborhood Low-New Place Type (primary land use: detached single-family).

1300

# Austin American-Statesman

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## ERCOT CEO: No data center, worries

Power-hungry facilities will disconnect during severe grid emergencies, he says

**By Claire Hao**  
STAFF WRITER

An unprecedented surge of data centers could be coming to Texas, prompting concerns over how the state's power grid — which infamously suffered deadly blackouts in 2021 — will keep up with the breakneck de-

mand.

According to Pablo Vegas, CEO of the Electric Reliability Council of Texas, residents don't need to be alarmed: A new state law requires data centers to disconnect in phases at the grid operator's discretion during a severe grid emergency.

"If a data center connects onto

our grid and the grid gets tight, they have to turn off before we (have rotating outages)," Vegas said in a recent interview with Hearst Newspapers.

As Big Tech companies race to develop artificial intelligence, a huge pipeline of data centers — some planning to use as much electricity as entire cities — are seeking to come to Texas, attracted to the state's plentiful land and relatively cheap energy for industrial customers.

As a result, near-term electricity demand is expected to grow magnitudes faster in Texas than anywhere else in the country, according to an Energy Department analysis.

Even if many of the data centers proposed for Texas aren't ultimately built, ERCOT has forecast that electricity demand across its system could increase 70% by 2031.

"It's really been just something that we've never experi-

enced before in the history of ERCOT," Vegas said.

The Trump administration has embraced Big Tech's AI push, arguing that the United States has to outcompete adversaries such as China in developing the potentially transformative technology.

Recently, Gov. Greg Abbott appeared alongside Google's CEO as the tech giant announced \$40 billion in AI-relat-

**ERCOT continues on A2**

# ERCOT

From page A1

ed investments across the state, which would make Texas home to more Google data centers than anywhere else in the world.

But in welcoming data centers, Texas leaders — particularly Lt. Gov. Dan Patrick — have also raised concerns about how the influx could jeopardize the state's power grid.

Those concerns manifested in Senate Bill 6, a law Abbott signed in June that received some push-back from the data center industry.

Much of the debate focused on a first-of-its-kind requirement that data centers and other non-critical industrial facilities would have to shut off if ERCOT ordered rotating outages. In 2021, these outages only affected everyday residents and businesses.

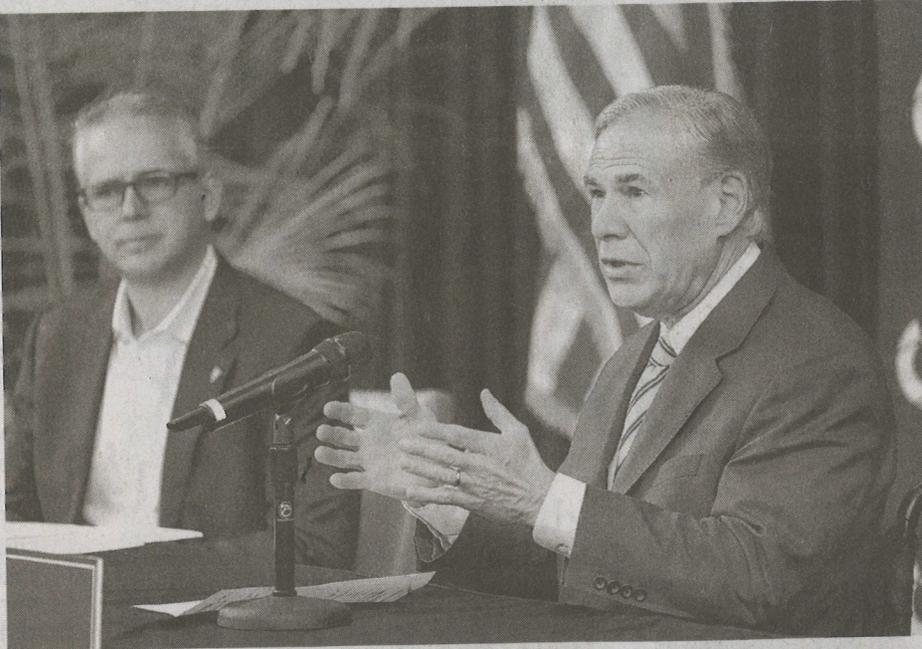
## Reducing reliance

But, according to Vegas, the new law goes further than that.

ERCOT will have the authority to ask data centers to reduce their reliance on the grid before it ever reaches the point of needing to order rotating outages, he said.

At first, the requests would be voluntary, and data centers would get 24-hour notice and payments for participating.

But if grid conditions continued to deteriorate, the requests would become mandatory: Data centers with on-site backup power would be required to switch to their own resources or cut back



Pablo Vegas, CEO of ERCOT, left, says a law signed by Gov. Greg Abbott safeguards the Texas power grid during emergencies.

Melissa Phillip/Houston Chronicle



Construction continues at the Sabey Data Center in Round Rock this past summer, part of the surge in Lone Star State data centers.

Aaron E. Martinez/Austin American-Statesman

on electricity consumption, Vegas said.

If ERCOT exhausted nearly all of its other tools to prevent rotating outages, it would be allowed to tell data centers with significant backup power to disconnect from the grid, Vegas said.

Thus, ERCOT doesn't

have to worry that there won't be enough new power plants built in the coming years to meet projected data center demand, Vegas said, because those facilities would have to be flexible in their power consumption during a grid emergency.

"That effectively means that all of this new growth that's coming cannot contribute to the grid going into (rotating outages). It has to all come off before," Vegas said. "That was an unlock for the state of Texas, to be able to say we can accommodate the growth that's coming."

## Power bottleneck

Though the new law has "solved" the supply-and-demand issue, data center growth is still constrained by how quickly long-distance power lines can be built across Texas, Vegas said.

In total, Texas could need \$33 billion in new transmission lines, ERCOT estimated, which would be the largest expansion of the state's electrical network since 2013. The cost of these projects would be spread out among all ERCOT cus-

tomers across the state.

ERCOT has already approved a few big-ticket transmission projects: a \$13.8 billion network in West Texas, as well as a \$9.4 billion grid "super-highway" cutting through the Houston area.

But new transmission projects take years to build, slower than new data centers can be constructed.

It's possible that in the coming years, parts of the grid could become saturated. That would slow down connecting new data centers to the grid in that region until the local utility can build more power lines, Vegas said.

The Texas power industry's challenge is to figure out how to build transmission lines quickly, he said — at the same time that local communities across Texas are already beginning to protest huge power-line projects.

Looking ahead to this winter, Vegas said "the grid is probably in the most reliable condition that it's been in since Winter Storm Uri," also known as the February 2021 freeze.

That's because ERCOT has added a lot more electricity supply since that storm and Texas hasn't yet seen the massive electricity demand growth that's forecast for the next couple of years, he said.

And in the longer term, ERCOT won't accept more data centers than the grid is able to handle, Vegas said.

"We're not going to allow the grid to grow to a capacity where it can't be operated reliably," he said.

Upon recording, please return to:  
Highlander SM One, LLC  
2505 Allston Lane  
Austin, TX 78746  
Attn: John Maberry

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**DEED**

STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF HAYS       §

Corridor Title Co. GF# 21-4431-C

THAT, ENGIE DEVELOPMENT, LLC, a Delaware limited liability company, whose address is 1360 Post Oak Blvd., Suite 400, Houston, TX 77056 (herein referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, and the further consideration of the execution and delivery by Grantee of one certain promissory note of even date herewith in the principal sum of \$3,087,500.00, payable to the order of FIRST FINANCIAL BANK, N.A., a national association ("Lender"), and bearing interest as therein provided, the payment of which note is secured by the Vendor's Lien herein retained, and is secured by a Deed of Trust of even date herewith, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL and CONVEY unto HIGHLANDER SM ONE, LLC, a Texas limited liability company, whose address is 2505 Allston Lane, Austin, TX 78746, their successors and assigns (herein referred to as "Grantee"), the property more fully described on Exhibit A attached hereto and incorporated herein for all purposes by this reference (the "Property"), together with all improvements located thereon and all rights and appurtenances thereto in any wise belonging to Grantor; subject only to those items described on Exhibit B attached hereto and incorporated herein for all purposes (the "Permitted Encumbrances").

TO HAVE AND TO HOLD the above-described Property, subject only to the Permitted Encumbrances, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto the said Grantee, its successors and assigns FOREVER, and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

COVENANTS. As a part of the consideration supporting this Deed, Grantee hereby covenants and agrees, on its own behalf and on behalf of its successors and assigns, that Grantee shall not use, nor allow to be used, the Property in any manner that would interfere with the continued use and operation of the property more fully described on Exhibit C attached hereto and incorporated herein for all purposes by this reference (the "Retained Property"), as a power plant in the same manner as used by Hays Energy, LLC ("Hays Energy") as of January 5, 2017 (the "Interference Restriction"); *provided, however*, that the development, subdivision, and use of the

Property for single family residential purposes shall not be deemed to violate the Interference Restriction.

As a further part of the consideration supporting this Deed, specifically with respect to the Retained Property and the Interference Restriction, Grantee agrees and covenants not to contest, protest, or otherwise challenge any application that Hays Energy or any subsidiary, affiliate or assignee of Hays Energy or Vistra Corp., formerly known as Energy Future Holdings Corp. and TXU Corp. (collectively referred to as "Applicant"), may file or make to any local, state or federal agency, including but not limited to the Texas Commission on Environmental Quality ("TCEQ"), the Nuclear Regulatory Commission ("NRC"), U.S. Army Corps of Engineers, and/or the United States Environmental Protection Agency, for any environmental, development, construction, operation or other authorization, including, but not limited to any local, state or federal permit, license, registration or any other authorization for any facility or any portion of a facility, any sources of air emissions or contaminant discharge, or any other structure or process in Hays County, Texas, or otherwise take a position adverse to Applicant, in any proceeding, in any form or forum, including, but not limited to, before or to the NRC, the TCEQ, the Texas State Office of Administrative Hearings, and/or state or federal court (the "Protest Restriction"). Grantee's agreement and covenant not to contest, protest, or otherwise challenge any such actions or applications includes Grantee's express agreement and covenant not to file any public comments, requests for party status, motions to overturn, motions for reconsideration, objections or any other administrative or judicial appeals regarding such application or any authorization that Applicant obtains as a result of such application. Specifically with respect to the Retained Property and the Interference Restriction, Grantee's agreement and covenant not to contest, protest, or otherwise challenge such application also extends to any subsequent amendment or modification of any authorization that Applicant obtains or seeks to obtain as a result of any such application. Specifically with respect to the Retained Property and the Interference Restriction, Grantee further agrees and covenants not to seek or pursue revocation of any authorization that Applicant obtains or has previously obtained (whether as a result of such application or otherwise), or to attempt to enjoin, cease or restrain any operations or activities under such authorization, or take a position adverse to Applicant in any such revocation or injunction action, or in any other way attempt to otherwise constrain any operations or activities under such authorization, in any form or forum whatsoever.

As a further part of the consideration supporting this Deed, Grantee covenants that the Property will not be used for the commercial production or commercial generation of electricity in any form, nor will it be used for the siting of a commercial power station or energy storage facility of any kind (the "Power Generation Restriction", and collectively with the Interference Restriction and the Protest Restriction, the "Restrictions").

The Restrictions shall be covenants running with, touching, and encumbering the Property, and benefiting the Retained Property, binding upon the Grantee and all successors in interest or title, transferees, vendees, lessees, mortgagees, and assigns who are owners and/or users of the Property. Hays Energy may enforce the provisions hereof by any appropriate legal action.

Each and every contract, deed, or other instrument hereafter executed conveying the Property or portion thereof (excluding instruments granting security interests) shall expressly

provide that such conveyance is subject to this restrictive covenant, provided, however, that the Restrictions shall survive and be effective regardless of whether such contract, deed or other instrument hereafter executed conveying the Property or portion thereof provides that such conveyance is subject to the restrictive covenant.

The covenants given by each of Grantor and Grantee in this Deed are material to Grantor and Grantee and shall be permanent covenants running with the land, and each party shall be entitled to specific performance of the covenant of the other party. Any violation or breach of the covenants of this paragraph may be enforced in law or in equity, including, without limitation, injunction to cease any violation and to enforce specific performance hereof.

[signature pages follow]

EXECUTED to be effective as of the 28 day of January, 2022.

GRANTOR:

*(Handwritten initials)*

ENGIE Development, LLC,  
a Delaware limited liability company

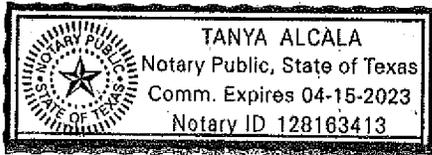
By: [Signature]  
Name: Stefaan Sercu  
Title: President and CEO

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on January 27, 2022, by Stefaan Sercu, the President and CEO of ENGIE Development, LLC, a Delaware limited liability company, on behalf of said company.

[Signature]  
Notary Public

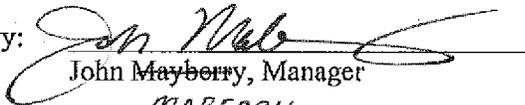
(PERSONALIZED SEAL)



GRANTEE:

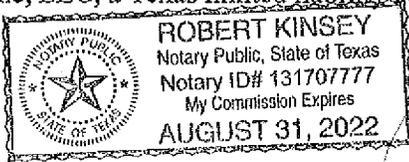
Highlander SM One, LLC,  
a Texas limited liability company

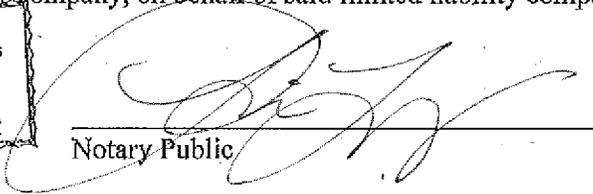
By: Highlander Real Estate Partners, LLC,  
a Delaware limited liability company,  
its sole Manager,

By:   
John Maberry, Manager  
MABERRY  
(M) (JM)

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 28<sup>th</sup> day of JANUARY, 2022, by John Maberry, Manager of Highlander Real Estate Partners, LLC, a Delaware limited liability company, on behalf said limited liability company in its capacity as sole Manager of Highlander SM One, LLC, a Texas limited liability company, on behalf of said limited liability company.



  
Notary Public

(PERSONALIZED SEAL)

Grantee's Address for Tax Purposes: 2505 Allston Lane, Austin, TX 78746

**EXHIBIT "A"**  
**THE PROPERTY**

**METES AND BOUNDS**

**BEING** a 136.912 acre (5,963,888 square feet) tract of land less and except a one acre tract reserved for cemetery purposes for a total Net Acreage of 135.912 (5,920,320 square feet) of land situated in the A.M. Eshnarizar Survey, Abstract No. 6, Hays County, Texas; and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918986 of the Official Public Records of Hays County; and being more particularly described as follows:

**BEGINNING** at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public width public right-of-way) with the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;

**THENCE**, along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:

1. South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner;
2. South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner;
3. South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;
4. South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;
5. South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;
6. South 08°04'14" West, 10.46 feet to a 3-inch metal fence post found for corner;
7. South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner;
8. South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;
9. South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;
10. South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;

**THENCE**, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances:

1. North 43°42'49" West, 225.80 feet to a ½-inch capped iron rod found for corner;
2. North 44°31'20" West, 542.09 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;

**THENCE**, South 45°02'40" West, 542.77 feet along the northwesterly line of said 75.9 acre tract to a 60D nail with washer stamped "BYRN SURVEY" found for corner;

**THENCE**, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and distances:

1. North 45°16'38" West, 256.47 feet to a wood post found for corner;
2. North 45°21'46" West, 733.15 feet to a wood post found for corner;
3. North 45°04'42" West, 413.36 feet to a ½-inch iron rod found for corner;

**THENCE**, North 44°35'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume. 1512, Page 495 of the Official Public Records of Hays County;

**THENCE**, North 44°25'59" East, 410.99 feet to a ½-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document. No. 18044130 of the Official Public Records of Hays County;

**THENCE**, along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances:

1. North 44°43'49" East, 411.16 feet to a ½-inch capped iron rod found for corner;
2. North 44°58'05" East, 407.88 feet to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 44°51'54" East, 404.86 feet to a 100D nail found for corner;
4. North 44°32'48" East, 405.35 feet to a ½-inch capped iron rod found for corner;
5. North 44°19'19" East, 410.59 feet to a ½-inch capped iron rod found for corner;
6. North 45°29'28" East, 450.37 feet to a ½-inch capped iron rod found for corner;

**THENCE**, North 45°29'21" East, 169.58 feet along southeasterly right-of-way line of Grant Harris Road to the POINT OF BEGINNING and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:

**COMMENCING** at a ½-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;

**THENCE**, North 44°04'47" East 625.64 feet along a fence line to a ½-inch iron rod with a plastic cap stamped "KHA" to the POINT OF BEGINNING of the Save and Except described herein;

**THENCE** the following three (3) courses and distances across the said 136.96 acre tract:

1. North 44°04'47" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;

2. South 45°55'13" East, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set fore comer;
3. South 44°04'47" West, 208.71 feet to a to a ½-inch iron rod with a plastic cap stamped "KHA" set for corner;

**THENCE**, North 45°55'13" West 208.71 feet to the **POINT OF BEGINNING**, and containing 1.000 acre (43,560 square feet), for a total of 135.912 acres of land in Hays County, Texas.

The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**EXHIBIT "B"**  
**THE PERMITTED EXCEPTIONS**

1. Document No. 17003581, of the Official Public Records of Hays County, Texas.
2. Subject to the rights of ingress and egress in and to a cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas.
3. Easement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9,413, District Court Records, Hays County, Texas, as recorded in Volume R, Page 462, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas.
4. Easement granted to Pedernales Electric Cooperative, Inc., recorded in Volume 857, Page 640, Official Public Records of Hays County, Texas.
5. Easements, terms, conditions, and stipulations in that certain Easement Agreement, as recorded in Document No. 9926160, of the Official Public Records of Hays County, Texas.
6. Easement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas.
7. Taxes or special assessments of York Creek Improvement District as provided by law.
8. Location of overhead utility lines, utility poles, guy anchors, electric manhole(s), sign(s), within the boundary of subject property and being situated outside any designated easement, together with all easement rights appurtenant thereto, as shown on Survey dated December 16, 2021, prepared by John G. Mosier, Registered Professional Land Surveyor No. 6330.
9. Encroachment and/or protrusion of fences the boundary lines of subject property, together with any assertion of ownership of land lying between said fences and the boundary lines of subject property, as shown on Survey dated December 16, 2021, prepared by John G. Mosier, Registered Professional Land Surveyor No. 6330.
10. Terms, conditions and restrictions as set forth in that certain Deed dated 1-28-2022, from Hays Energy, LLC, as Grantor to ENGIE Development, LLC, as Grantee, recorded in Document No. 22004594 in the Official Public Records of Hays County, Texas.

**EXHIBIT "C"**  
**THE RETAINED PROPERTY**

DESCRIPTION OF 100.87 ACRES, MORE OR LESS OF LAND AREA BEING ALL OF LOT 1, HENK ADDITION, AS RECORDED IN VOLUME 9, PAGE 27 OF THE HAYS COUNTY PLAT RECORDS, LESS AND EXCEPT THAT TRACT DESCRIBED AS 7.845 ACRES IN A DEED FROM HAYS ENERGY LIMITED PARTNERSHIP TO L.C.R.A. DATED FEBRUARY 16, 2000 AND RECORDED IN VOLUME 1635, PAGE 88 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" in the occupied north line of that tract described as 0.15 acres in a quit claim deed from Agnes Henk to Hays Energy Limited Partnership dated June 21, 1999 and recorded in Hays County Document No. 9914620 of the Hays County Deed Records for the common southwest corner of Lot 1, Henk Addition and the southeast corner of that 2.71 acre tract dedicated to the Public by the plat recorded in Volume 9, Page 27 of the Hays County Plat Records;

Thence leaving the Hays Energy Limited Partnership 0.15 acre tract and the Place of Beginning with the common southwest line Lot 1, Henk Addition and the east line of the 2.71 acre tract dedicated to the Public, as shown on that plat numbered 24939 - 00 - d dated September 5, 2000 as prepared for Hays Energy Limited Partnership by Byrn & Associates, Inc. of San Marcos, Texas, N 42 degrees 30' 33" W (this course being the Bearing Basis for this description) 2558.92 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey";

Thence with a right-breaking curve having the following characteristics: central angle = 86 degrees 55' 28", radius = 270.00, arc length = 409.62 feet and a chord which bears N 00 degrees 57' 04", E 371.45 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey";

Thence with the common northwest line of Lot 1, Henk Addition and the southeast line of the 2.71 acre tract dedicated to the Public, the following three courses:

1. N 44 degrees 24' 50" E 437.79 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey"
2. with a left-breaking curve having the following characteristics: central angle = 48 degrees 00' 50", radius = 270.00 feet, arc length = 226.26 feet and a chord which bears N 20 degrees 24' 26" E 219.70 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey", and
3. N 03 degrees 35' 49" W 68.34 feet to a 1/2 11 iron rod found with a plastic cap stamped "Byrn Survey" for the common northwest corner of Lot 1, Henk Addition and the northeast corner of the 2.71 acre tract dedicated to the Public and being in

the occupied south line of that tract described as 436.54 acres in a deed from Betty Jo Jackson Crocker to B. Naylor Morton dated August 15 , 1989 and recorded in Volume 797, page 321 of the Hays County Official Public Records;

Thence leaving the 2.71 acre tract dedicated to the Public with the common north line of Lot 1, Henk Addition and a south line of the Morton tracts, S 88 degrees 42' 07 " E 666.02 feet to a calculated point;

Thence leaving the south line of the Morton tract and entering Lot 1, Henk Addition, S 01 degrees 17' 53" W 24.26 feet to an iron rod found with a plastic cap stamped "LCRA" for the north corner of the previously mentioned LCRA 7.845 acre tract;

Thence with the northwest line of the LCRA tract, the following three courses:

1. S 17 degrees 48' 59" W 310.95 feet to an iron rod found with a plastic cap stamped "LCRA",
2. S 79 degrees 39' 13" W 51.02 feet to an iron rod found with a plastic cap stamped "LCRA", and
3. S 17 degrees 51' 21" W 172.47 feet to an iron rod found with a plastic cap stamped "LCRA" for the west corner of the LCRA tract;

Thence with the southwest line of the LCRA tract, S 72 degrees 11' 58" E 702.19 feet to a calculated point that falls in a chain link fence corner post for the south corner of the LCRA tract;

Thence with the southeast line of the LCRA tract, N 1 7 degrees 4 7' 57" E 507.50 feet to an iron rod found with a plastic cap stamped "LCRA" for the east corner of the LCRA tract;

Thence with the northeast line of the LCRA tract, N 72 degrees 12' 03" W 656.94 feet to the previously mentioned north corner of the LCRA 7.845 acre tract;

Thence leaving the LCRA, N 01 degrees 17' 53" E 24.26 feet to a calculated point in the common north line of Lot 1, Henk Addition and the south line of the Morton tract;

Thence with said common line, S 88 degrees 42' 07" E 1237.71 feet to a 1/2" iron rod found for the northeast corner of Lot 1, Henk Addition and an interior corner of the Morton tract;

Thence with the east line of Lot 1, Henk Addition, the following three courses:

1. with a west line of the Morton tract, S 09 degrees 32' 16" E 56.84 feet to a 6" cedar post for an angle point in fence,
2. with a west line of the Morton tract, S 00 degrees 00' 39" W 1380.77 feet to a 1/2" iron rod found for a southwest corner of the Morton tract and a northwest corner of that tract described as 43.58 acres in a deed from the Estate of Hanno F. Guenther, Sr. to Sharon Guenther and Hanno F.

Guenther, Jr. dated December 20, 1993 and recorded in Volume 1040, Page 211 of the Hays County Official Public Records, and

3. with the west line of the Guenther tract, S 00 degrees 35' 43" E 1357.16 feet to a 1/2" iron rod found for the southeast corner of Lot 1, Henk Addition and the northeast corner of the previously mentioned Hays Energy 0.15 acre tract;

Thence leaving the Guenther tract with the common south line of Lot 1, Henk Addition and the north line of the Hays Energy 0.15 acre tract, S 89 degrees 15' 26" W 582.34 feet to the Place of Beginning.

There are contained within these metes and bounds 100.87 acres, more or less, of land area as prepared from public records and a survey made on the ground on September 5, 2000 by Byrn and Associates, Inc. of San Marcos, Texas.

SAVE AND EXCEPT:

7.845 ACRE TRACT OWNED BY LCRA TRANSMISSION SERVICES CORPORATION:

PART OF LOT 1 OF HENK ADDITION AS SHOWN ON THE MAP RECORDED IN PLAT BOOK 9, PAGE 27 OF THE MAP RECORDS OF SAID HAYS COUNTY, TEXAS, EMBRACING ALL OF A 7.845 ACRES TRACT OF LAND DESCRIBED IN VOLUME 1635, PAGE 88, OF SAID DEED RECORDS.

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1.

THENCE NORTH 88 DEGREES 42 MINUTES 34 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1,237.79 FEET TO A POINT.

THENCE SOUTH 01 DEGREE 17 MINUTES 53 SECONDS WEST, A DISTANCE OF 24.26 FEET TO A 1/2 INCH IRON ROD SET FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 72 DEGREES 12 MINUTES 20 SECONDS EAST, A DISTANCE OF 657.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE SOUTH 17 DEGREES 47 MINUTES 40 SECONDS WEST, A DISTANCE OF 507.50 FEET TO A POINT FOR A CORNER.

THENCE NORTH 72 DEGREES 12 MINUTES 20 SECONDS WEST, A DISTANCE OF 702.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 17 DEGREES 47 MINUTES 40 SECONDS EAST, A DISTANCE OF 172.50 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 79 DEGREES 43 MINUTES 19 SECONDS EAST, A DISTANCE OF 51.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER.

THENCE NORTH 17 DEGREES 47 MINUTES 40 SECONDS EAST, A DISTANCE OF 311.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,394,368 SQUARE FEET OR 100.881 ACRES, MORE OR LESS.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

TRACT 1 ALSO BEING DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT 9914621, HAYS COUNTY, TEXAS; SAVE AND EXCEPT 2.71 ACRES DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES IN THE FINAL PLAT OF LOT 1, HENK ADDITION TO HAYS COUNTY, TEXAS, DATED APRIL 14, 1999 RECORDED IN PLAT BOOK 9, PAGE 27; AND FURTHER SAVE AND EXCEPT PROPERTY DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT 3767 BOOK OFFICIAL PUBLIC RECORDS IN VOLUME 1635 PAGE 88, HAYS COUNTY, TEXAS.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

22004858 DEED  
02/01/2022 09:56:01 AM Total Fees: \$70.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



## WARRANTY DEED RESERVING VENDOR'S LIEN

312532

From: JEROME DIETERT and MARGARET DIETERT  
 To: DONALD W. TUFF and wife, GERMAINE TUFF

THE STATE OF TEXAS                   §  
   §     KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF HAYS                       §

That we, JEROME DIETERT and MARGARET DIETERT, of Comal County, Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to us cash in hand paid and secured to be paid by DONALD W. TUFF and wife, GERMAINE TUFF, the receipt of which is hereby conclusively acknowledged and confessed, and the execution and delivery of those four (4) vendor's lien promissory notes of even date herewith as follows:

1. That certain promissory note in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Margaret Dietert as therein provided;
2. That certain promissory note in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Margaret Dietert as therein provided;
3. That certain promissory note in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Jerome Dietert as therein provided;
4. That certain promissory note in the amount of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) dated June 27, 1978, executed by Donald W. Tuff and wife, Germaine Tuff, and payable to the order of Jerome Dietert as therein provided;

and it being provided in each of said notes that failure to pay any installment thereof when due may at the option of the holder mature said entire indebtedness and the lien herein reserved become subject to foreclosure; said notes also providing for ten percent (10%) attorney's fee if not paid in full at maturity and placed in the hands of an attorney for collection, collected by law or through the probate court.

DEEDS  
 Hays County, Texas

v. 312 838

HAVE GRANTED, BARGAINED, SOLD and conveyed and by these presents do GRANT, BARGAIN, SELL and CONVEY unto the said DONALD W. TUFF and wife, GERMAINE TUFF, of Hays County, Texas, the following described property situated in the Counties of Hays and Comal, State of Texas, to-wit:

BEING that certain 100 acres, more or less, situated in Hays and Comal Counties, Texas, and being the same property described as Tracts (A) and (B) in a conveyance from Richard O. Glenewinkel et ux to Jerome Dietert et ux by deed dated May 11, 1950, recorded in Book No. 146, pages 415-417 of the Deed Records of Hays County, Texas, and more particularly described as follows, to-wit:

TRACT (A): All that certain tract, piece or parcel of land situated in Hays County, Texas, being 50 acres, more or less, being the N. E. part of a 109.52 acre tract out of Subdivision No. 149, of the A. M. Esnaurizar Eleven League Grant, and being described by metes and bounds as follows:

BEGINNING at a post set at the North corner of said 109.52 acre tract;

THENCE with its N. E. line S. 44° 45' E. 507.5 vrs. to a pile of rocks, the East corner of said 109.52 acre tract;

THENCE with the S.E. line of said 109.52 acre tract, S. 45° 12' W. 729.5 vrs. to an iron pin for South corner of this tract;

THENCE with fence N. 28° 27' W. 123.41 vrs. to an iron pin for corner;

THENCE with the boundary line of the Richard O. Glenewinkel 50 acre tract, N. 45° 12' E. 190.9 vrs. to an iron pin for East corner of the Richard O. Glenewinkel tract;

THENCE with the N. E. line of said Richard O. Glenewinkel tract, N. 44° 45' W. 395.07 vrs. to an iron pin in the N. W. line of Subdivision No. 149 for West corner of this tract, and North corner of the Richard O. Glenewinkel tract;

THENCE with said N. W. line N. 45° 53' E. 504 vrs. to the Place of Beginning.

The foregoing is the same tract of land which was set apart and allotted to Carl W. Glenewinkel in the certain deed of partition by and between Emma Glenewinkel et al, dated June 8, 1942, recorded in Volume 125, pages 32-35 of the Deed Records of Hays County, Texas, reference to which is hereby made, and is the same property conveyed by Carl W. Glenewinkel to Richard O. Glenewinkel by deed dated April 13, 1950, recorded in Volume 146, pages 405-406 of the Hays County Deed Records.

TRACT (B): All that certain tract, piece or parcel of land situated in Hays and Comal Counties, being 50 acres, more or less, being known as the West part of a 109.52 acre tract out of Subdivision No. 149 of the A.M. Esnaurizar Eleven League Grant, and being described by metes and bounds as follows;

BEGINNING at the West corner of the said 109.52 acre tract, a point in bed of York Creek, whence a live oak 15" in diameter bears S. 71° 45' E. 14.2 vrs. and another live oak 15" in diameter bears N. 7° 30' W. 20-1/4 vrs;

THENCE with the N.W. line of said 109.52 acre tract, N. 45° 53' E. 442.8 vrs. to an iron pin for N. corner of this tract and West corner of the Carl W. Glenewinkel tract;

THENCE S. 44° 45' E. 395.07 vrs. to an iron pin for E. corner;

THENCE S. 45° 12' E. 190.9 vrs. to an iron pin in fence for corner;

THENCE with fence, S. 28° 27' E. 19.16 vrs. to an iron pin under fence for corner;

THENCE with the N. W. line of the Ida H. Soechting 50 acre tract S. 45° 12' W. 576.7 vrs. to a point in bed of York Creek for S. corner of this tract;

THENCE with meanders of York Creek: N. 61° 12' W. 95.3 vrs.; N. 12° 20' W. 52.6 vrs; N. 20° 58' W. 102 vrs; N. 18° 40' E. 62.1 vrs; N. 4° 50' W. 70.6 vrs; N. 21° 45' E. 175 vrs; N. 19° 00' W. 47.5 vrs; to the Place of Beginning;

The foregoing is the same tract of land which was set apart and allotted to Richard O. Glenewinkel in the certain deed of partition by and between Emma Glenewinkel et al, dated June 8, 1942, and recorded in Volume 125, pages 32-35 of the Deed Records of Hays County, Texas, reference to which is hereby made.

**TRACT (C):** The certain easement and right-of-way over and across a portion of the Ida H. Soechting 50 acre tract out of Subdivisions Nos. 148 and 149 of the A. M. Esnaurizar Eleven League Grant, in Hays and Comal Counties, Texas, which easement and right-of-way is established and described in the Agreement made and entered into by and between Ida H. Soechting, as party of the first part, and Richard O. Glenewinkel and wife, Hedwig Glenewinkel, as parties of the second part, dated April 28, 1950, and being filed for record in the office of the County Clerk of Hays County, Texas, in Volume 146, pages 411-413, reference to which instrument is hereby made for all purposes.

It is, however, agreed and understood that this conveyance is made subject to the grants of certain water rights affecting a portion of the land described under TRACT (B) above, as evidenced by the Agreement made and entered into by and between Richard O. Glenewinkel and wife, Hedwig Glenewinkel, as parties of the first part, and Ida H. Soechting, as party of the second part, and the Agreement made and entered into by and between Richard O. Glenewinkel and wife, Hedwig Glenewinkel as parties of the first part and Harry A. Glenewinkel and wife, Alma E. Glenewinkel, as parties of the second part, said Agreements being dated April 28, 1950, and being filed for record in the office of the County Clerk of Hays County, Texas, reference to which instruments is hereby made for all pertinent purposes.

It is expressly stipulated and agreed that an undivided one-eighth (1/8) interest of all oil, gas and other minerals in, on, under and that may be produced from the above described lands is not included in this conveyance. Such undivided one-eighth (1/8) interest of all such oil, gas and other minerals is hereby accepted and reserved from this conveyance, together with all incidental rights of ingress and egress for the purpose of finding, saving, treating, storing and removing any and all such minerals.

312 840

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging and all improvements thereon situated to DONALD W. TUFF and wife, GERMAINE TUFF, their heirs and assigns, forever; and,

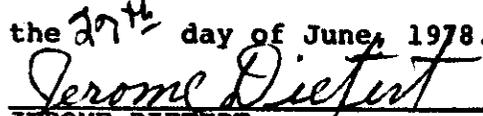
We do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said DONALD W. TUFF and wife, GERMAINE TUFF, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to EASEMENTS, RESTRICTIONS, and RESERVATIONS, if any of record, and all taxes not now due and payable.

Said above described indebtednesses are further secured by a Deed of Trust of even date herewith from DONALD W. TUFF and wife, GERMAINE TUFF, to JAMES M. CORNELIUS, Trustee for JEROME DIETERT and MARGARET DIETERT, and it is expressly agreed and stipulated that a vendor's lien and superior title is reserved against the above described property, premises and improvements until the above described notes and all interest thereon are fully paid according to their face and tenor, effect and reading, when this deed is to become absolute.

And, it is further agreed that the said DONALD W. TUFF and wife, GERMAINE TUFF, shall keep all taxes and assessments against said property paid as the same become due and payable, and shall permit no taxes to become delinquent against said property.

Failure on the part of the said DONALD W. TUFF and wife, GERMAINE TUFF, to keep and observe all terms, conditions and stipulations of this deed and of the above described notes may mature said notes at the option of the holders, and the liens reserved in this deed may become subject to foreclosure.

WITNESS OUR HANDS, this the 27<sup>th</sup> day of June, 1978.

  
JEROME DIETERT

  
MARGARET DIETERT

THE STATE OF TEXAS  
COUNTY OF COMAL

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312 841

BEFORE ME, the undersigned authority, on this day personally appeared MARGARET DIETERT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27<sup>th</sup> day of June, 1978.

*John R. Powell*  
NOTARY PUBLIC, in and for  
Comal County, Texas



THE STATE OF TEXAS  
COUNTY OF COMAL

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VC: 312 : 812

BEFORE ME, the undersigned authority, on this day personally appeared JEROME DIETERT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27<sup>TH</sup> day of June, 1978.

*John R. Powell*  
NOTARY PUBLIC, in and for  
Comal County, Texas



STATE OF TEXAS }  
COUNTY OF HAYS }

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Hays County, Texas, as stamped hereon by me, on

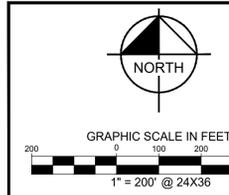


*Jul 14 1978*  
*Lyndee B. Clayton*  
COUNTY CLERK  
HAYS COUNTY, TEXAS

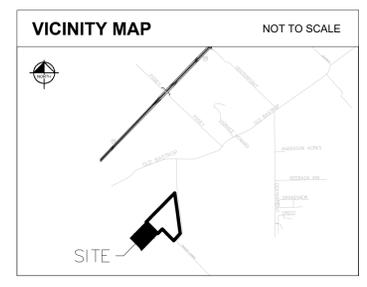
COUNTY CLERK

*Lyndee B. Clayton*

HAYS COUNTY, TEXAS  
1978 JUL 13 PM 4 42



LINE TYPE LEGEND	
(---)	BOUNDARY LINE
(---)	EASEMENT LINE
(---)	BUILDING LINE
(---)	GAS
(---)	UNDERGROUND GAS LINE
(---)	OHE
(---)	OVERHEAD UTILITY LINE
(---)	UGT
(---)	UNDERGROUND TELEPHONE LINE
(---)	FENCE
(---)	ASPHALT PAVEMENT



LEGEND	
(○)	CABLE TV HANDHOLE
(○)	TELEPHONE HANDHOLE
(○)	GUY ANCHOR
(○)	ELECTRIC METER
(○)	UTILITY POLE
(○)	A/C UNIT
(○)	AC UNIT
(○)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
(○)	DRHC RECORDS OF HAYS COUNTY
(○)	MAIL BOX
(○)	SANITARY SEWER CLEAN OUT
(○)	TREE
(○)	IRON ROD W/ "KHA" CAP SET
(○)	IRON ROD W/ CAP STAMPED "BYRN SURVEY" FOUND
(○)	IRON ROD FOUND
(○)	P.O.B. POINT OF BEGINNING
(○)	DRHC RECORDS OF HAYS COUNTY
(○)	DRHC RECORDS OF HAYS COUNTY

**GENERAL NOTES:**

- TITLE COMMITMENT NOTES:** This survey was performed utilizing that certain title report prepared by Fidelity National Title Insurance Company, G.F. No. 21-4431-C (Issue Date: October 27, 2021; Effective Date: October 7, 2021) and reflects only those easements and encumbrances of record mentioned therein. Kimley-Horn did not abstract the public records. The surveyed tract may be subject to additional government regulations and restrictions prior to further site development.
- FLOOD STATEMENT:** (USE FOR ZONE X UNSHADED) According to Community Panel No. 48209C0486F dated September 2, 2005 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject tract is located within Zone "X" (un-shaded) which is defined by FEMA as "areas determined to be outside the 0.2% annual chance floodplain; commonly known as the 500-year floodplain. Zone "X" (un-shaded) is outside of any FEMA established flood hazard zone. All zone delineations shown hereon are approximate. This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create any liability on the part of Kimley-Horn or the undersigned.
- GEODETTIC BASIS STATEMENT:** **HORIZONTAL CONTROL:** The bearings, distances, areas and coordinates shown hereon are the Texas State Plane Coordinate System, SOUTH CENTRAL Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the GRID. The unit of linear measurement is U.S. Survey Feet.
- ENCROACHMENTS:** The term "Encroachment" implies a legal opinion. "Evidence of potentially encroaching structural appearances and projections observed in the process of conducting fieldwork" relative to title lines, setbacks, adjoining properties, and rights-of-way, will be shown, but the survey will make no judgment of "encroachment" or "non-encroachment".
- The subject tract has access to the public street right-of-ways of Francis Harris Lane.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ALTA/NSPS Optional Table A Items 6(a/b). This survey does not reflect zoning status or restrictions.
- UTILITIES NOTE:** Any underground utilities shown hereon are from Texas 811 markings or other third party utility locators, and located by survey crews, or record drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- This survey does not provide any determination concerning wetlands, fault lines, toxic wastes (or any other environmental issue), archeological sites or obscured or poorly marked graveyards. An expert consultant should address such matters.
- Kimley-Horn did not review lease interest while performing survey.
- The exterior "foot print" dimensions of all building shown hereon are used for square footage calculations.
- This survey does not show existing trees or landscaping.

**NOTES ADDRESSING SCHEDULE B EXCEPTIONS:**

- (Pursuant to Commitment for Title Insurance listed in General Note 1.)
- The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
    - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.
    - All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.
    - Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. The term "encroachment" includes encroachment of existing improvements located on the land onto adjoining land, and encroachments on the Land of existing improvements located on adjoining land in the event of a conflict between this exception and Covered Risk 1 (c), this exception shall control. (Applies to Owner's Policy only)
    - Right of tenants in possession under unrecorded leases or rental agreements.
    - Any portion of the property lying within the boundary of any road or roadway.
    - Subject to any and all rights and/or privileges existing or which may later exist by virtue of that portion of the subject property being used as a cemetery including, but not limited to, the rights of sepulcher and interment and the rights of ingress and egress in and to said cemetery, as reserved in Deed recorded in Volume 61, Page 509, Deed Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Essement granted to Southwestern Bell Telephone Company, recorded in Volume 124, Page 302, Deed Records of Hays County, Texas, and being transferred to San Marcos Telephone Company by instrument recorded in Volume F, Page 509, Deed Records of Hays County, Texas. (DOES NOT AFFECT)
    - Essement awarded to Lower Colorado River Authority, by Judgment dated October 18, 1972, under Cause No. 9413, District Court Records, Hays County, Texas, as recorded in Volume R, Page 492, Civil Minute Records of District Court of Hays County, Texas, and amended by instrument recorded in Volume 1348, Page 104, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Essements, terms, conditions, and stipulations in that certain Essement Agreement, as recorded in Document No. 9026150, of the Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Essement granted to Crystal Clear W.S.C., recorded in Volume 3826, Page 630, Official Public Records of Hays County, Texas. (SUBJECT TO AS SHOWN)
    - Terms, conditions, and stipulations in that certain Notice of Land Purchase Right, by and between Hays Energy, LLC, a Delaware limited liability company and successor by conversion to Hays Energy Limited Partnership, a Delaware limited partnership, and ENGIE Development, LLC, Delaware limited liability company, as recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
    - Right of first refusal as set forth in Notice of Land Purchase Right, dated M. January 3, 2017, recorded in Document No. 17003581, of the Official Public Records of Hays County, Texas.
    - Subject property lies within the boundaries of York Creek Improvement District and may be subject to taxes or special assessments as provided by law.

**LEGAL DESCRIPTION:**

(Pursuant to Commitment for Title Insurance listed in General Note 1.)  
 DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 AND 167 OF THE DIVISION OF THE AM ENSAURIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1948 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9, 1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918996 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

**SURVEYORS CERTIFICATION:**

To: Highlander Real Estate Partners, LLC,  
 (name of lender, if known);  
 (name of insurer, if known);  
 (names of others as negotiated with the client);

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1,3,4,8,9,13 and 16 of Table A thereof.

Field Work Date: 10/21/2021  
 Survey Date: 11/09/2021  
 Revised Date: 1/27/2025

*John G. Mosier*  
 John Gregory Mosier  
 Registered Professional Land Surveyor No. 6330  
 Kimley-Horn and Associates, Inc.  
 601 NW Loop 410, Suite 350  
 San Antonio, Texas 78216  
 Ph. 210-541-9166  
 greg.mosier@kimley-horn.com



**METS AND BOUNDS:**

BEING a 136.913 acre (5,963,330 square feet) tract of land less and except a one acre tract reserved for cemetery purposes in a total Net Acreage of 135.913 (5,903,370 square feet) of land situated in the A.M. Esnaurizar Survey aka A.M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas, and being a all of that certain 136.96 acre tract (less and except one acre) in instrument to Hays Energy Limited Partnership in Document No. 9918996 of the Official Public Records of Hays County, Texas; and being more particularly described as follows:  
**BEGINNING** at a mag nail found in concrete on the intersection of the westerly line of Francis Harris Lane (variable public right-of-way) and the southeasterly line of Grant Harris Road (30 feet wide private drive) marking the northeast corner of the said 136.96 acre tract and the east corner of that certain 1.00 acre tract described in Volume 4187 Page 894 of the Official Public Records of Hays County;  
**THENCE** along the westerly right-of-way line of Francis Harris Lane the following ten (10) courses and distances:  
 1. South 07°26'45" East, 744.57 feet to a 3-inch metal fence post found for corner;  
 2. South 07°41'05" East, 396.75 feet to a 2-inch metal fence post found for corner;  
 3. South 07°47'16" East, 523.44 feet to a 3-inch metal fence post found for corner;  
 4. South 07°38'01" East, 1774.02 feet to a 3-inch metal fence post found for corner;  
 5. South 01°00'30" East, 10.17 feet to a 3-inch metal fence post found for corner;  
 6. South 08°18'44" West, 10.46 feet to a 3-inch metal fence post found for corner;  
 7. South 18°48'44" West, 12.34 feet to a 3-inch metal fence post found for corner;  
 8. South 25°03'13" West, 19.77 feet to a 3-inch metal fence post found for corner;  
 9. South 37°42'10" West, 23.94 feet to a 3-inch metal fence post found for corner;  
 10. South 41°44'05" West, 787.05 feet to a 3-inch metal fence post found for corner;  
**THENCE**, departing the westerly right-of-way line of Francis Harris Lane and following along the northeasterly line of that certain 75.9 acre tract described as tract No. One (1) in instrument to John D. Doster and Eva J. Doster In Volume 265 Page 178 Deed Records Hays County the following three (3) courses and distances:  
 1. North 43°42'49" West, 225.80 feet to a 1/2-inch capped iron rod found for corner;  
 2. North 44°31'03" West, 542.09 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;  
 3. North 44°53'03" West, 622.24 feet to a 3-inch metal post found for corner;  
**THENCE**, South 45°00'59" West, 542.54 feet along the northeasterly line of said 75.9 acre tract to a 600 nail with washer stamped "BYRN SURVEY" found for corner;  
**THENCE**, departing the aforesaid 75.9 acre tract and following along the northeasterly line of that certain 50.00 acre tract described in instrument to Donald Tuff in Volume 312 Page 837 in the Deed Records of Hays County the following three (3) courses and distances:  
 1. North 45°19'44" West, 262.16 feet to a wood post found for corner;  
 2. North 45°21'46" West, 733.15 feet to a wood post found for corner;  
 3. North 45°04'42" East, 413.36 feet to a 1/2-inch iron rod found for corner;  
**THENCE**, North 44°33'39" East, 409.86 feet to a 3-inch iron fence post found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495 of the Official Public Records of Hays County;  
**THENCE**, North 44°25'59" East, 410.99 feet to a 1/2-inch capped iron rod found for corner along the southeasterly line of that certain 4.56 acre tract described in instrument to David Alvarado-Vasquez and spouse Claudia V. Alvarado Document No. 18044130 of the Official Public Records of Hays County;  
**THENCE**, along the southeasterly right-of-way line of the said Grant Harris Road the following seven (7) courses and distances:  
 1. North 44°43'49" East, 411.16 feet to a 1/2-inch capped iron rod found for corner;  
 2. North 44°58'05" East, 407.88 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;  
 3. North 44°51'54" East, 404.86 feet to a 1000 nail found for corner;  
 4. North 44°32'48" East, 405.35 feet to a 1/2-inch capped iron rod found for corner;  
 5. North 44°19'19" East, 410.59 feet to a 1/2-inch capped iron rod found for corner;  
 6. North 45°29'28" East, 450.37 feet to a 1/2-inch capped iron rod found for corner;  
**THENCE**, North 45°29'21" East, 169.58 feet along the southeasterly right-of-way line of Grant Harris Road to the **POINT OF BEGINNING** and containing 136.912 acres in Hays County, Texas Less and Except that certain 1.00 acre tract reserved for cemetery purposes, and being more particularly described as follows:  
**COMMENCING** at a 1/2-inch drill hole in a 3-inch metal fence post found at a three-way fence corner for an interior corner said 136.96 acre tract;  
**THENCE**, North 44°04'47" East 625.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" to the **POINT OF BEGINNING** of the Save and Except described herein;  
 Thence the following three (3) courses and distances across the said 136.96 acre tract:  
 1. North 44°04'47" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;  
 2. South 45°55'13" East, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;  
 3. South 44°04'47" West, 208.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;  
**THENCE**, North 45°55'13" West 208.71 feet to the **POINT OF BEGINNING**, and containing 1.000 acre (43,560 square feet), for a total of 136.913 acres of land in Hays County, Texas.  
 The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**ALTA/NSPS LAND TITLE SURVEY**  
 135.913 ACRES  
 A. M. ENSAURIZAR SURVEY AKA A. M. ENSANRIZAR SURVEY, ABSTRACT NO. 6  
 HAYS COUNTY, TEXAS

**Kimley»Horn**

601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

No.	DATE	REVISION DESCRIPTION
1	1/27/25	updated survey name to include AKA

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	MAV	JGM	1/27/2025	068727800	1 OF 1

ADDRESS: Francis Harris Road

**A METES AND BOUNDS  
DESCRIPTION OF A  
63.578 ACRE TRACT OF LAND**

**BEING** a 63.578 acre (2,769,448 square feet) tract of land situated in the A.M. Esnaurizar Survey, aka A. M. Esnanrizar Survey, Abstract No. 6, Hays County, Texas, and being a portion of the A.M. Esnaurizar Eleven League Grant Subdivision 149, plat of which is recorded in Volume 34, Page 303, Deed Records Comal County, and containing all of that certain tract 50.00 acre Tract A, and a portion of that certain 50.00 acre Tract B, both described in instrument to Donald W. Tuff and Germaine Tuff in Volume 312, Page 837, Deed Records Hays County, and Volume 802, Page 397, Deed Records Comal County; and being more particularly described as follows:

**BEGINNING** at a 6-inch wood fence post found on the southwesterly line of that certain 4.56 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1512, Page 495, Official Public Records Hays County, marking the North corner of said 50.00 acre Tract A, and the East corner of that certain 0.80 acre tract described in instrument to Hays Energy Limited Partnership in Volume 1648, Page 485, Official Public Records Hays County; and marking the north corner of the herein described tract;

**THENCE**, South 60°09'54" East, 2.99 feet along the southwesterly line of said 4.56 acre tract to a 1/2-inch iron rod found marking the West corner of that certain 136.912 acre tract described in instrument to Highlander SM, LLC in Document No. 22004858, Official Public Records Hays County;

**THENCE**, along the common line of said 136.912 acre tract and said 50.00 acre Tract A, the following three (3) calls:

1. South 45°04'42" East, 413.36 feet to a wood fence post found for corner;
2. South 45°21'46" East, 733.15 feet to a wood fence post found for corner;
3. South 45°19'47" East, at 256.73 feet passing a 60d-nail with washer stamped "BYRN Survey" found marking the southwest corner of said 136.912 acre tract; continuing for a total distance of 262.16 feet to a 1/2-inch iron rod with cap stamped "KHA" set under a barbed wire fence on the northwesterly line of that certain 75.9 acre Tract One, described in instrument to John D. Doster and Eva J. Doster, recorded in Volume 265, Page 178, Deed Records Hays County, and marking the East corner of herein described tract;

**THENCE**, South 44°24'42" West, 1736.82 feet along the common line of said 50.00 acre Tract A and said 75.9 acre tract, to a found 1-inch iron pipe called for as the west corner of said 75.9 acre tract, and the northeast corner of that certain 46.8 acre Tract Three, recorded in said in Volume 265, Page 178;

**THENCE**, along the common line of said 46.8 acre tract and aforesaid 50.00 acre Tract A, the following two (2) calls:

1. South 44°40'50" West, 283.13 feet to a 6-inch wood corner post marking the South corner of herein described tract, and an interior North corner of said 46.8 acre tract;
2. North 29°48'52" West, 286.88 feet to an 8-inch wood corner post found marking the northern-most northwest corner of said 46.8 acre tract, and a southeast corner of aforesaid 50.00 acre Tract B;

**THENCE**, North 45°16'07" West, 1151.95 feet crossing said 50.00 acre Tract B to a 1/2-inch iron rod with cap stamped "KHA" set on the southeasterly line of that certain called 49.68 acre tract described in instrument to Connie D. Martin in Document No. 80031113, Official Public Records Hays County, and marking the West corner of the herein described tract; said set rod bears South 44°58'19" West, 687.46 feet to a 1/2-inch iron rod with illegible cap found at the called North corner of Subdivision 124 of Esnaurizar Grant, and marking:

1. the South corner of said 49.68 acre tract;
2. the East corner of that certain tract 3.02 acre tract described in instrument to Connie Martin in Document No. 2008-80031897, Official Public Records Hays County, and Document No. 20080604468 Official Public Records Comal County;
3. the North corner of that certain 2.54 acre tract out of a 3.74 acre tract, described in instrument to Donald and Germaine Tuff in Volume 928, Page 471, Deed Records Comal County; said found rod bears: South 67°37'49" East, 36.85 feet to a found 25" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball), and North 11°50'10" West, 56.35 feet to a found 22" fallen live oak (called 15" live oak in Volume 312, Page 831, Deed Records Hays County - shot in center of root ball);

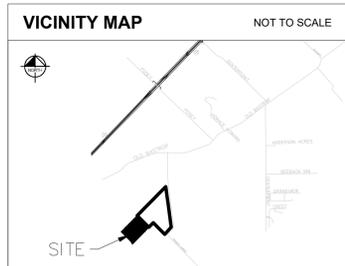
THENCE, along common line of said 49.68 acre tract, and of said 50.00 acre Tract A and said 50.00 acre Tract B, the following three (2) calls:

1. North 44°58'19" East, 1,073.33 feet to a 1/2-inch iron rod with cap stamped "ASH 5687" found for corner;
2. North 44°53'34" East, 869.27 feet to the **POINT OF BEGINNING**, and containing 63.578 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid South Central Zone (FIPS 4204) (NADd'83). All distances are on the Grid and shown in U.S. Survey Feet. This description was generated on 8/28/2024 at 2:31 pm, based on geometry in the drawing file k:\sna\_survey\highlander real estate partners\068727800-Francis Harris\Dwg\Francis Harris Base.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

*John G. Mosier 1-16-2025*

John G. Mosier  
Registered Professional Land Surveyor No. 6330  
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Ph. 210-541-9166  
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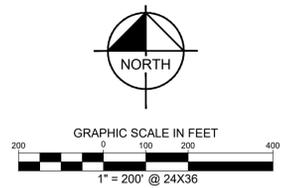
**TITLE COMMITMENT LEGAL DESCRIPTION:**

TRACT 1: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT A CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO.

TRACT 2: BEING 50 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT, SITUATED IN HAYS COUNTY, TEXAS AND COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CALLED TRACT B CONVEYED IN VOLUME 312, PAGE 837, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "B" ATTACHED HERETO.

TRACT 3: BEING 1.2 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 496, PAGE 300, OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 386, PAGE 188, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "C" ATTACHED HERETO.

TRACT 4: BEING 2.54 ACRES OF LAND, MORE OR LESS, IN THE A. M. ESNANRIZAR SURVEY, SITUATED IN COMAL COUNTY, TEXAS, BEING THAT SAME TRACT CONVEYED IN VOLUME 928, PAGE 471, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.



**LINE TYPE LEGEND**

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	IRON ROD FENCE
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	IRON ROD W/ CAP STAMPED
---	OVERHEAD UTILITY LINE
---	UNDERGROUND GAS LINE
---	UNDERGROUND UTILITY LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	FENCE
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT
○	TRACT CORNER (CALCULATED POINT UNLESS OTHERWISE LABELED)

**LEGEND**

---	GUY ANCHOR
---	UTILITY POLE
---	1/2" IRON ROD W/ "KHA" CAP SET
---	IRON ROD W/ CAP STAMPED
---	POINT OF BEGINNING
---	RECORDS OF HAYS COUNTY
---	RECORDS OF COMAL COUNTY
---	BYRN SURVEY FOUND
---	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
---	DEED RECORDS OF HAYS COUNTY
---	OFFICIAL PUBLIC RECORDS OF COMAL COUNTY
---	DEED RECORDS OF COMAL COUNTY
---	PLAT RECORDS OF COMAL COUNTY
---	DEED CALL

**A METES AND BOUNDS DESCRIPTION OF A 63.578 ACRE TRACT OF LAND**

BEING A 63.578 ACRE (2,769,448 SQUARE FEET) TRACT OF LAND SITUATED IN THE A. M. ESNANRIZAR SURVEY AKA A. M. ESNANRIZAR, ABSTRACT NO. 6, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE A. M. ESNANRIZAR ELEVEN LEAGUE GRANT SUBDIVISION 149, PLAT OF WHICH IS RECORDED IN VOLUME 34, PAGE 303, DEED RECORDS COMAL COUNTY, AND CONTAINING ALL OF THAT CERTAIN TRACT A, AND A PORTION OF THAT CERTAIN 50.00 ACRE TRACT B, BOTH DESCRIBED IN INSTRUMENT TO DONALD W. TUFF AND GERMAINE TUFF IN VOLUME 312, PAGE 837, DEED RECORDS HAYS COUNTY, AND VOLUME 802, PAGE 397, DEED RECORDS COMAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 6-INCH WOOD FENCE POST FOUND ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 4.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1512, PAGE 495, OFFICIAL PUBLIC RECORDS HAYS COUNTY, MARKING THE NORTH CORNER OF SAID 50.00 ACRE TRACT A, AND THE EAST CORNER OF THAT CERTAIN 0.80 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1648, PAGE 485, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGHLANDER SM, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

**THENCE** ALONG THE COMMON LINE OF SAID 136.912 ACRE TRACT AND SAID 50.00 ACRE TRACT A, THE FOLLOWING THREE (3) CALLS:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
2. SOUTH 45°14'01" EAST, 733.15 FEET TO A WOOD FENCE POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 600-NAIL W/ WASHER STAMPED "BYRN SURVEY" FOUND MARKING THE SOUTHWEST CORNER OF SAID 136.912 ACRE TRACT; CONTINUING FOR A TOTAL DISTANCE OF 262.16 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE NORTHWESTERLY LINE OF THAT CERTAIN 75.9 ACRE TRACT ONE, DESCRIBED IN INSTRUMENT TO JOHN D. DOSTER AND EVA J. DOSTER, RECORDED IN VOLUME 265, PAGE 178, DEED RECORDS HAYS COUNTY, AND MARKING THE EAST CORNER OF HEREIN DESCRIBED TRACT;

**THENCE** SOUTH 44°24'42" WEST, 1736.82 FEET ALONG THE COMMON LINE OF SAID 50.00 ACRE TRACT A AND SAID 75.9 ACRE TRACT, TO A FOUND 1-INCH IRON PIPE CALLED FOR AS THE WEST CORNER OF SAID 75.9 ACRE TRACT, AND THE NORTHEAST CORNER OF THAT CERTAIN 46.8 ACRE TRACT THREE, RECORDED IN SAID IN VOLUME 265, PAGE 178;

**THENCE** ALONG THE COMMON LINE OF SAID 46.8 ACRE TRACT AND AFORESAID 50.00 ACRE TRACT A, THE FOLLOWING TWO (2) CALLS:

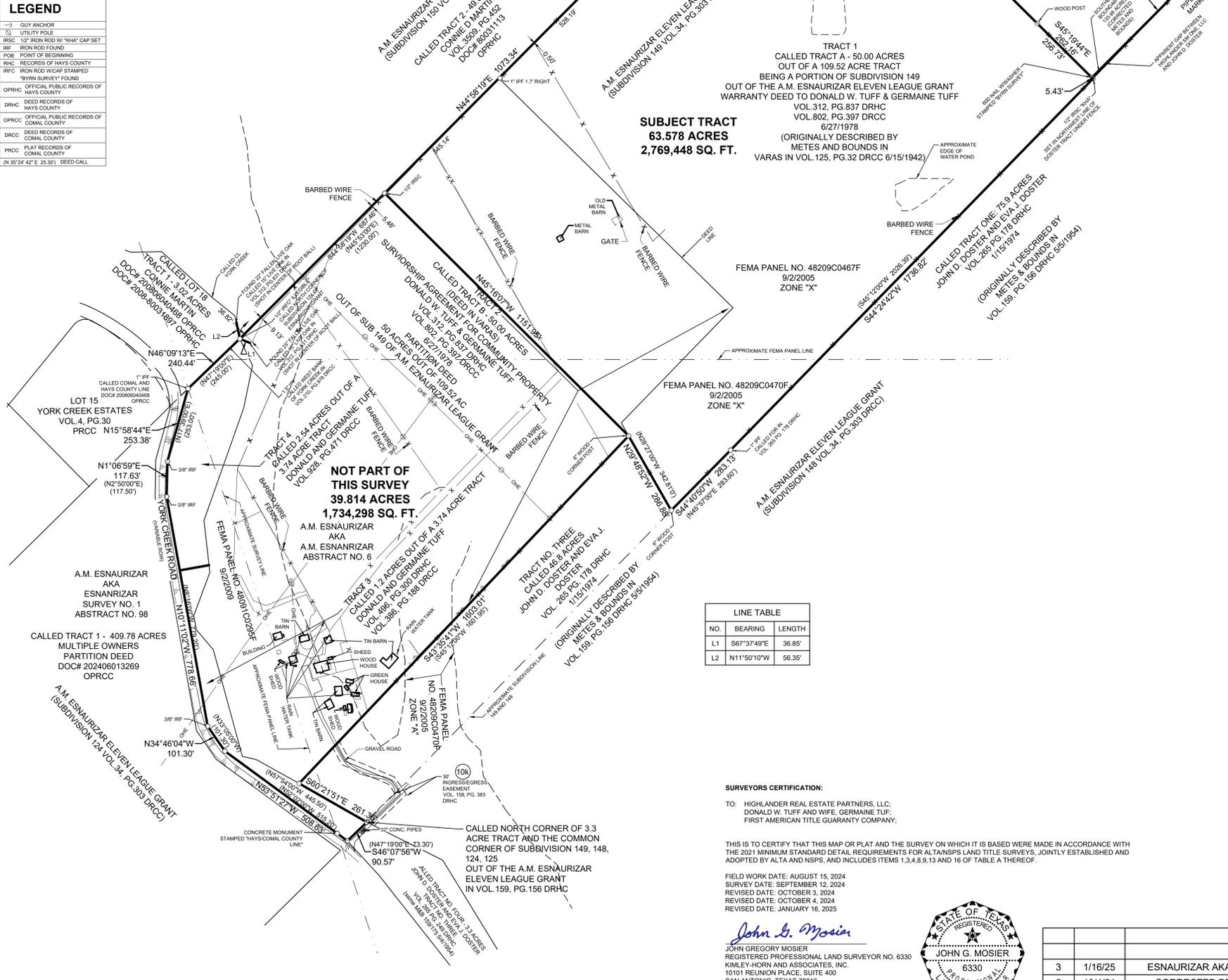
1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND AN INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN-MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

**THENCE** NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 46.8 ACRE TRACT, DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLIGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNANRIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.88 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20089004488 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 2" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

**THENCE**, ALONG COMMON LINE OF SAID 49.88 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (3) CALLS:

1. NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
2. NORTH 44°53'34" EAST, 869.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS, THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NAD83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/26/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER\_REAL\_ESTATE\_PARTNERS\0827780\FRANCIS\_HARRIS\DWG\FRANCIS\_HARRIS\_BASIS.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



**LINE TABLE**

NO.	BEARING	LENGTH
L1	S67°37'49"E	36.85'
L2	N11°50'10"W	56.35'

**SURVEYORS CERTIFICATION:**

TO: HIGHLANDER REAL ESTATE PARTNERS, LLC, DONALD W. TUFF AND WIFE, GERMAINE TUFF; FIRST AMERICAN TITLE GUARANTEE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 8, 9, 13 AND 16 OF TABLE A THEREOF.

FIELD WORK DATE: AUGUST 15, 2024  
 SURVEY DATE: SEPTEMBER 12, 2024  
 REVISED DATE: OCTOBER 3, 2024  
 REVISED DATE: OCTOBER 4, 2024  
 REVISED DATE: JANUARY 16, 2025

*John G. Mosier*  
 JOHN GREGORY MOSIER  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6330  
 KIMLEY-HORN AND ASSOCIATES, INC.  
 10101 REUNION PLACE, SUITE 400  
 SAN ANTONIO, TEXAS 78216  
 PH. 210-541-9166  
 GREG.MOSIER@KIMLEY-HORN.COM



**EXCEPTIONS FROM COVERAGE**

IN ADDITION TO THE EXCLUSIONS AND CONDITIONS AND STIPULATIONS, YOUR POLICY WILL NOT COVER LOSS, COSTS, ATTORNEY'S FEES, AND EXPENSES RESULTING FROM:

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION):
  - DELETED
- a. RIGHTS OF PARTIES IN POSSESSION (OWNER'S POLICY ONLY) THIS EXCEPTION MAY BE DELETED AT THE REQUEST OF THE PROPOSED INSURED, UPON A PHYSICAL INSPECTION BY THE TITLE COMPANY AND PAYMENT OF ITS REASONABLE AND ACTUAL COSTS THEREOF.
- b. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.
- c. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENT OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ON THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND IN THE EVENT OF A CONFLICT BETWEEN THIS EXCEPTION AND COVERED RISK "C"; THIS EXCEPTION SHALL CONTROL (APPLIES TO OWNER'S POLICY ONLY)
- d. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.
- e. ALL CONVEYANCES, CONTRACTS, DEEDS, RESERVATIONS, EXCEPTIONS, LIMITATIONS, LEASES, AND SIMILAR INTERESTS IN OR TO ANY GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES BELOW THE SURFACE OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, ALL AS PROVIDED BY SECTION 2703.056 (A) OF THE TEXAS INSURANCE CODE.
- f. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO HOPE ENGINEERING AND SUPPLY COMPANY, A CORPORATION, DATED JANUARY 11, 1928, RECORDED IN VOLUME 54, PAGE 638, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- g. EASEMENT RESERVED IN PARTITION DEED EXECUTED BY AND BETWEEN EMMA GLENEWINKEL, AND IDA H. SOECHTING (NEE GLENEWINKEL) JOINED BY HUSBAND EGON SOECHTING, RICHARD O. GLENEWINKEL, HARRY GLENEWINKEL, AND CARL W. GLENEWINKEL, AS RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), VOLUME 146, PAGE 409 (SUBJECT TO), AND VOLUME 146, PAGE 413 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- h. EASEMENT EXECUTED BY JOHANAH HARDEMAN, TO UNITED GAS PIPE LINE COMPANY, DATED MARCH 10, 1949, RECORDED IN VOLUME 90, PAGE 624 (SUBJECT TO), OF THE COMAL RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 144, PAGE 359 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- i. EASEMENT EXECUTED BY JEROME DIETERT AND WIFE, MARGARET DIETERT, TO LOWER COLORADO RIVER AUTHORITY, DATED MARCH 20, 1972, RECORDED IN VOLUME 250, PAGE 446 (SUBJECT TO AS SHOWN), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- j. RESERVATION OF ALL SUBTERRANEAN WATERS INCLUDING, WITHOUT LIMITATION, ALL PERCOLATING WATERS AND UNDERGROUND RESERVOIRS AND ALL OTHER RIGHTS IN CONNECTION WITH SAME, AS SET FORTH BY INSTRUMENT(S) RECORDED IN VOLUME 125, PAGE 32 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENTS RECORDED IN VOLUME 146, PAGE 407 (SUBJECT TO), AND VOLUME 146, PAGE 409 (SUBJECT TO), OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- k. TERMS, CONDITIONS, AND STIPULATIONS IN THAT CERTAIN AGREEMENT, BY AND BETWEEN IDA H. SOECHTING AND RICHARD O. GLENEWINKEL AND WIFE, HEIDWIG GLENEWINKEL, AS RECORDED IN VOLUME 146, PAGE 411, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY INSTRUMENT RECORDED IN VOLUME 158, PAGE 383, (DOES NOT AFFECT) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- l. UNDIVIDED INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS IN, ON, UNDER OR THAT L. MAY BE PRODUCED FROM THE HEREIN DESCRIBED PROPERTY, TOGETHER WITH ALL RIGHTS RELATING THERETO, EXPRESS OR IMPLIED, RESERVED UNTO JEROME DIETERT AND MARGARET DIETERT IN DEED TO DONALD W. TUFF AND WIFE, GERMAINE TUFF, DATED MARCH 27, 1978, AND RECORDED IN VOLUME 312, PAGE 837, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND VOLUME 802, PAGE 397, (NOT A SURVEY MATTER) OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, SAID MINERAL INTEREST NOT TRACED SUBSEQUENT TO THE DATE OF THE ABOVE CITED INSTRUMENT.
- m. SUBJECT PROPERTY LINES WITHIN THE BOUNDARIES OF YORK CREEK IMPROVEMENT DISTRICT. (SUBJECT TO)

**GENERAL NOTES:**

1. **TITLE COMMITMENT NOTES:** THIS SURVEY WAS PERFORMED UTILIZING THAT CERTAIN TITLE REPORT PREPARED BY FIRST AMERICAN TITLE GUARANTEE COMPANY, G.F. NO. 24-1545-C, (ISSUE DATE: JUNE 3, 2024, EFFECTIVE DATE: MAY 28, 2024) AND REFLECTS ONLY THOSE EASEMENTS AND ENCUMBRANCES OF RECORD MENTIONED THEREIN. KIMLEY-HORN DID NOT ABSTRACT THE PUBLIC RECORDS. THE SURVEYED TRACT MAY BE SUBJECT TO ADDITIONAL GOVERNMENT REGULATIONS AND RESTRICTIONS PRIOR TO FURTHER SITE DEVELOPMENT.
2. **FLOOD STATEMENT:** ACCORDING TO COMMUNITY PANEL NO. 48209C0467F DATED SEPTEMBER 2, 2005 AND 48209C0470F DATED SEPTEMBER 2, 2005 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. ALL ZONE DELINEATIONS SHOWN HEREON ARE APPROXIMATE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.
3. **GEODETIC BASIS STATEMENT:**  
 HORIZONTAL CONTROL: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (FIPS 4204) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE GRID. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.  
 ENCROACHMENTS: PER ALTA/NSPS SURVEY STANDARDS ITEM 5, SECTION C, PARAGRAPH III: THE TERM "ENCROACHMENT" IMPLIES A LEGAL OPINION, "EVIDENCE OF POTENTIALLY ENCROACHING STRUCTURAL APPURTENANCES AND PROJECTIONS OBSERVED IN THE PROCESS OF CONDUCTION FIELDWORK" RELATIVE TO TITLE LINES, SETBACKS, ADJOINING PROPERTIES, AND RIGHTS-OF-WAYS, WILL BE SHOWN, BUT THE SURVEY WILL MAKE NO JUDGMENT OF "ENCROACHMENT" OR "NON-ENCROACHMENT".  
 ZONING: A PRIVATE ZONING REPORT WAS NOT PROVIDED BY THE OWNER OR THE INSURER PER ALTA/NSPS OPTIONAL TABLE A ITEMS (A)(B); THIS SURVEY DOES NOT REFLECT ZONING STATUS OR RESTRICTIONS.  
 UTILITIES NOTE: ANY UNDERGROUND UTILITIES SHOWN HEREON ARE FROM TEXAS 811 MARKINGS OR OTHER THIRD PARTY UTILITY LOCATORS, AND LOCATED BY SURVEY CREWS, OR RECORD DRAWINGS OBTAINED FROM UTILITY COMPANIES REPRESENTATIVES. KIMLEY-HORN CANNOT GUARANTEE THE LOCATIONS OF SAID UTILITIES EXCEPT THOSE THAT ARE OBSERVED AND READILY VISIBLE ON THE SURFACE AT THE TIME OF THIS SURVEY. KIMLEY-HORN ASSUMES NO LIABILITY FOR POORLY OR IMPROPERLY MARKED UTILITY LOCATIONS. PRIVATE INTERIOR SERVICE LINES ARE NOT SHOWN.  
 THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTES (OR ANY OTHER ENVIRONMENTAL ISSUE), ARCHEOLOGICAL SITES OR OBSERVED OR POORLY MARKED GRAVESITES. AN EXPERT CONSULTANT SHOULD ADDRESS SUCH MATTERS.  
 KIMLEY-HORN DID NOT REVIEW LEASE INTEREST WHILE PERFORMING SURVEY.  
 THE EXTERIOR "FOOT PRINT" DIMENSIONS OF ALL BUILDING SHOWN HEREON ARE USED FOR SQUARE FOOTAGE CALCULATIONS.

**ALTA/NSPS LAND TITLE SURVEY**  
 63.578 ACRES  
 A. M. ESNANRIZAR SURVEY AKA A. M. ESNANRIZAR SURVEY, ABSTRACT NO. 6  
 HAYS COUNTY, TEXAS

**Kimley Horn**

10101 Reunion Place, Suite 400  
 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166  
 www.kimley-horn.com

No.	DATE	REVISION DESCRIPTION
3	1/16/25	ESNAURIZAR AKA ESNANRIZAR
2	10/4/24	CORRECTED BEARING CALL
1	10/3/24	UPDATE 10K REFERENCE

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	MAV	JGM	11/10/2021	068727800	1 OF 1

### Character District 2.5 (CD 2.5) & Future Development (FD)

VS

### Light Industrial (LI)

#### Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

**TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT**

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND-3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC, BP LI, HI	CM
	<b>ACCESSORY DWELLING UNIT</b>	■	■	■	■	■	■	■	■	■	■	--	--
	<b>HOUSE</b>	■	■	■	■	■	--	■	■	--	--	--	--
	<b>COTTAGE COURT</b>	--	--	--	■	--	--	■	--	--	--	--	--
	<b>DUPLEX</b>	--	--	--	■	--	--	■	■	--	--	--	--
	<b>ZERO LOT LINE HOUSE</b>	--	--	■	■	--	--	■	--	--	--	--	--
	<b>TOWNHOUSE</b>	--	--	--	■	■	■	--	■	■	■	--	--
	<b>SMALL MULTI-FAMILY</b>	--	--	--	■	■	■	--	--	--	--	--	--
	<b>COURTYARD HOUSING</b>	--	--	--	--	■	--	--	■	--	--	--	--
	<b>APARTMENT</b>	--	--	--	--	--	--	--	■	■	■	--	--

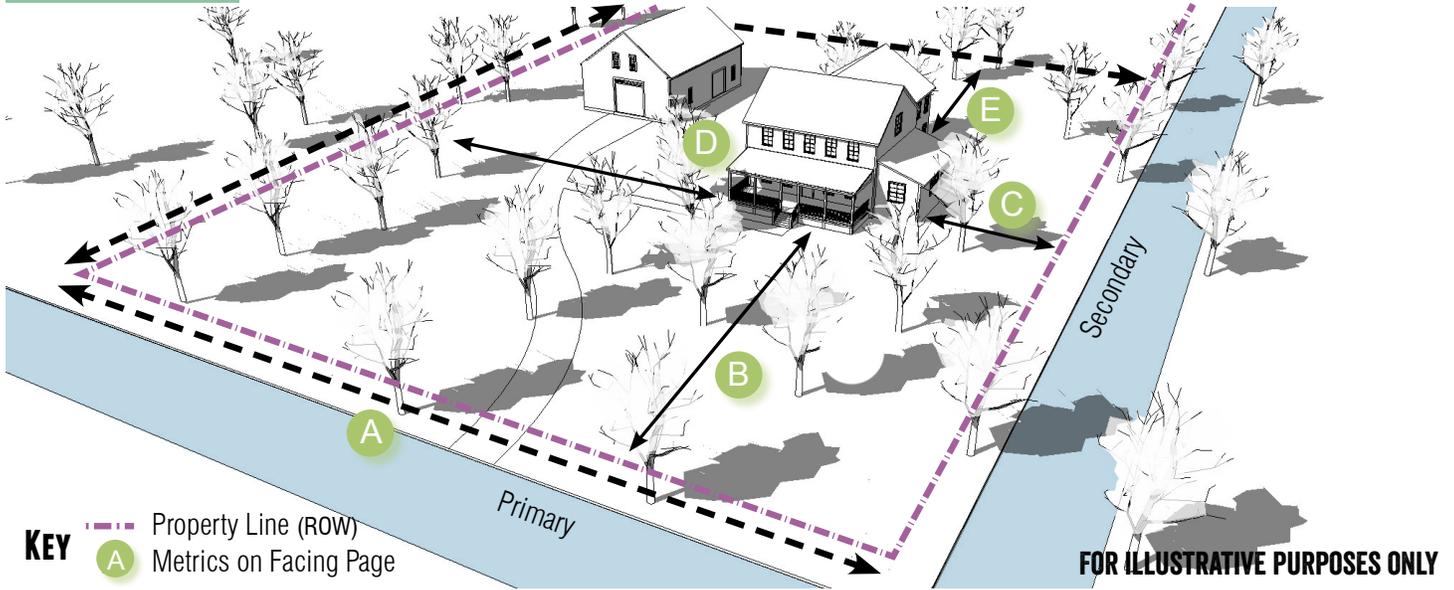
**TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT**

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND- 3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC, BP LI, HI	CM
	<b>LIVE/WORK</b>	--	--	--	--	--	■	--	■	■	■	--	■
	<b>NEIGHBORHOOD SHOPFRONT</b>	--	--	--	--	■	■	--	■	--	--	--	--
	<b>MIXED USE SHOPFRONT</b>	--	--	--	--	--	■	--	--	■	■	--	■
	<b>GENERAL COMMERCIAL</b>	--	--	--	--	--	--	--	--	--	--	■	■
	<b>CIVIC</b>	■	■	■	■	■	■	■	■	■	■	■	■
<b>LEGEND</b>		■ =Allowed		-- =Not Allowed									

(Ord. No. 2020-60, 9-1-2020)

## FD

### SECTION 4.4.1.1 FUTURE DEVELOPMENT DISTRICT



#### GENERAL DESCRIPTION

The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

#### DENSITY

Units Per Gross Acre	.4 max.
Impervious Cover	30% max.

#### TRANSPORTATION

Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

#### BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.5.1
House	Section 4.4.5.2
Civic	Section 4.4.5.14

**BUILDING STANDARDS**

Principle Building Height	2 stories max.	40 ft. max.
Accessory Structure	N/A	N/A

**LOT**

BUILDING TYPE	LOT AREA	LOT WIDTH	A
House	2 acres min.	200 ft min.	
Civic Building	2 acres min.	200 ft. min.	

**SETBACKS - PRINCIPAL BUILDING**

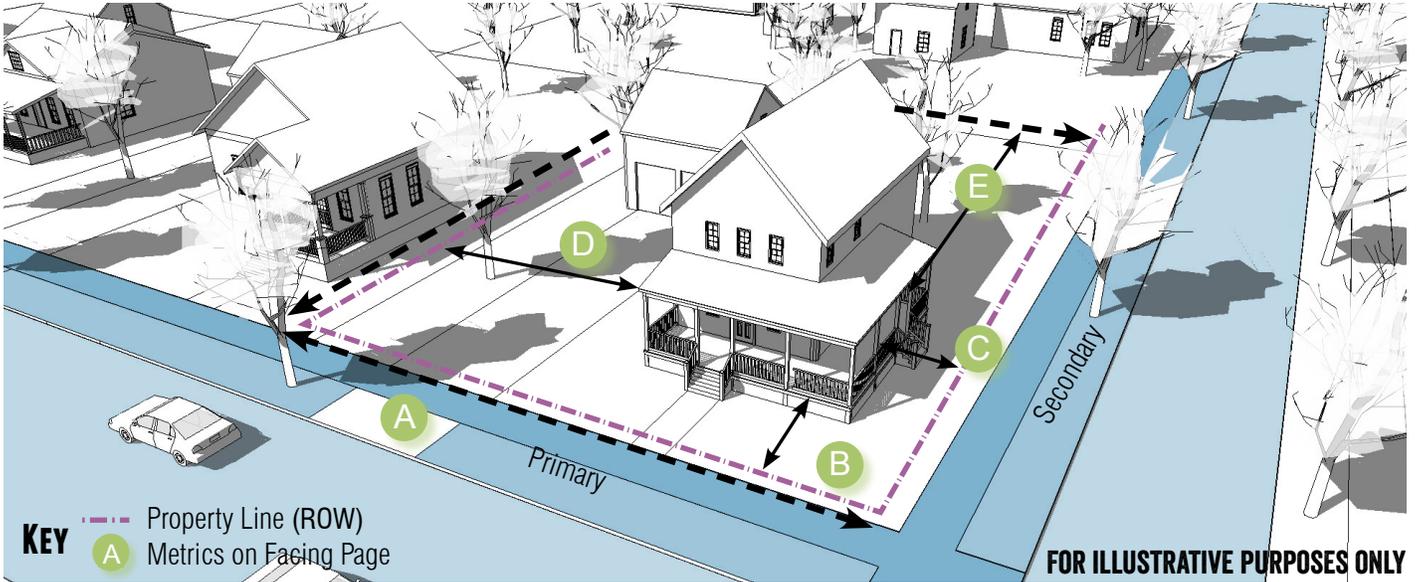
Primary Street	50 ft. min.	B
Secondary Street	25 ft. min.	C
Side	20 ft. min.	D
Rear	Min. 20% of total lot depth measured at the point of the greatest depth	E

**SETBACKS - ACCESSORY STRUCTURE**

Primary Street	50 ft. min.
Secondary Street	25 ft. min.
Side	10 ft. min.
Rear	10 ft. min.

CD-2.5

SECTION 4.4.3.3 CHARACTER DISTRICT - 2.5



**GENERAL DESCRIPTION**

The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for homeownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

**DENSITY**

Units Per Gross Acre	8 max.
Impervious Cover	60% max.
Occupancy Restrictions	Section 5.1.4.1

**TRANSPORTATION**

Block Perimeter	2,800 ft. max	Section 3.6.2.1
Streetscape Type	Residential Conventional	Section 3.8.1.10 Section 3.8.1.7

**BUILDING TYPES ALLOWED**

Accessory Dwelling	Section 4.4.5.1
House	Section 4.4.5.2
Civic	Section 4.4.5.14

**BUILDING STANDARDS**

Principle Building Height	2 stories max.	35 ft. max.
Accessory Structure Height	N/A	24 ft max.

**LOT**

BUILDING TYPE	LOT AREA	LOT WIDTH
House	4,500 sq. ft. min.	40 ft. min.
Civic	4,500 sq. ft. min.	50 ft. min.

**SETBACKS - PRINCIPAL BUILDING**

Principal Street	15 ft. min.	<b>B</b>
Secondary Street	10 ft. min.	<b>C</b>
Side	5 ft. min.	<b>D</b>
Rear	15 ft. min.	<b>E</b>
Rear, abutting alley	5 ft. min.	<b>E</b>

**SETBACKS - ACCESSORY STRUCTURES**

Principal Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

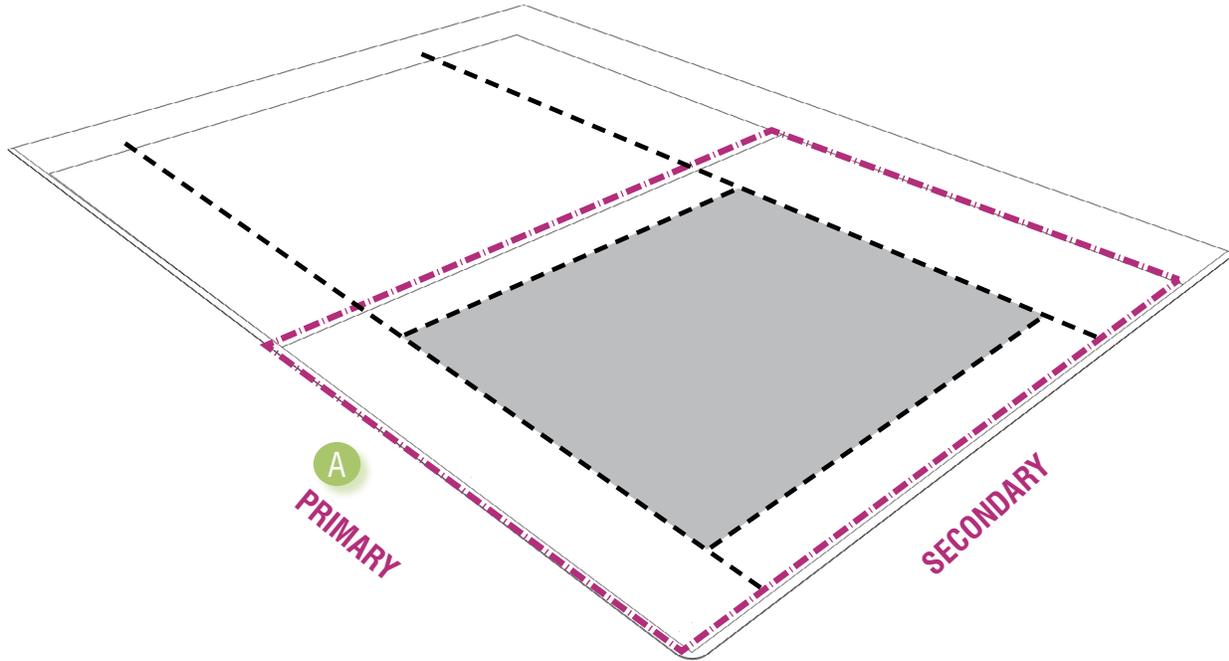
**PARKING LOCATION**

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

(This Section was approved by Ord. No. 2020-60, 9-1-2020)

## LI

### SECTION 4.4.4.4 LIGHT INDUSTRIAL



**KEY**

- - - Property Line (ROW)
- A Metrics on This and Facing Page
- Setbacks
- Building Footprint

**DISTRICT INTENT STATEMENTS**

LI is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.

**DENSITY**

Impervious Cover                      80% max.

**TRANSPORTATION**

Block Perimeter	5,000 ft. max.	Section 3.6.2.1
Streetscape Type	Conventional	Section 3.8.1.7

**BUILDING TYPES ALLOWED**

General Commercial	Section 4.4.5.12
Civic Building	Section 4.4.5.14

**BUILDING STANDARDS**

Principle Building Height	4 stories max.	62 ft. max.
Accessory Structure Height	N/A	24 ft. max.

**LOT**

BUILDING TYPE	LOT AREA	LOT WIDTH
General Commercial	7,000 sq. ft. min.	70 ft. min.
Civic Building	7,000 sq. ft. min.	70 ft. min.

A

**SETBACKS - PRINCIPAL BUILDING**

Primary Street	20 ft. min.
Secondary Street	20 ft. min.
Side	20 ft. min.
Rear	20 ft. min.

**SETBACKS - ACCESSORY STRUCTURE**

Primary Street	50 ft. min.
Secondary Street	20 ft. min.
Side	5 ft. min.
Rear	5 ft. min.

**PARKING LOCATION**

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Allowed	Allowed
Second Layer	Allowed	Allowed
Third Layer	Allowed	Allowed

**DURABLE BUILDING MATERIAL AND BLANK WALL AREA**

Primary Material	70% min.
Secondary Material	30% max.
Blank Wall Area	50 ft. max.

Character District 2.5 (CD 2.5) vs Light Industrial (LI) & Future Development (FD)

Section 5.1.1.2 Land Use Matrix

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL			NEIGHBORHOOD DENSITY DISTRICTS					CHARACTER DISTRICTS						SPECIAL DISTRICTS				DEFINITION USE STANDARDS				
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC		LI	HI	MH	CM
<b>AGRICULTURAL USES</b>																							
Barns or agricultural buildings	P	L	--	--	--	--	--	--	--	P	P	--	L	--	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	--	P	--	L	--	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	L	--	P	P	L	L	L	L	L	--	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	C	L	L	C	P	P	L	L	L	C	C	--	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	--	P	--	L	--	--	--	P	P	P	P	P	P	--	P	Section 5.1.2.5
<b>ACCESSORY USES AND STRUCTURES</b>																							
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	L	P	P	--	P	L	L	P	P	P	--	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	--	L	--	--	--	--	--	L	L	P	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	--	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	L	--	--	L	L	L	L	--	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	P	--	--	P	P	P	P	--	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	L	P	--	L	L	L	P	P	P	--	--	--	--	L	P	Section 5.1.3.6
<b>RESIDENTIAL USES</b>																							
Single Family Detached / Tiny Home	P	L	L	L	L	L	L	L	--	--	P	L	P	P	--	--	--	--	--	--	P	--	Section 5.1.4.2
<b>LEGEND</b>																							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted																

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS					CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
Cottage Court	--	--	--	--	--	--	L	L	--	--	--	--	P	P	--	--	--	--	--	--	--	--	Section 5.1.4.3
Two Family	--	--	--	--	--	--	L	L	--	--	--	--	P	P	--	--	--	--	--	--	--	--	Section 5.1.4.4
Single Family Attached	--	--	--	--	L	L	L	L	L	--	--	--	P	P	P	P	--	--	--	--	--	--	Section 5.1.4.5
Small Multi-Family (up to 9 units)	--	--	--	--	--	--	L	L	L	--	--	--	--	P	P	P	--	--	--	--	--	--	Section 5.1.4.6
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	--	L	L	--	--	--	--	P	P	P	--	--	--	--	--	--	Section 5.1.4.7
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	Section 5.1.4.8
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	--	Section 5.1.4.9
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.10
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.11
Community Home	L	L	L	L	L	L	L	P	P	--	P	L	P	P	P	P	--	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	--	--	--	--	--	--	Section 5.1.4.12
<b>COMMERCIAL USES</b>																							
Professional Office	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	--	P	P	--	--	--	--	P	P	P	--	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.3

LEGEND							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

**TABLE 5.1 LAND USE MATRIX**

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS					CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
Animal care (indoor)	C	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	P	--	--	--	P	Section 5.1.5.3
Tattoo, body piercing	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	--	P	--	--	--	P	Section 5.1.5.3	
Adult Oriented Businesses	See Section 18 Article 6 of the City Code																						
All Retail Sales, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.4	
Gasoline Sales	--	--	--	--	--	--	--	L	--	--	--	--	--	C	C	C	P	--	--	--	C	Section 5.1.5.4	
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	--	Section 5.1.5.4	
Building material sales	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	P	P	P	--	P	Section 5.1.5.4	
Vehicle Sales/ Rental	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	--	P	--	--	--	P	Section 5.1.5.4	
Pawnshop	--	--	--	--	--	--	--	C	--	--	--	--	C	P	P	--	P	--	--	--	P	Section 5.1.5.4	
Restaurant/ Bar, as listed below:																							
Eating Establishment	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.5	
Bar	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5	
Mobile Food Court	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	C	--	--	--	--	--	Section 5.1.5.5	

LEGEND							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS					CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	--	C	C	--	--	--	--	C	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																							Section 5.1.5.6
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	C	L	L	P	--	P	C	C	P	P	P	--	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	--	C	P	--	--	--	--	P	P	P	--	--	--	--	--	P	Section 5.1.5.6
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	C	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	L	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	--	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	--	--	C	Section 5.1.5.8
Special Event Facility	C	C	--	--	--	--	--	--	C	--	C	--	--	--	--	--	P	--	--	--	--	--	Section 5.1.5.9
<b>PUBLIC &amp; INSTITUTIONAL</b>																							
Civic, except as listed below:	P	L	L	L	L	L	L	P	P	L	L	L	L	P	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	C	L	P	--	C	C	C	L	P	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3

**TABLE 5.1 LAND USE MATRIX**

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS					CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3.D																						
<b>INDUSTRIAL</b>																							
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	P	P	P	P	--	C	Section 5.1.7.2
Vehicle Service, as listed below:																						Section 5.1.7.3	
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	P	P	P	--	C	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	C	C	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	C	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

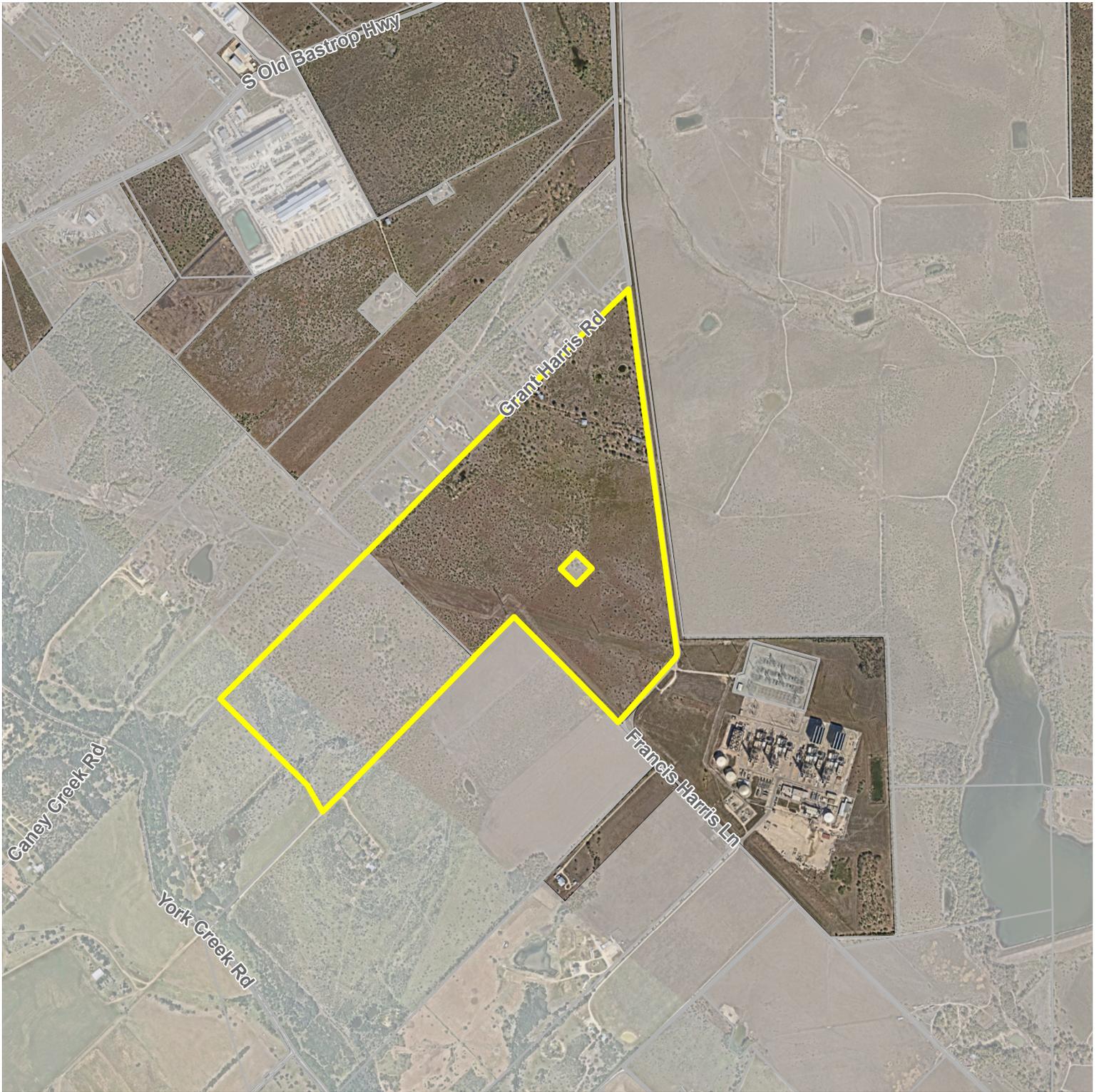
LEGEND							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21, Ord. No. 2023-72, 10-17-2023)

# Zoning District Comparison Chart

<b>Topic</b>	<b>Existing Zoning: Future Development (FD)</b>	<b>Existing Zoning: Character District – 2.5 (CD-2.5)</b>	<b>Proposed Zoning: Light Industrial (LI)</b>
<b>Zoning Description</b>	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings	The CD-2.5 District is primarily intended to accommodate single-family detached houses and to encourage home ownership. Uses that would interfere with the residential nature of the district are not allowed	Light Industrial is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or commercial uses.
<b>Uses</b>	Residential / Agricultural ( <i>See Land Use Matrix</i> )	Residential, Civic	Primarily industrial uses as well as light manufacturing, offices, waste related services, and warehouse and distribution. Examples of light industrial uses include food and beverage products, breweries, contractor storage, dry-cleaning, furniture manufacturing, and welding ( <i>See Land Use Matrix</i> )
<b>Parking Location</b>	No location standards	Parking allowed in the second and third Layer	No location standards
<b>Parking Standards</b>	Dependent upon use	2 spaces per dwelling unit	Depends on use.
<b>Max Residential Units per acre</b>	0.4 units per acre (max)	8 units per acre (max)	N/A - Residential uses are not allowed
<b>Occupancy Restrictions</b>	N/A	N/A	N/A
<b>Landscaping</b>	Tree and shrub requirements	Tree and shrub requirements	Tree and shrub requirements
<b>Building Height (max)</b>	2 stories	2 stories	4 stories
<b>Setbacks</b>	50' minimum front, 20' side, and 20% of total lot depth measured at point of greatest depth in rear	15' front, 5' side (interior), 10' side (corner), 15' rear (5' with alley)	20' minimum front, side, and rear

<b>Topic</b>	<b>Existing Zoning: Future Development (FD)</b>	<b>Existing Zoning: Character District – 2.5 (CD-2.5)</b>	<b>Proposed Zoning: Light Industrial (LI)</b>
<b>Impervious Cover (max)</b>	30%	60%	80%
<b>Lot Sizes</b>	Minimum 2 acres lot area, Minimum 200 ft lot width	Minimum 4,500 square ft lot	Minimum 7,000 sq ft lot area, Minimum 70 ft lot width
<b>Streetscapes</b>	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required	Residential Street: 5' sidewalk, street trees every 35' o.c. 7' planting area.	Conventional Street: 6' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required.
<b>Blocks</b>	No Block Perimeter Required	2,800 ft. block perimeter max	5,000 ft. block perimeter max



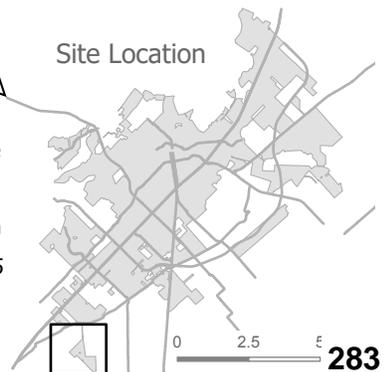
 Subject Property

 Parcels

 ETJ

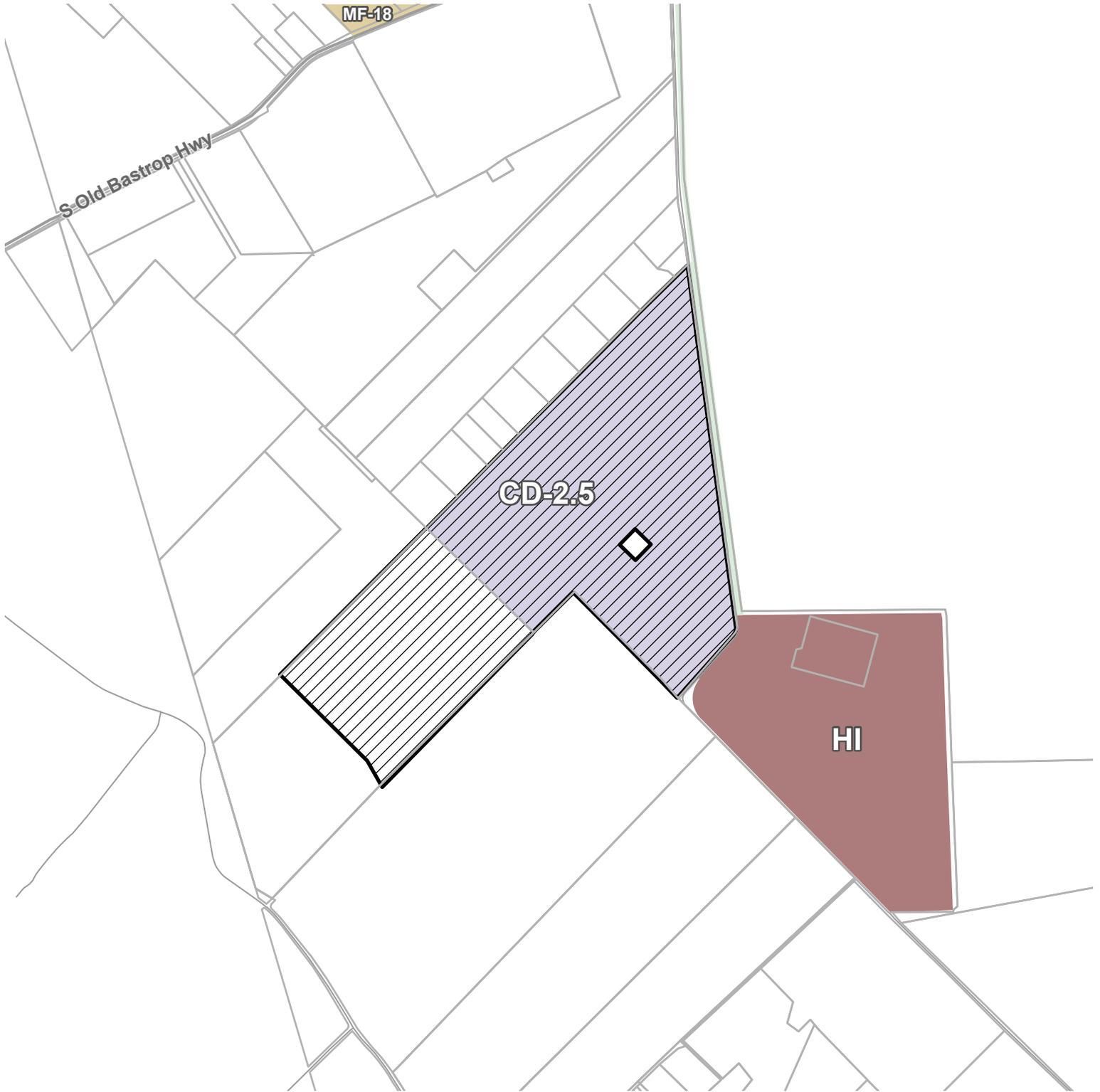


Site Location



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 12/15/2025



-  Parcels
-  Subject Property
-  AR
-  CD-2.5
-  HI
-  MF-18

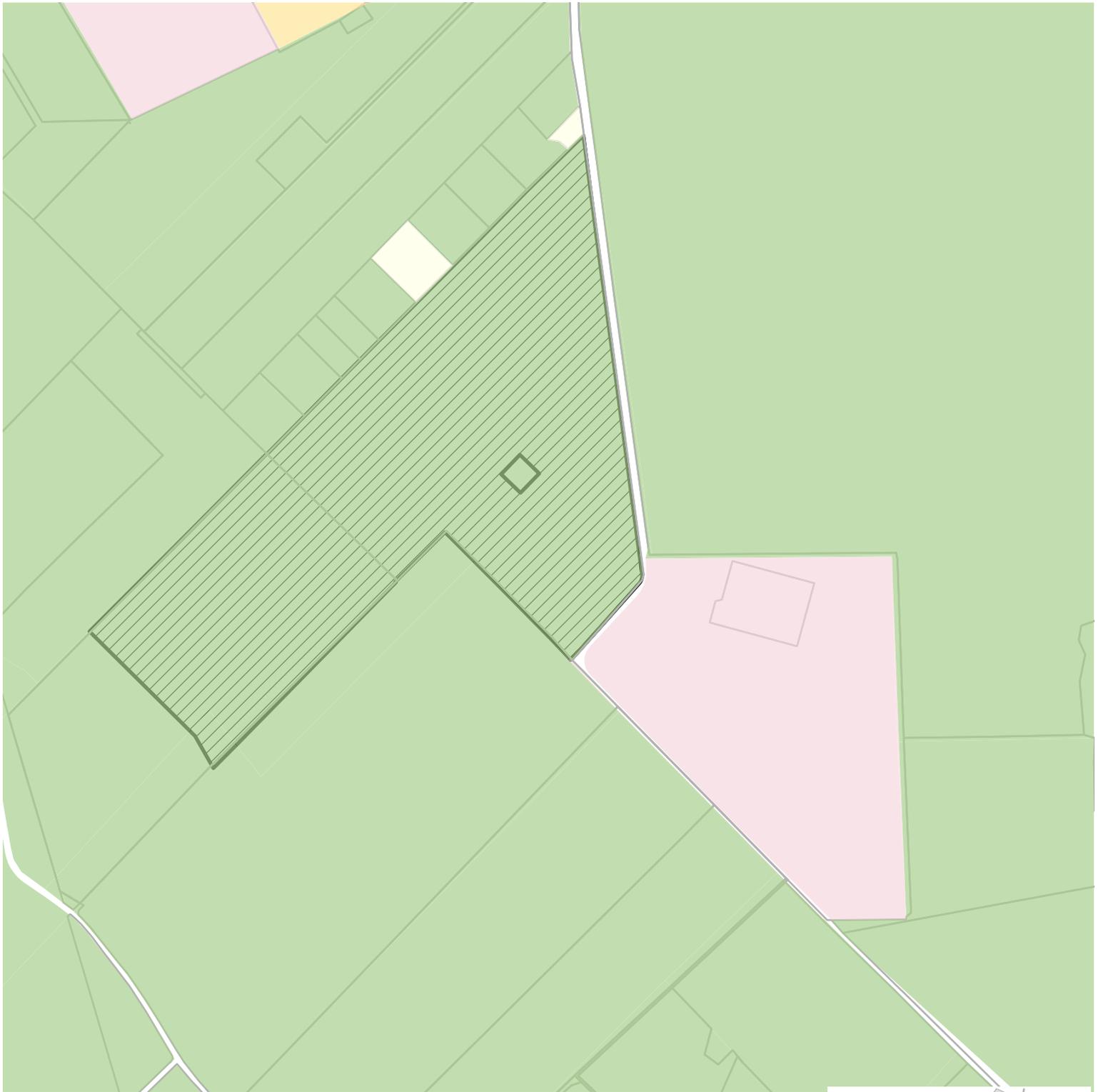


Site Location



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Date: 12/15/2025



- Neighborhood - Medium
- Neighborhood - Low
- Commercial/Employment Low
- Low and Areas of Stability, Conservation/Cluster
- Parcels
- Subject Property

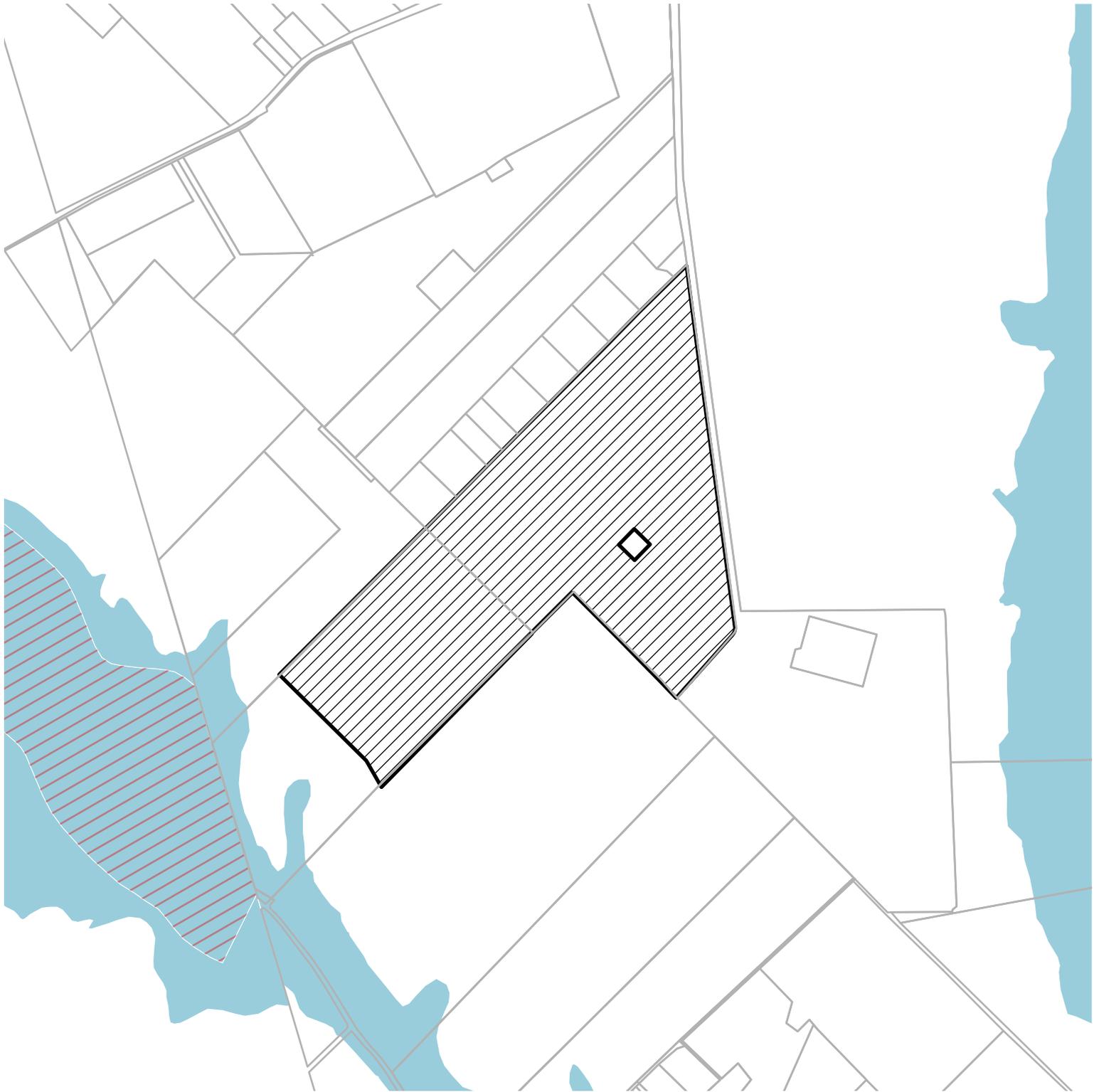


Site Location



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Date: 12/15/2025



-  Parcels
-  Subject Property
-  Floodway
-  100 Year Floodplain



Site Location



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Date: 12/15/2025



-  Parcels
-  Subject Property
-  Enhanced, Ave
-  Enhanced, Blvd
-  Proposed, Ave



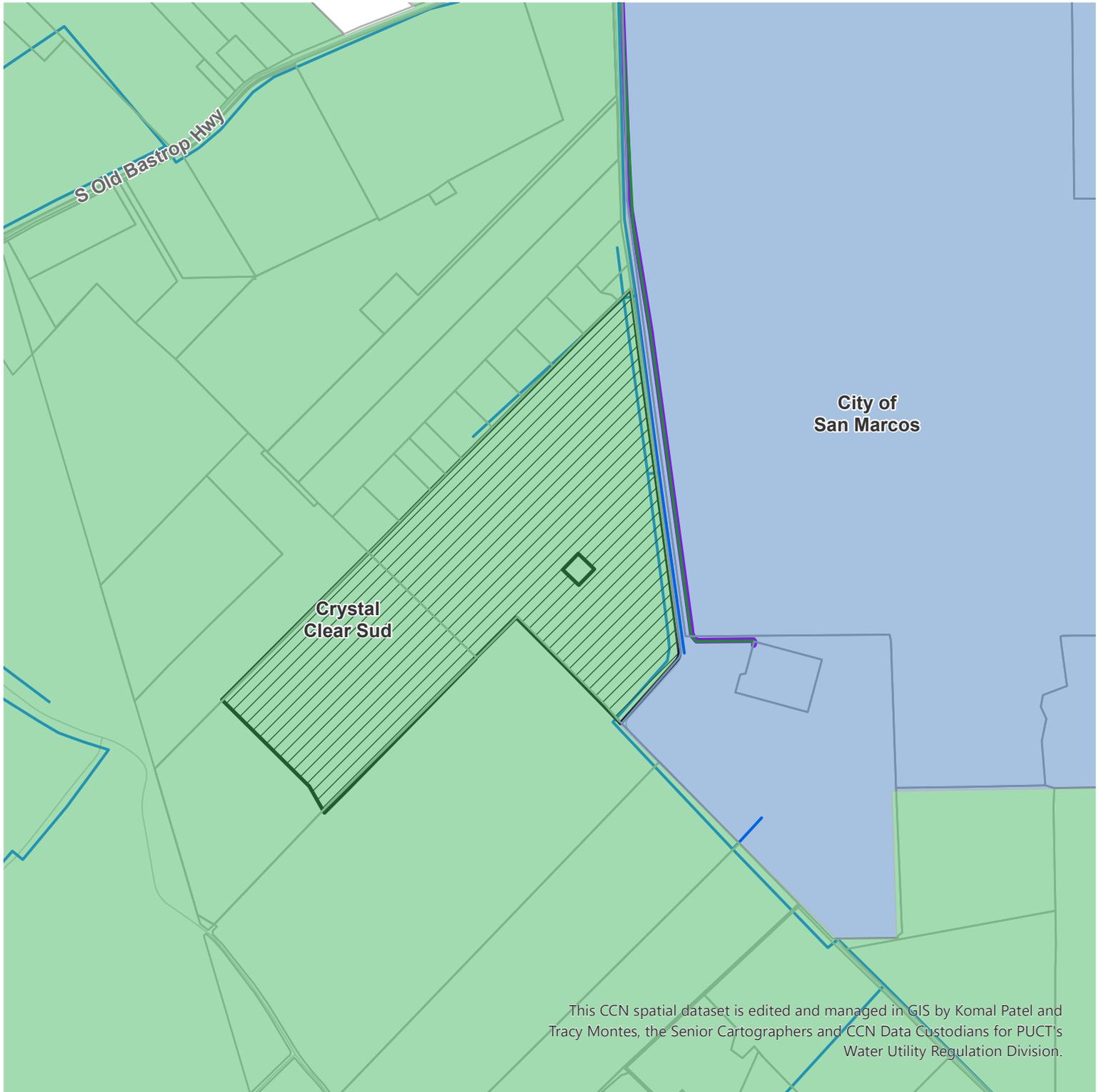
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Date: 12/15/2025



Site Location





This CCN spatial dataset is edited and managed in GIS by Komal Patel and Tracy Montes, the Senior Cartographers and CCN Data Custodians for PUCT's Water Utility Regulation Division.

- City of San Marcos
- Crystal Clear Sud
- Parcels
- Subject Property
- Sanitary Main Active
- Potable Water Main Active
- Reclaimed Water Main



Site Location



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Date: 12/15/2025



- ZC-25-13 Grant Harris 50 ft Buffer
- Subject Property
- Parcels



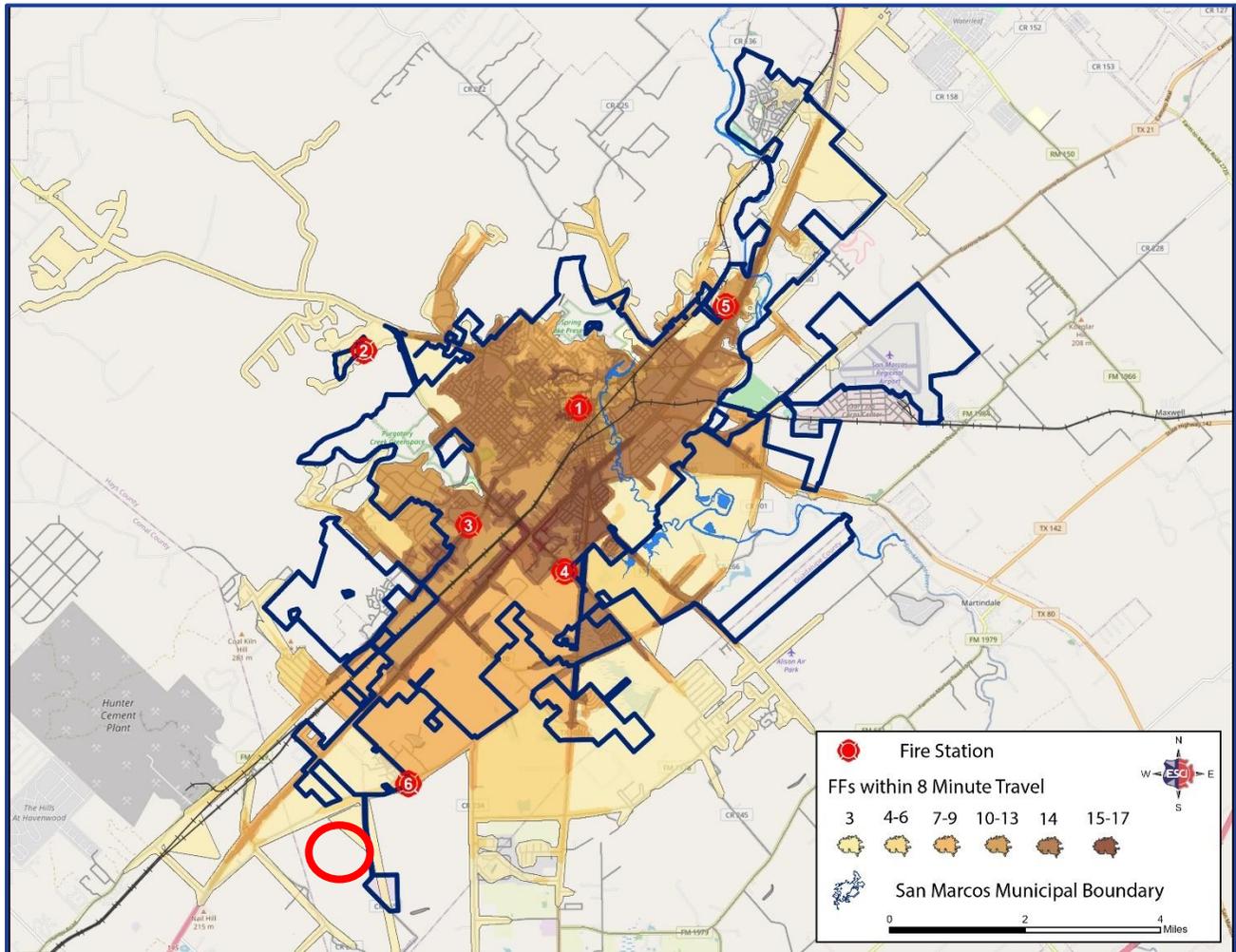
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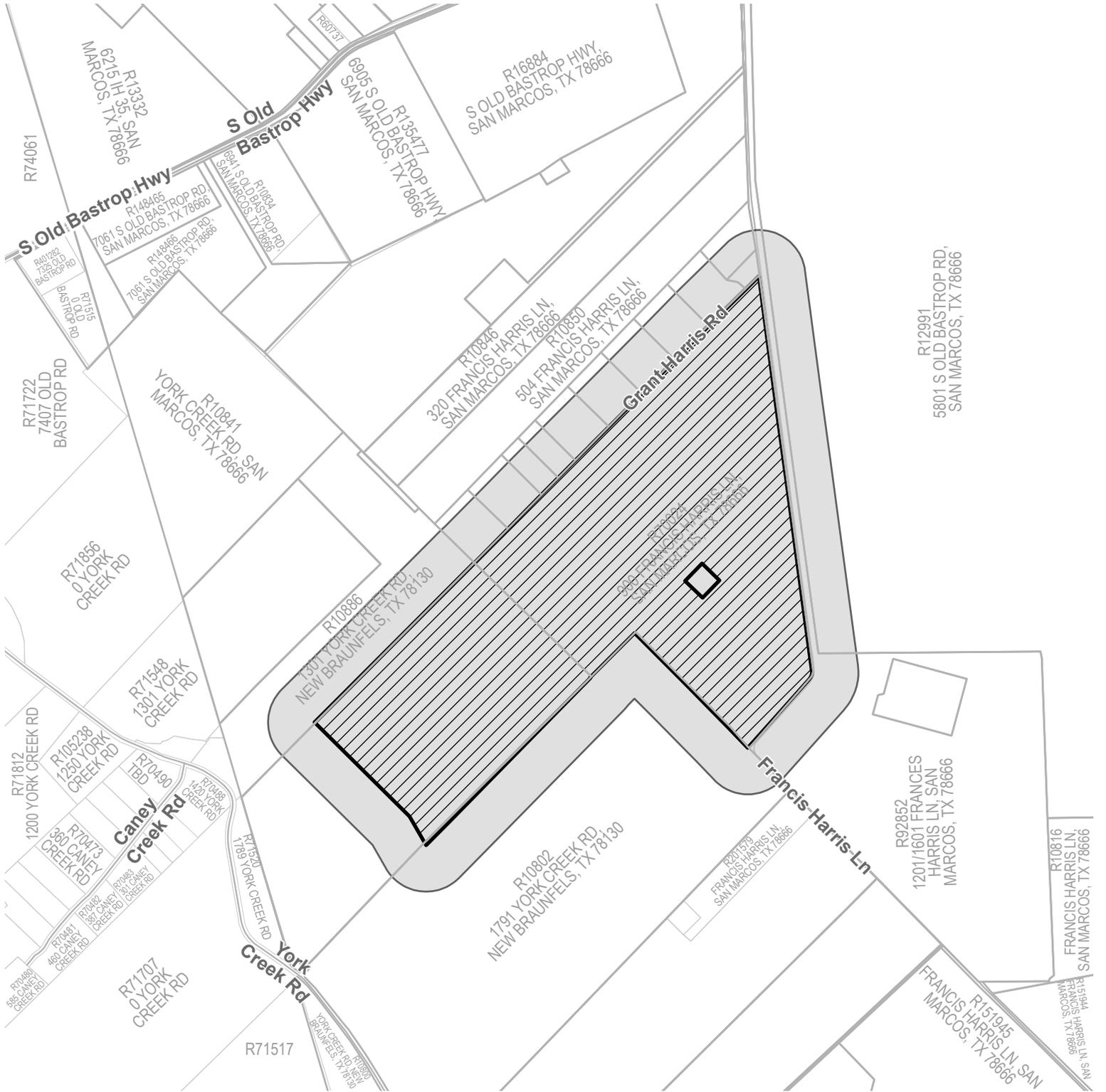
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Date: 12/15/2025

**Figure 112: SMFD 8-Minute Effective Response Force**  
*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*



**○ AN-25-02/ ZC-25-13/ PSA-25-02 APPROXIMATE LOCATION**



-  Parcels
-  Subject Property
-  400ft Buffer



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Date: 12/17/2025

PLANNING AND DEVELOPMENT SERVICES



12/18/2025

ZC-25-13

**Notice of Public Hearing  
Zoning Change Request  
“FD” Future Development/ “CD-2.5” Character District 2.5 to “LI” Light Industrial  
Francis Harris Lane Maberry Data Center**

*ZC-25-13 (900BLK Francis Harris Ln / Francis Harris Ln Maberry Data Center FD/CD -2.5 to LI) Hold a public hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC and Donald and Germaine Tuff, for a Zoning Change from Future Development (FD) and Character District 2.5 (CD-2.5) to "Light Industrial" (LI) or, subject to consent of the owner, another less intense zoning district classification, for approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas. (J. Cleary)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, January 13, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, February 17, 2026**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <https://sanmarcostx.gov/Videos>. Or sign up at: [www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission:**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

**For City Council:**

[www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup)

For more information regarding this request, contact the case manager, **Julia Cleary**, at **512.805-2658** or [jcleary@sanmarcostx.gov](mailto:jcleary@sanmarcostx.gov). When calling, please refer to case number **ZC-25-13**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

Property ID	Site Address	Owner	Owner Address	Owner City /Zip/State
111271	996 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVARADO, REFUGIO	996 GRANT HARRIS RD	SAN MARCOS, TX 78666-8983
10818	1150 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVARDO-VASQUEZ DAVID & SAMANIEGO- MARTINEZ AURORA	1150 GRANT HARRIS RD	SAN MARCOS, TX 78666
135215	616 GRANT HARRIS RD, SAN MARCOS, TX 78666	ALVEAR JOSE M & TIJERINA MARIA L	616 GRANT HARRIS RD	SAN MARCOS, TX 78666-8976
111270	920 GRANT HARRIS RD, SAN MARCOS, TX 78666	BRAESWOOD ALLIANCE GROUP LLC - SERIES 5 920	409 TIMBERLINE DR S	COLLEYVILLE, TX 76034-3508
10832	5801 S OLD BASTROP HWY, SAN MARCOS, TX 78666	CARSON SELECT INVESTMENTS LP	C/O CARSON SELECT INVESTMENTS GP LLC GENERAL PARTNER, 407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063
10802	1791 YORK CREEK RD, NEW BRAUNFELS, TX 78130	DOSTER JOHN D & EVA J	1791 YORK CREEK RD	NEW BRAUNFELS, TX 78130
172940	1090 GRANT HARRIS RD, SAN MARCOS, TX 78666	GARCIA JULIO CESAR & CANCHOLA ANGELICA DAVILA	1090 GRANT HARRIS RD	SAN MARCOS, TX 78666-8978
111269	820 GRANT HARRIS RD, SAN MARCOS, TX 78666	GUYTON, LORENE	820 GRANT HARRIS RD	SAN MARCOS, TX 78666-8965
92852	1201/1601 FRANCES HARRIS LN, SAN MARCOS, TX 78666	HAYS ENERGY LP	ATTN: STATE & LOCAL TAX DEPT, PO BOX 219071	DALLAS, TX 75221-9071
172939	1054 GRANT HARRIS RD, SAN MARCOS, TX 78666	HERNANDEZ ANGEL L & CANCHOLA GEORGINA DAVILA	1054 GRANT HARRIS RD	SAN MARCOS, TX 78666-8978
70024	900 FRANCIS HARRIS LN, SAN MARCOS, TX 78666	HIGHLANDER SM ONE LLC	2505 ALLSTON LN	AUSTIN, TX 78746-1918
10886	1301 YORK CREEK RD, NEW BRAUNFELS, TX 78130	MARTIN CONNIE D	14053 HUBER RD	SEGUIN, TX 78155-1767
108388	766 GRANT HARRIS RD, SAN MARCOS, TX 78666	RODRIGUEZ ROBERTO & RACHEL	P O BOX 903	KYLE, TX 78640
10877	1789 YORK CREEK RD, NEW BRAUNFELS, TX 78130	TUFF, DONALD W & GERMAINE	1789 YORK CREEK RD	NEW BRAUNFELS, TX 78130
		Michael Adams	106 Losya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666

**From:** Gena Fleming <[REDACTED]>  
**Sent:** Tuesday, December 9, 2025 6:30 AM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] National Data Center Moratorium

Dear Planning and Zoning Commissioners,

More than 230 environmental organizations have signed a letter to Congress supporting a national moratorium on the approval and construction of new data centers. The letter, sent Monday, December 8, highlights these centers' impacts on water resources, electricity rates, greenhouse gas emissions and job losses.

Below is a link to the single-page letter followed by a list of the signatories by region and state.

<https://www.foodandwaterwatch.org/wp-content/uploads/2025/12/National-Data-Center-Moratorium.pdf>

Thank you for your denial last March of the proposal to amend the Preferred Scenario map from "Conservation/ Cluster" to "Commercial/Employment Low" for the proposed Maberry/CyrusOne data center project. I hope this evening you will honor the same decision.

Best wishes,

Gena Fleming  
San Marcos, TX

# National Data Center Moratorium Now!

December 8, 2025

Dear Members of Congress:

We, the undersigned organizations collectively representing millions of people in all 50 states, call on you to support a national moratorium on the approval and construction of new data centers.

The rapid expansion of data centers across the United States, driven by the generative artificial intelligence (AI) and crypto boom, presents one of the biggest environmental and social threats of our generation. This expansion is rapidly increasing demand for energy, driving more fossil fuel pollution, straining water resources and raising electricity prices across the country. All this compounds the significant and concerning impacts AI is having on society, including lost jobs, social instability and economic concentration.

The harms of data center growth are increasingly well-established, and they are massive. They include:

- Enormous electricity consumption: A tripling of data centers in the next five years would result in data centers consuming as much electricity as about 30 million households.
- Unsustainable water consumption: A tripling of data centers would require as much water as is used by 18.5 million households – simply for cooling the computer servers.
- Contribution to climate change: 56 percent of the electricity used to power data centers is sourced from fossil fuels.
- Skyrocketing electricity costs: Electricity rates have increased 21.3 percent from 2021 to 2024 – drastically outpacing inflation – driven largely by the rapid build-out of data centers, something that could continue to escalate over time.
- Job losses: According to an AI executive, AI could negate half of all entry-level white-collar jobs in the next five years and spike overall unemployment by up to 20 percent.

The rapid, largely unregulated rise of data centers to fuel the AI and crypto frenzy is disrupting communities across the country and threatening Americans' economic, environmental, climate and water security. We urge you to join our call for a national moratorium on new data centers until adequate regulations can be enacted to fully protect our communities, our families, our environment and our health from the runaway damage this industry is already inflicting.

For more information, contact Food & Water Watch Policy Director Jim Walsh – [jwalsh@fwwatch.org](mailto:jwalsh@fwwatch.org)

Sincerely,

## **National Organizations**

Food & Water Watch (Letter Convener)

Americans for Financial Reform

Athena Coalition

Climate Communications Coalition

Climate Defense Project

Coastal Lands Action Network (CLAN)

Consumer Watchdog

EcoAction Committee of Green Party of the  
United State

Elders Coalition for Climate Action

Frack Action

FracTracker Alliance

Friends of the Earth US

GAIA (Global Alliance for Incinerator Alternatives)  
Grassroots Environmental Education  
Green Amendments For The Generations  
GreenLatinos  
Greenpeace USA  
Institute for Policy Studies Climate Policy Program  
John Muir Project  
Joyoushout  
National Coalition Against Cryptomining  
Oil Change International  
Oil & Gas Action Network  
Our Revolution  
Partnership for Policy Integrity  
People Power United  
Physicians for Social Responsibility  
Progressive Democrats of America (PDA)  
Progressives for Climate  
Property Rights and Pipeline Center  
Syracuse Cultural Workers  
The Science and Environmental Health Network  
U.S. Climate Action Network  
Unitarian Universalists for a Just Economic Community  
Women's Earth and Climate Action Network

### **Regional Organizations**

Berkshire Environmental Action Team  
Beyond Extreme Energy  
Coalition for a Nuclear Free Great Lakes  
Columbia Riverkeeper  
Ct. River Defenders  
Delaware Riverkeeper Network  
Freshwater Future  
Friends of the Columbia Gorge  
No Pipeline Expansion Northeast  
Oregon Conservancy Foundation  
Partnership for Southern Equity  
Slingshot  
The Enviro Show

### **State Organizations**

#### **Alabama**

The Central Alabama Chapter of Climate Reality  
The People's Justice Council

#### **Arizona**

Don't Waste Arizona

#### **California**

350 Bay Area Action  
Ballona Wetlands Institute  
Community Energy reSource  
Defend Ballona Wetlands  
Interfaith Climate Action Network of Contra Costa County  
Long Beach Alliance for Clean Energy  
Media Alliance  
Sacred Places Institute for Indigenous Peoples  
San Diego 350  
San Francisco Bay Physicians for Social Responsibility  
Santa Cruz Climate Action Network  
SoCal 350 Climate Action  
Sunflower Alliance

#### **Colorado**

Black Parents United Foundation  
CASE Citizens Alliance for a Sustainable Englewood  
Climate Reality Project - Northern Colorado Chapter  
Energy Smart Colorado  
FoCo Trash Mob, a Beyond Plastics Affiliate  
Roots to Resilience

#### **Connecticut**

Sunrise New Haven  
Sustainable Fairfield

#### **Florida**

Earth Ethics, Inc.  
First United Church of Tampa  
Forging Alliances, Inc.  
IDEAS For Us  
Regenerate Acupuncture LLC  
ReThink Energy Florida

**Georgia**

Concerned Citizens of Cook County  
Georgia WAND Education Fund Inc.  
Nuclear Watch South

**Hawaii**

350Hawaii

**Idaho**

Snake River Alliance

**Illinois**

Citizens Against Heartland Greenwashing  
Projects  
Coalition for Springfield's Utility Future  
Coalition to Stop CO2 Pipelines  
Eco-Justice Collaborative  
Fox Valley Citizens for Peace & Justice  
Nuclear Energy Information Service (NEIS)  
Prairie Earthlings  
Save Our Illinois Land  
Sustainable Springfield

**Indiana**

Citizens Action Coalition  
Heartwood

**Iowa**

100 Grannies  
Iowa Citizens for Community Improvement

**Louisiana**

For a Better Bayou  
Greater New Orleans Interfaith Climate  
Coalition  
HousingLOUISIANA  
#PutHousingFirst Triad

**Maine**

Alliance of Maine Health Professionals for  
Climate Action  
Defend Our Health  
Physicians for Social Responsibility Maine

**Maryland**

Cedar Lane Unitarian Universalist  
Environmental Justice Ministry  
Citizens for Responsible Growth  
Green Party of Montgomery County, Maryland

**Massachusetts**

350 Central Mass  
Animals Are Sentient Beings, Inc.  
Better Future Project  
Canton Residents for a Sustainable Equitable  
Future  
Fore River Residents Against the Compressor  
Station  
Grandmothers' Village Project, Inc.  
Resist the Pipeline  
SALEM Democratic City Committee  
Save Massachusetts Forests  
Worcester Congregations for Climate and  
Environmental Justice

**Michigan**

Citizens' Resistance At Fermi Two (CRAFT)  
Don't Waste Michigan

**Minnesota**

Climate Generation

**Mississippi**

Cherokee Concerned Citizens  
Mississippi Rising Coalition

**Nebraska**

Save Rural America

**Nevada**

Nevada Nuclear Waste Task Force

**New Jersey**

Citizens United for Renewable Energy  
(CURE)  
Climate Reality Project of New Jersey  
Climate Revolution Action Network  
DivestNJ  
Don't Gas the Meadowlands Coalition  
Interfaith Climate Action Committee, Montclair  
Area

Lower Raritan Watershed Partnership  
Newark Water Coalition  
NJ Forest Watch  
Passaic River Coalition  
South Jersey Progressive Democrats

### **New Mexico**

Concerned Citizens for Nuclear Safety  
Los Alamos Study Group

### **New York**

350Brooklyn  
350NYC  
Albany Progressive Action Network  
All Our Energy  
Alliance for a Green Economy  
Auburn Reduces  
Buy Local, Grow Local  
Campaign for Renewable Energy  
Cayuga Climate Action  
Citizen Action of New York  
Clean Air Coalition of Western New York  
Climate Families NYC  
Climate Solutions Accelerator of the  
Genesee-Finger Lakes Region  
Coalition for Outreach, Policy & Education  
(COPE)  
Committee to Preserve the Finger Lakes  
Dryden Solutions  
Finger Lakes Strong  
For the Many  
Fossil Free Tompkins  
FrackBustersNY  
Green Education and Legal Fund  
Green Party of Nassau County  
Hudson River Sloop Clearwater  
Indivisible Scarsdale  
Ithaca Democratic Socialists of America  
Little Lakes Sustainability Network  
Mother Rebels  
Nassau Hiking & Outdoor Club  
Newburgh Clean Water Project  
New York Communities for Change  
New York Progressive Action Network  
No Data Center FLX

North Tonawanda Climate Smart Communities  
Task Force  
NYPAN Enviro Committee  
ORBC  
Reach Out America  
Residents Allied for the Future of Tioga  
(RAFT)  
Rise and Resist  
Safe Energy Rights Group  
Sane Energy Project  
Seneca Lake Guardian  
Show Up LI  
South Shore Audubon Society  
Stop the Algonquin Pipeline Expansion  
(SAPE)  
Sunrise NYC  
Sustainable Finger Lakes  
Third Act NYC  
Third Act Upstate NY  
Tompkins County Climate Protection Initiative  
United For Clean Energy  
Westchester for Change  
Zero Waste Ithaca

### **North Carolina**

350 Triangle  
7 Directions of Service  
Blue Ridge Environmental Defense League  
Center for Progressive Reform  
NC Climate Justice Collective  
NC Environmental Justice Organization  
NC WARN  
River Guardian Foundation

### **Ohio**

AW Area Community Response Awareness  
Group  
Between the Waters  
Central Ohio Green Education Fund  
Communities United for Action  
FreshWater Accountability Project  
Ohio Nuclear Free Network  
Ohio Valley Environmental Advocates  
Save Ohio Parks

**Oregon**

Extinction Rebellion PDX  
Oregon PSR  
Tank the Tanks  
United Neighbor of Oregon Coalition

**Pennsylvania**

Berks Gas Truth  
Better Path Coalition  
Clean Air Action  
Climate Reality Project, Lehigh Valley Chapter  
Climate Reality Project: Susquehanna Valley  
PA Chapter  
Concerned Health Professionals of  
Pennsylvania  
McKean County Green Party  
Mountain Watershed Association  
Move Past Plastic (MPP)  
Pennsylvania Action on Climate  
Physicians for Social Responsibility  
Pennsylvania  
Save our Susquehanna

**South Carolina**

Sustaining Way

**South Dakota**

Dakota Rural Action

**Texas**

Climate Conversation Brazoria County  
Frontera Water Protectors  
Hold the Line Campaign  
Texas Physicians for Social Responsibility  
Turtle Island Restoration Network

**Virginia**

ARTivism Virginia

**Washington**

Seattle Democratic Socialists of America -  
Ecosocialism Working Group  
Trout Unlimited- Washington Chapter

**Wisconsin**

Milwaukee Riverkeeper

**West Virginia**

West Virginia Citizen Action Group

**From:** Elizabeth Arceneaux <[REDACTED]>  
**Sent:** Thursday, December 11, 2025 3:05 PM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Data Center Water and Power

Hello Planning and Zoning members,

I watched the P&Z meeting 12-9-25. You are having to do very difficult work, and some of the responses to your questions seemed to be lacking some specificity. In terms of the total water use that data centers extract through direct use internally and indirect use from energy production at thermal plants, (gas or nuclear ), I wanted to provide you with additional information.

Water use for production of energy is a real concern for the proposed data center. Since they are estimating 4 buildings, we can assume that this data center will be a 400 MW demand (generally built in 100 MW/building). According to the 2025 Texas Water Development Board 10-year Regional Water plan, 0.25 gallons of water is needed to cool a thermal power plant for each kwh it generates. For a 400 MW plant running 24 hours a day, this would be  $400 \text{ MW} \times 1000 \text{ kw/MW} \times 24 \text{ hours} \times 0.25 \text{ gal/kwh} = 2.4$  Million gallons/day to cool the power plant that powers the data center. Plus the 75,000 gallons/day to cool the equipment in the data center. So each of you with water use questions is correct to be concerned.

When it comes to water, the City of San Marcos, Crystal Clear and the Hays Energy Plant get their water from the same sources: GBRA with the primary source (50% for San Marcos) from Canyon Lake. So it is important because they may be 3 different entities, but rely on the same source of water. See below for supporting documents:

Who provides water to Hays Energy (power plant on 1601 Francis Harris)? : GBRA and City of San Marcos (Sources of water are Canyon Lake, San Marcos River, Edwards Aquifer, Carrizo/Alliance, reclaimed water (1.6 MGD COSM)

<https://www.gridinfo.com/plant/hays-energy-project/55144>

Who provides water to City of San Marcos?: GBRA Canyon Lake, Edwards Aquifer, San Marcos River, Carrizo/Alliance

<https://www.sanmarcostx.gov/4555/San-Marcos-Water-Supply-Portfolio>

Who provides water to Crystal Clear? Lake Dunlap (which gets water from Canyon Lake), San Marcos River, Edwards Aquifer, Carrizo/Alliance

[https://www.crystalclearsud.org/documents/296/WCP\\_DCP\\_Plan\\_-\\_2024\\_FINAL.pdf](https://www.crystalclearsud.org/documents/296/WCP_DCP_Plan_-_2024_FINAL.pdf) page 1

What are the power sources for PEC? LCRA and solar and wind assets. LCRA power plant is located in LaGrange and outside of the GBRA watershed.

I think an important “Ask” of this project is that the data center commit to using PEC as the source of power for a very long-term period (20-30 years). My real concern is that the data center owners and designers will find it “more efficient” to buy power directly from the Hays Energy plant once approval is granted to build from the City of San Marcos. Likewise, Hays Energy has a capacity of 900 MW and may find it economically more feasible to sell directly to one source rather than add power to the grid to be overseen by ERCOT. Power from the Hays Energy Plant means water from the GBRA water sources at 2.4 million gallons/day for a 400 MW generation rate. This will reduce water from the sources that Crystal Clear and the City of San Marcos get drinking water from.

The city of San Marcos provides 1.6 Million Gallons a day of reclaimed water (Utility Director Tyler Hjorth) to Hays Energy for cooling. This is all they have at this point with other sources going to Texas State and Kissing Tree. Data centers have a tendency to expand their size of operations once built and this would place an even higher water demand on the power generation and power plant water needs.

City staff, Mark Enders, the Habitat Conservation Coordinator [REDACTED] is very familiar with the critically low water levels in Canyon Lake, and the Edwards Aquifer and the low flows in the San Marcos River. Robert Mace with the Meadows Center [REDACTED] is also very knowledgeable about our limited water supplies and could provide valuable insight. Reaching out to these two gentlemen, could give you all needed insight on this side of the decision process.

In my opinion, if controls are put into place to 1) require the data center to report at least monthly on its average daily water use 2) limit the internal water use to the proposed 75,000 gallons, and 3) prohibit the data center from utilizing the adjacent power plant for its energy source (i.e. commit to PEC as proposed), then the project impact on the City's drinking water sources can be minimized.

Thank you for considering these thoughts.

Lisa Arceneaux, P.E.

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Spam/Phishing button in the Mimecast tab if you think this email is malicious.

**From:** Sean Jones <[REDACTED]>  
**Sent:** Tuesday, December 9, 2025 12:15 AM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Data Center Development Agenda Item II

Dear Members

I am a proud resident of San Marcos. I moved here five years ago to get away from Austin and find a smaller community full of like-minded people. I've found a true community here through the relationships I've made with my fellow San Marcos residents.

I write to ask you to vote down the zoning of the lands that John Mayberry is attempting to develop with data centers. These are beautiful lands that have already been zoned for residential development. Developing data centers there will ruin the lives of the people in the surrounding area, many who I know personally. This goes against the wishes of the majority of residents I know here who want to protect our environment, one of the greatest resources we residents value.

Data centers don't serve our community in any way. They produce very few jobs, they produce no products or resources for our community and they strain our energy and water resources to the max. Growth in San Marcos cannot happen merely from tax revenue from these centers. Growth happens when businesses provide jobs to the community and produce goods and services we can use. These centers do none of that. They serve businesses far away and use our resources and land to profit from it.

Please vote against the amendment to change the property from Conservation Cluster to Commercial and vote against any data centers being built on these lands. This is not what I or the majority of fellow residents I know want for our community.

Sean Jones

5000 Lime Kiln Rd

San Marcos, TX 78666

**From:** Chef Ashley Olson <[REDACTED]>  
**Sent:** Tuesday, January 6, 2026 1:26 PM  
**To:** P&Z Commissioners <[pzcommission@sanmarcostx.gov](mailto:pzcommission@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Support of Data Center

Dear Chairman and Members of the Planning and Zoning Commission,

I am writing to express my support for the proposed data center project currently before the Council. Over the past year, this project has gone through a thorough, thoughtful, and community-driven review process. What began as a proposal with many unknowns and unanswered questions has evolved through months of public engagement, careful deliberation, and collaboration among supporters, opponents, environmental experts, organizers, business leaders, and community members.

This project is a clear example of our local process working the way it should. Community voices were heard, concerns were addressed, and meaningful improvements were made. The restrictive covenant now reflects both the values of San Marcos residents and the developers' commitment to protecting the unique features that define our community: our pristine environment, one-of-a-kind natural resources, and our spring-fed river that so many of us cherish.

From a fiscal standpoint, the projected tax benefits for the City of San Marcos, Hays County, and the San Marcos CISD are significant. At a time when both the city and the school district continue to face difficult and sometimes heartbreaking budget decisions, this project represents an opportunity to strengthen our local tax base. The revenues generated can support essential services, expand resources for our neighbors who need them most, and help reduce the pressure placed on homeowners, business owners, and renters through property taxes.

For these reasons, I respectfully urge you to support the proposed data center project and move it forward for the benefit of our community, our economy, and our shared future in San Marcos.

Thank you for your service and for your consideration.

Sincerely,  
Ashley Olson  
Southern with a French Twist  
[REDACTED]

--

Warmly,

Ashley Olson

Founder | Executive Chef

Southern with a French Twist

[www.southernwithafrenchtwist.com](http://www.southernwithafrenchtwist.com)

## RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (this "**Agreement**") is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Highlander SM One, LLC, a Texas limited liability company ("**Highlander**"), and Donald W. Tuff and Germaine Tuff ("**Tuffs**", and together with Highlander, the "**Owner**"), and the City of San Marcos, Texas (the "**City**").

### RECITALS:

A. Highlander is the owner of a tract of land totaling approximately 135.912 acres situated in Hays County, Texas, more particularly described in Exhibit "A", attached hereto, and the Tuffs are the owner of a tract of land totaling approximately 63.578 acres situated in Hays County, Texas, more particularly described in Exhibit "A-1", attached hereto (collectively, the "**Property**").

B. Owner submitted an application to the City on September 17, 2025 for the rezoning of the Property to Light Industrial pursuant to Zoning Request ZC-25-02 (the "**Zoning Case**").

C. A data center is expected to be built on the Property. For purposes of this Agreement, a "data center" is a property classification, which means a building or buildings primarily used to house computer systems and associated components, such as telecommunications and storage system.

D. The City has required this Agreement in connection with the Zoning Case in order to permit the development of a data center on the Property, and the Owner desires to subject the Property to the terms of this Agreement.

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the Owner and the City do hereby agree as follows:

**1. Establishment of Restrictive Covenant.** All of the recitals above are incorporated herein. The Parties hereto agree and acknowledge that the Property shall be held, sold, transferred, conveyed and occupied subject to the following:

(A) The following uses and activities are prohibited on the Property:

- (i) Warehouse and Distribution\*
- (ii) Waste-Related Service\*

*\* As such uses are defined in the 2025 San Marcos Development Code.*

(B) If a data center is constructed on the Property, the data center will utilize a closed-loop, non-evaporative cooling system or similar system to cool the technology assets in the

data center. Regardless, water usage at the data center will not exceed 235 LUEs or 75,000 gallons per day.

(C) If a data center is constructed on the Property, drainage facilities shall be designed and constructed so that the rate of runoff from a site after construction shall be ten percent (10%) less than the runoff prior to construction for the two (2), ten (10), twenty five (25), and one hundred (100) year storm frequencies.

(D) If a data center is constructed on the Property, water quality facilities will be constructed that meet a Total Suspended Solid (TSS) removal requirement of at least 80% for the site.

(E) If a data center is constructed on the Property, the impervious cover for a data center will be no more than 70% of the Property.

(F) If a data center is constructed on the Property, Owner will pursue a LEED (Leadership in Energy and Environmental Design) certification for the buildings within twelve (12) months from the date of the final certificate of occupancy and commissioning of building systems for the last building to be constructed on the Property and a copy of the submitted application will be made available to the City of San Marcos for inspection.

(G) If a data center is constructed on the Property, then the noise level maximums set forth in Section 7.4.2.1(A) of the City of San Marcos Land Development Code as in effect on the date hereof shall be 75 decibels as measured from either the closest public right-of-way to the Property or from the property line of the complainant per Section 7.4.2.1(B) of the City of San Marcos Land Development Code in effect on the date hereof.

(H) If a data center is constructed on the Property, during construction the following requirements will be met and reasonable signage on the jobsite in both English and Spanish will list these standards:

- Compliance with all relevant local, state, and federal safety laws;
- All construction workers on the project will be paid by check or direct deposit, or other commercially used payment method, including electronic or other payment methods that are customary in the industry;
- All construction workers on the project will be covered by workers' compensation insurance as required by state or federal law;
- All construction workers on the project will receive personal protective equipment, free of charge if not already provided by the employer as required by state or federal law;
- All safety supervisors on the project will be current on their 30-hour, OSHA approved construction worker safety class prior to commencing construction work as

required by state or federal law.

2. **Remedies.** The City and Owner may pursue any remedies available at law or in equity to enforce the provisions of this Agreement, including the recovery of reasonable attorney's fees and court costs.

3. **No Waiver.** The failure of the City or Owner to avail itself of any of the privileges, rights, covenants, agreements, terms and conditions of this Agreement for any period of time or at any time shall not be construed or deemed to be a waiver thereof, and nothing herein contained, nor anything done or omitted to be done by the City or Owner pursuant hereto, shall be deemed a waiver by the other of any of its rights and remedies hereunder or under the laws of the State of Texas. The enforcement of any right or remedy hereunder by the City, either prior to, simultaneously with, or subsequent to any other action taken hereunder, shall not be deemed an election of remedies.

4. **Modification.** This Agreement may not be modified or amended unless such modification or amendment has been reduced to writing approved by the city council of the City and signed by all of the then-existing owners of the Property or portions thereof, and by the City, and has been recorded in the Official Public Records of Hays County, Texas.

5. **Binding Effect.** The obligations created hereunder shall create mutual benefits and servitudes running with the land. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors, heirs and assigns.

6. **Partial Invalidity.** If any provision of this Agreement shall be or become invalid, illegal or unenforceable in any respect under any applicable law, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby.

7. **Term.** Unless earlier terminated as provided herein, this Agreement shall be in effect for a period of twenty (20) years from the date hereof, i.e. this Agreement shall expire on the 20<sup>th</sup> anniversary of the date of this Agreement set forth above. Upon expiration of the twenty (20) year term, this Agreement shall automatically expire and be of no further force or effect.

8. **Misc. Provisions.** This Agreement may only be enforced by the Owner and the City. The City may not assign this Agreement. Owner may assign this Agreement. There are no third party beneficiaries to this Agreement. Upon Owner's request and within thirty (30) days of the request, the City agrees to provide Owner written confirmation that Owner is not in violation of any provision in this Agreement. If as part of that written confirmation the City believes Owner is not in compliance with any provision, City will state with specificity the details related to the lack of compliance and specifically how Owner does not comply. Lenders and Tenants may rely on City's confirmation.

9. **Chapter 245.** This Agreement establishes vested rights of Owner pursuant to Chapter 245 of the Texas Local Government Code.

10. **Condition Precedent.** It is a condition precedent to the effectiveness of this Agreement that the rezoning of the Property pursuant to the Zoning Case has been fully and finally approved by the San Marcos City Council on or before March 18, 2026. If such rezoning is not

fully and finally approved by the San Marcos City Council by such date for any reason, then this Agreement shall expire on such date and thereafter shall be of no force or effect.

**11. Default.** If any party defaults under this Agreement, then the non-defaulting party will not exercise any remedies for such default unless the defaulting party fails to cure such breach within thirty (30) days following the non-defaulting party's delivery of written notice of such breach to the defaulting party by hand delivery or overnight mail; provided, however, that if the particular default cannot reasonably be cured within thirty (30) days, then such 30-day cure period will be extended for up to two (2) additional thirty (30) day periods to allow the defaulting party a reasonable opportunity to cure its breach, so long as the defaulting party commences the required cure within such 30-day period and thereafter diligently pursues the same to completion.

**12. No Dedication.** Nothing in this Agreement shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the public any right whatsoever.

[SIGNATURES ON NEXT PAGE]

**HIGHLANDER:**

Highlander SM One, LLC  
a Texas limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of Highlander SM One, LLC, a Texas limited liability company, in such capacity, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**TUFFS:**

\_\_\_\_\_  
Donald W. Tuff

\_\_\_\_\_  
Germaine Tuff

ACKNOWLEDGMENT

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Donald W. Tuff and Germaine Tuff.

\_\_\_\_\_  
Notary Public, State of Texas

**CITY:**

City of San Marcos, Texas

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF HAYS     §

THIS INSTRUMENT was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of the City of San Marcos, Texas, in such capacity, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

CONSENT AND SUBORDINATION

First Financial Bank ("Lienholder"), as the holder of certain lien(s) on the Property set forth in deed of trust recorded as Document No. \_\_\_\_\_, Official Public Records, Hays County, and other liens and security interests in the Property (collectively, the "Liens"), consents to this Restrictive Covenant Agreement. Lienholder subordinates the Liens to this Restrictive Covenant Agreement, so that a foreclosure of the Liens will not extinguish the Restrictive Covenant Agreement.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2025.

**LIENHOLDER:**

First Financial Bank

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

THE STATE OF TEXAS     §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was executed before me on this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ of **FIRST FINANCIAL BANK**, on behalf of said bank.

(SEAL)

\_\_\_\_\_  
Notary Public Signature

EXHIBIT A

**Description of the Property (Highlander)**

DESCRIPTION OF 135.96 ACRES MORE OR LESS OF LAND AREA BEING A 136.96 ACRE TRACT LESS AND EXCEPT A ONE ACRE TRACT RESERVED FOR CEMETERY PURPOSES BEING A PORTION OF LOTS 148 149 AND 167 OF THE DIVISION OF THE AM ESNAURRIZAR SURVEY HAYS COUNTY TEXAS AS SHOWN ON THE PLAT OF SUBDIVISION DATED MARCH 1848 AND RECORDED IN VOLUME 84 PAGE 471 OF THE HAYS COUNTY DEED RECORDS AND BEING ALL OF THAT TRACT DESCRIBED AS 136.96 ACRES IN A DEED JAMES W RAGSDALE TO HAYS ENERGY LIMITED PARTNERSHIP DATED AUGUST 9,1999 AND RECORDED IN HAYS COUNTY DOCUMENT NO 9918986 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS (BEING RESERVED IN PREVIOUS DEED A ONE ACRE TRACT OF LAND FOR A CEMETERY PURPOSES)

DRAFT

EXHIBIT A-1

**Description of the Property (Tuffs)**

**BEING** A 63.578 ACRE (2,769,448 SQUARE FEET) TRACT OF LAND SITUATED IN THE ANTONIO MARIA ESNAURIZAR SURVEY, ABSTRACT NO. 6 HAYS COUNTY, TEXAS, AND BEING A PORTION OF A.M. ESNAURIZAR ELEVEN LEAGUE GRANT SUBDIVISION 149, PLAT OF WHICH IS RECORDED IN VOLUME 34, PAGE 303, DEED RECORDS COMAL COUNTY, AND CONTAINING ALL OF THAT CERTAIN TRACT 50.00 ACRE TRACT A, AND A PORTION OF THAT CERTAIN 50.00 ACRE TRACT B, BOTH DESCRIBED IN INSTRUMENT TO DONALD W. TUFF AND GERMAINE TUFF IN VOLUME 312, PAGE 837, DEED RECORDS HAYS COUNTY, AND VOLUME 802, PAGE 397, DEED RECORDS COMAL COUNTY; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 6-INCH WOOD FENCE POST FOUND ON THE SOUTHWESTERLY LINE OF THAT CERTAIN 4.56 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1512, PAGE 495, OFFICIAL PUBLIC RECORDS HAYS COUNTY, MARKING THE NORTH CORNER OF SAID 50.00 ACRE TRACT A, AND THE EAST CORNER OF THAT CERTAIN 0.80 ACRE TRACT DESCRIBED IN INSTRUMENT TO HAYS ENERGY LIMITED PARTNERSHIP IN VOLUME 1648, PAGE 485, OFFICIAL PUBLIC RECORDS HAYS COUNTY; AND MARKING THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 60°09'54" EAST, 2.99 FEET ALONG THE SOUTHWESTERLY LINE OF SAID 4.56 ACRE TRACT TO A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF THAT CERTAIN 136.912 ACRE TRACT DESCRIBED IN INSTRUMENT TO HIGH ANDERSON, LLC IN DOCUMENT NO. 22004858, OFFICIAL PUBLIC RECORDS HAYS COUNTY;

**THENCE**, ALONG THE COMMON LINE OF SAID 136.912 ACRE TRACT AND SAID 50.00 ACRE TRACT A THE FOLLOWING THREE (3) CALLS:

1. SOUTH 45°04'42" EAST, 413.36 FEET TO A WOOD POST FOUND FOR CORNER;
2. SOUTH 45°21'46" EAST, 733.15 FEET TO A WOOD POST FOUND FOR CORNER;
3. SOUTH 45°19'47" EAST, AT 256.73 FEET PASSING A 60D-NAIL WITH WASHER STAMPED "BYRN SURVEY" FOUND MARKING THE SOUTHWEST CORNER OF SAID 136.912 ACRE TRACT; CONTINUING FOR A TOTAL DISTANCE OF 262.16 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE NORTHWESTERLY LINE OF THAT CERTAIN 75.9 ACRE TRACT ONE, DESCRIBED IN INSTRUMENT TO JOHN D. DOSTER AND EVA J. DOSTER, RECORDED IN VOLUME 265, PAGE 178, DEED RECORDS HAYS COUNTY, AND MARKING THE EAST CORNER OF HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 44°24'42" WEST, 1736.82 FEET ALONG THE COMMON LINE OF SAID 50.00 ACRE TRACT A, AND SAID 75.9 ACRE TRACT TO A FOUND 1-INCH IRON PIPE CALLED FOR AS THE WEST CORNER OF SAID 75.9 ACRE TRACT, AND THE NORTHEAST CORNER OF THAT CERTAIN 46.8 ACRE TRACT THREE, RECORDED IN SAID IN VOLUME 265, PAGE 178;

**THENCE**, ALONG THE COMMON LINE OF SAID 46.8 ACRE TRACT, AND AFORESAID 50.00 ACRE TRACT A, THE FOLLOWING TWO (2) CALLS:

1. SOUTH 44°40'50" WEST, 283.13 FEET TO A 6-INCH WOOD CORNER POST MARKING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT, AND THE INTERIOR NORTH CORNER OF SAID 46.8 ACRE TRACT;
2. NORTH 29°48'52" WEST, 286.88 FEET TO A 8-INCH WOOD CORNER POST MARKING THE NORTHERN MOST NORTHWEST CORNER OF SAID 46.8 ACRE TRACT, AND A SOUTHEAST CORNER OF AFORESAID 50.00 ACRE TRACT B;

**THENCE**, NORTH 45°16'07" WEST, 1151.95 FEET CROSSING SAID 50.00 ACRE TRACT B TO A 1/2-INCH IRON ROD WITH CAP STAMPED "KHA" SET ON THE SOUTHEASTERLY LINE OF THAT CERTAIN CALLED 49.68 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE D. MARTIN IN DOCUMENT NO. 80031113, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND MARKING THE WEST CORNER OF HEREIN DESCRIBED TRACT; SAID SET ROD BEARS SOUTH 44°58'19" WEST, 687.46 FEET TO A 1/2-INCH IRON ROD WITH ILLEGIBLE CAP FOUND AT THE CALLED NORTH CORNER OF SUBDIVISION 124 OF ESNAURIZAR GRANT, AND MARKING:

1. THE SOUTH CORNER OF SAID 49.68 ACRE TRACT;
2. THE EAST CORNER OF THAT CERTAIN TRACT 3.02 ACRE TRACT DESCRIBED IN INSTRUMENT TO CONNIE MARTIN IN DOCUMENT NO. 2008-80031897, OFFICIAL PUBLIC RECORDS HAYS COUNTY, AND DOCUMENT NO. 20080604468 OFFICIAL PUBLIC RECORDS COMAL COUNTY;
3. THE NORTH CORNER OF THAT CERTAIN 2.54 ACRE TRACT OUT OF A 3.74 ACRE TRACT, DESCRIBED IN INSTRUMENT TO DONALD AND GERMAINE TUFF IN VOLUME 928, PAGE 471, DEED RECORDS COMAL COUNTY; SAID FOUND ROD BEARS: SOUTH 67°37'49" EAST, 36.85 FEET TO A FOUND 25" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL), AND NORTH 11°50'10" WEST, 56.35 FEET TO A FOUND 22" FALLEN LIVE OAK, CALLED 15" LIVE OAK IN VOLUME 312, PAGE 831, DEED RECORDS HAYS COUNTY (SHOT IN CENTER OF ROOT BALL);

**THENCE**, ALONG COMMON LINE OF SAID 49.68 ACRE TRACT, AND OF SAID 50.00 ACRE TRACT A AND SAID 50.00 ACRE TRACT B, THE FOLLOWING THREE (2) CALLS:

1. NORTH 44°58'19" EAST, 1,073.33 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "ASH 5687" FOUND FOR CORNER;
2. NORTH 44°53'34" EAST, 869.27 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 63.578 ACRES OF LAND IN HAYS COUNTY, TEXAS. THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (FIPS 4204) (NADD'83). ALL DISTANCES ARE ON THE GRID AND SHOWN IN U.S. SURVEY FEET. THIS DESCRIPTION WAS GENERATED ON 8/28/2024 AT 2:31 PM, BASED ON GEOMETRY IN THE DRAWING FILE K:\SNA\_SURVEY\HIGHLANDER REAL ESTATE PARTNERS\068727800-FRANCIS HARRIS\DWG\FRANCIS HARRIS BASE.DWG, IN THE OFFICE OF KIMLEY-HORN AND ASSOCIATES IN SAN ANTONIO, TEXAS.



# Public Hearing

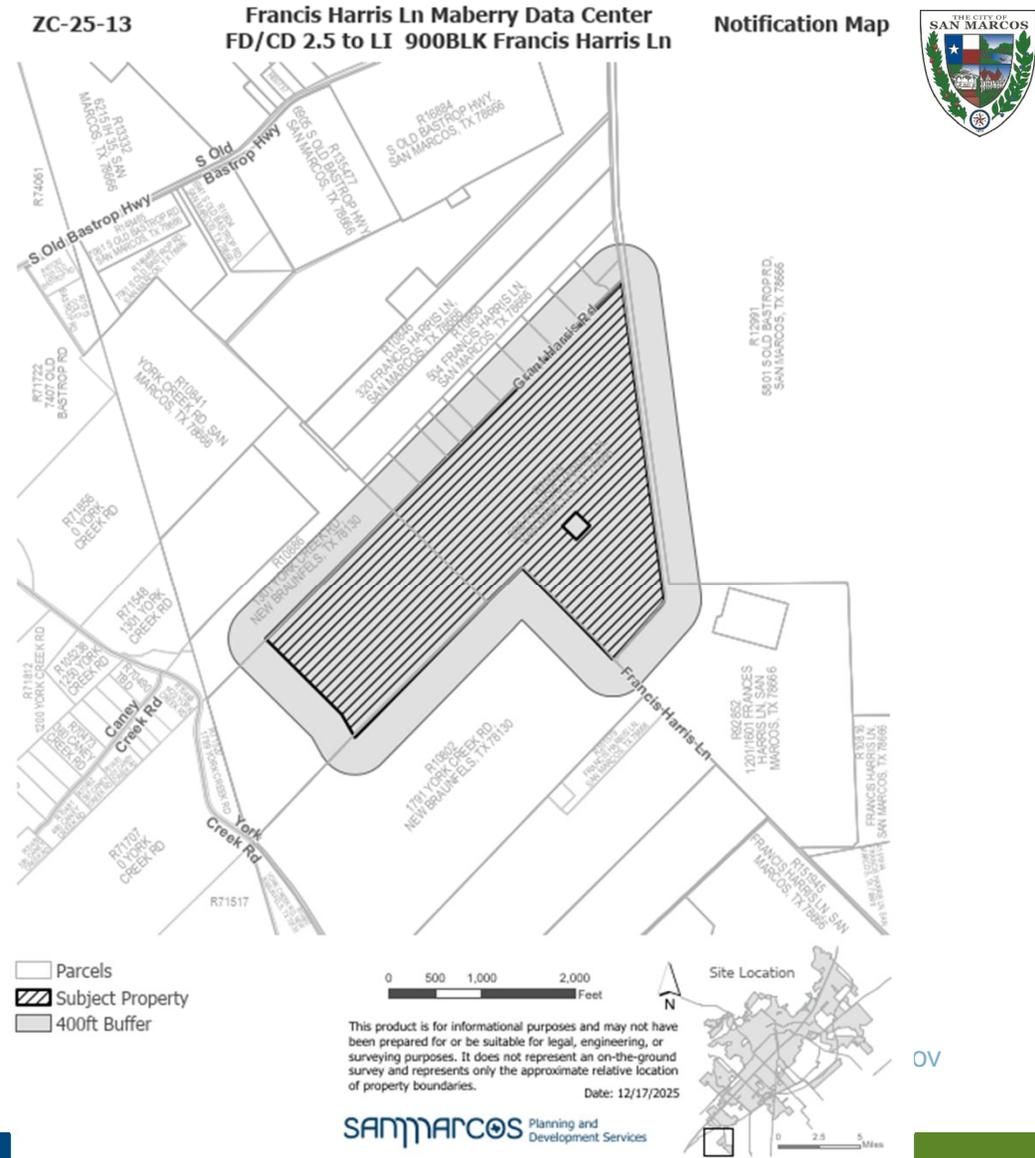
## ZC-25-13

### Francis Harris Ln Maberry Data Center CD 2.5/FD to LI

Hold a public hearing and consider a request by Armbrust & Brown, PLLC, on behalf of Highlander SM One, LLC and Donald and Germaine Tuff, for a Zoning Change from Future Development (FD) and Character District 2.5 (CD-2.5) to "Light Industrial" (LI) or, subject to consent of the owner, another less intense zoning district classification, for approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6, generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane in Hays County, Texas. (J.Cleary)

# Property Information

- Approximately 200 acres.
- Located within both the City limits and the ETJ.
- Annexation of the western tract is being considered concurrently (AN-25-02).
- Resubmittal of ZC-25-02 (recommended for denial by P&Z on March 25, 2025).



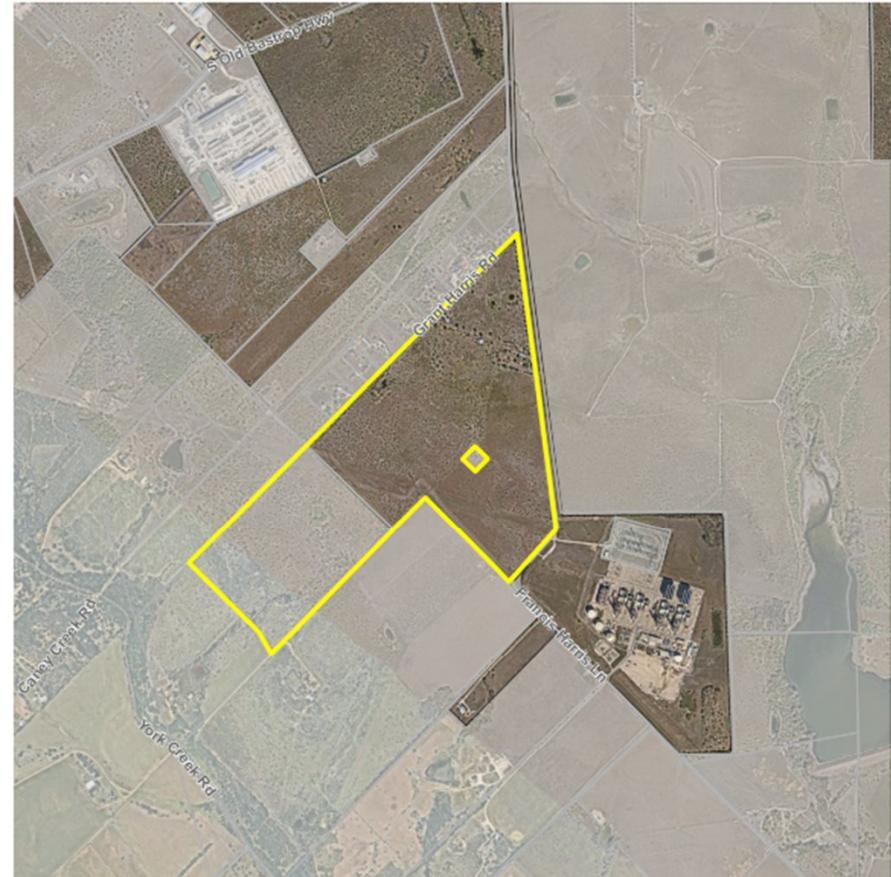
# Context & History

- Site currently vacant.
- Surrounding Land Uses
  - Rural Residential
  - Power Plant (Hays Energy)
  - Vacant/ Agricultural
  - Cemetery
- Preferred Scenario Amendment from Conservation/Cluster to Commercial/Employment – Low being considered concurrently (PSA-25-02).

ZC-25-13

Francis Harris Ln Maberry Data Center  
FD/CD 2.5 to LI 900BLK Francis Harris Ln

Aerial



- Subject Property
- Parcels
- ETJ

0 550 1,100 2,200 Feet



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

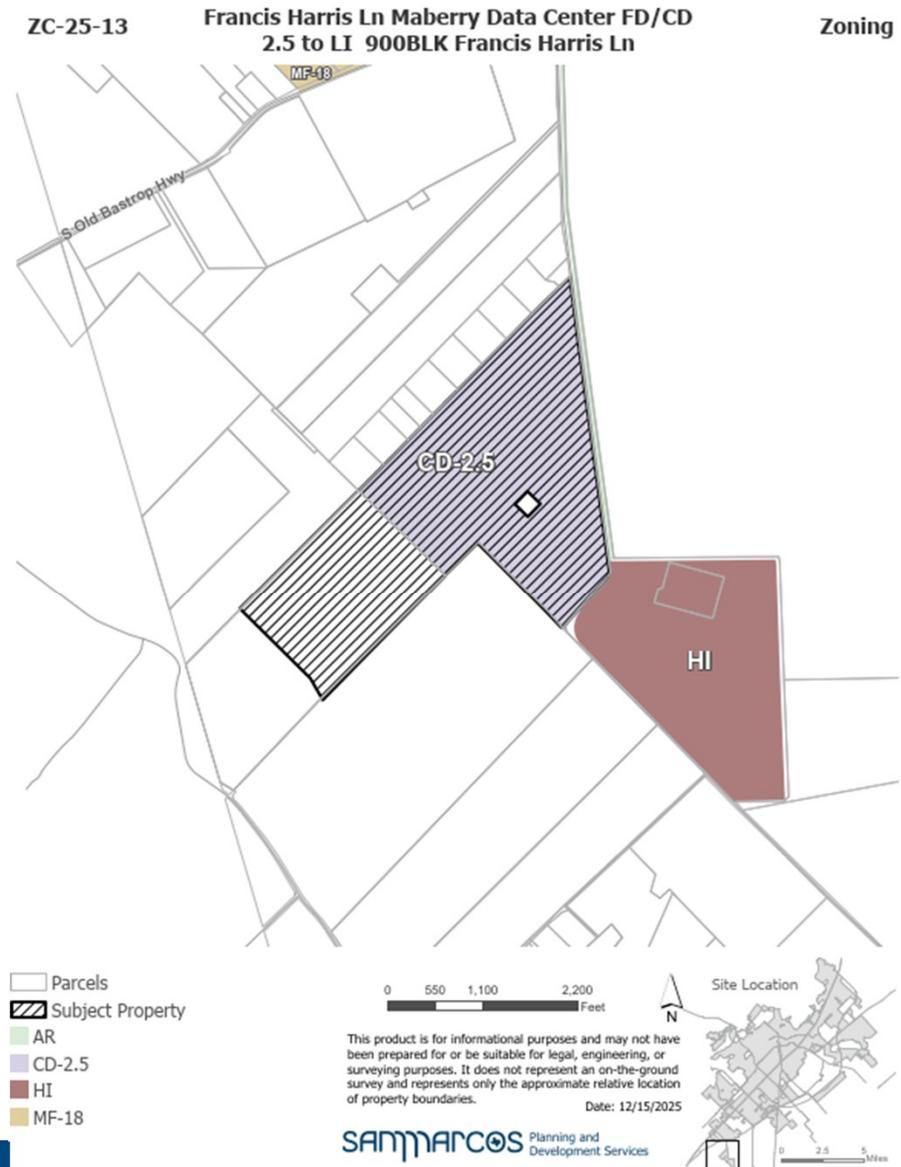
Date: 12/15/2025

**SAN MARCOS** Planning and Development Services

gov

# Context & History

- Existing Zoning:  
Future Development (FD) & CD-2.5  
Character District 2.5 (CD-2.5)
  - CD-2.5 allows predominantly single family residential
  - FD is intended to be a temporary zoning upon annexation
- Proposed Zoning:  
Light Industrial (LI)
  - Allows light industrial, manufacturing, and office uses.



# Comprehensive Plan Analysis

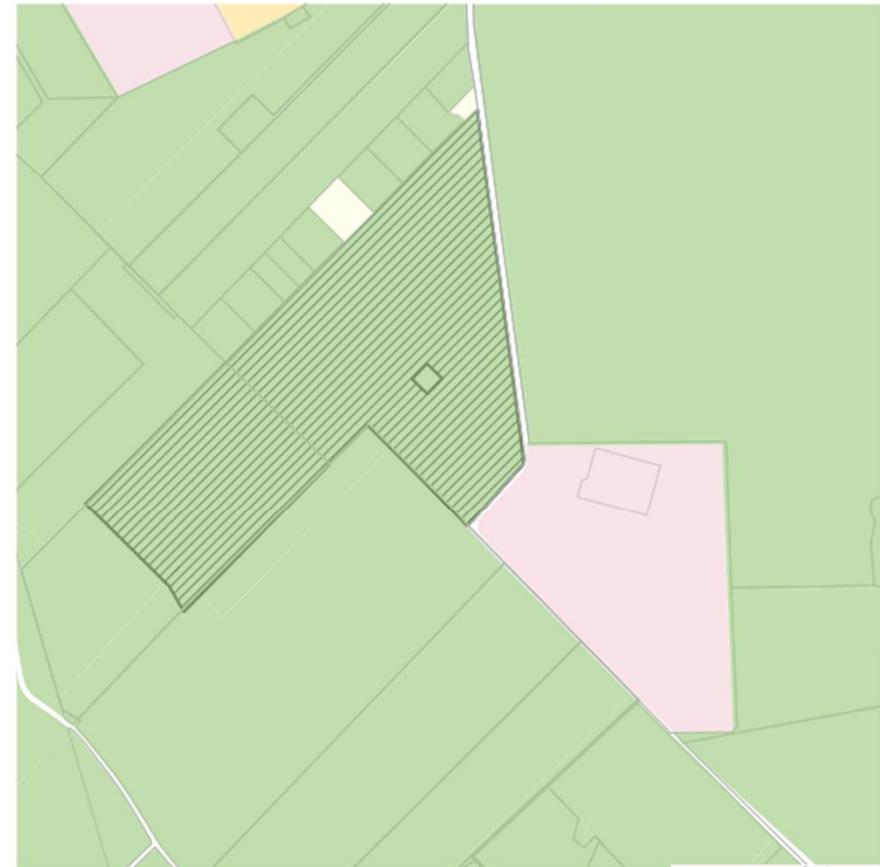
## Step 1: Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Conservation Cluster
- *“To identify areas to conserve and reserve for future development as a means of focusing more intensive development in other areas of the community” (VisionSMTX)*
- Accompanying Preferred Scenario Request to change to Commercial/Employment – Low (PSA-25-02)

ZC-25-13

Francis Harris Ln Maberry Data Center  
FD/CD 2.5 to LI  
900BLK Francis Harris Ln

Preferred  
Scenario Map



- Neighborhood - Medium
- Neighborhood - Low
- Commercial/Employment Low
- Low and Areas of Stability/Conservation/Cluster
- Parcels
- Subject Property

0 375 750 1,500  
Feet

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Date: 12/15/2025

**SAN MARCOS** Planning and Development Services



JV



# Comprehensive Plan Analysis (VISION SMTX)

Step 2: Is the request consistent with Table 4.1 of the Land Development Code?

## Light Industrial within Conservation Cluster and Employment/Commercial Low

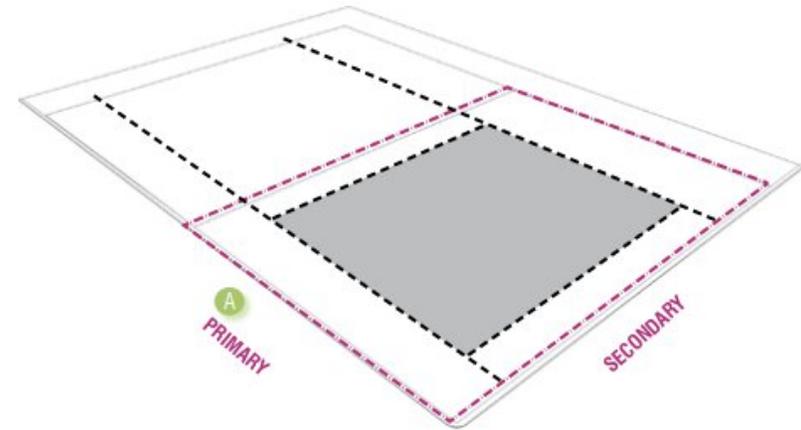
Zoning District		Place Types									
		Neighborhood Low-Existing	Neighborhood Low-New	Neighborhood Medium	Neighborhood High	Neighborhood Transition	Mixed Use Low	Mixed Use Medium	Employment/Commercial Low	Employment/Commercial Medium	Conservation Cluster
Conventional Residential	FD	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
	SF-R	C	NP	NP	-	-	-	-	-	-	-
	SF-6	C	C	NP	-	-	-	-	-	-	-
	SF-4.5	C	C	C	NP	-	-	-	-	-	-
Neighborhood Density Districts	ND-3	See Section 4.1.2.4 and 4.1.2.5 of the Development Code	C	C	NP	NP	NP	NP	-	-	-
	ND-3.2		C	C	NP	NP	NP	NP	-	-	-
	ND-3.5		C	C	C	C	NP	NP	-	-	-
	ND-4		C	C	C	C	C	NP	-	-	-
	N-CM		C	C	C	C	C	C	-	C	-
Character Districts	CD-1	C	C	NP	NP	C	-	-	NP	NP	See Section 4.1.2.6 of the Development Code
	CD-2	-	NP	-	-	-	-	-	-	-	
	CD-2.5	-	C	NP	NP	C	-	-	-	-	
	CD-3	-	C	NP	NP	C	NP	-	-	-	
	CD-4	-	NP	-	NP	NP	C	C	NP	C	
	CD-5	-	-	-	-	NP	NP	C	NP	C	
	CD-5D	-	-	-	-	-	-	C	-	-	
	PA	-	C*	-	-	-	C*	C*	C*	C*	
Special Districts	CM	-	-	-	-	-	NP	NP	C	C	NP
	HC	-	-	-	-	-	NP	NP	-	C	-
	LI	-	-	-	-	-	-	-	C	NP	-
	HI	-	-	-	-	-	-	-	C	NP	-
	MH	-	C	NP	NP	NP	NP	-	-	-	NP

C= Consider      NP= Not Preferred      (-) = Preferred Scenario Amendment (PSA) Required

sanmarcostx.gov

# LI

## SECTION 4.4.4.4 LIGHT INDUSTRIAL



**KEY**

- Property Line (ROW)
- Metrics on This and Facing Page
- Setbacks
- Building Footprint

**DISTRICT INTENT STATEMENTS**

LI is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.

**DENSITY**

Impervious Cover	80% max.
------------------	----------

**TRANSPORTATION**

Block Perimeter	5,000 ft. max.	Section 3.6.2.1
Streetscape Type	Conventional	Section 3.8.1.7

**BUILDING TYPES ALLOWED**

General Commercial	Section 4.4.5.12
Civic Building	Section 4.4.5.14

**BUILDING STANDARDS**

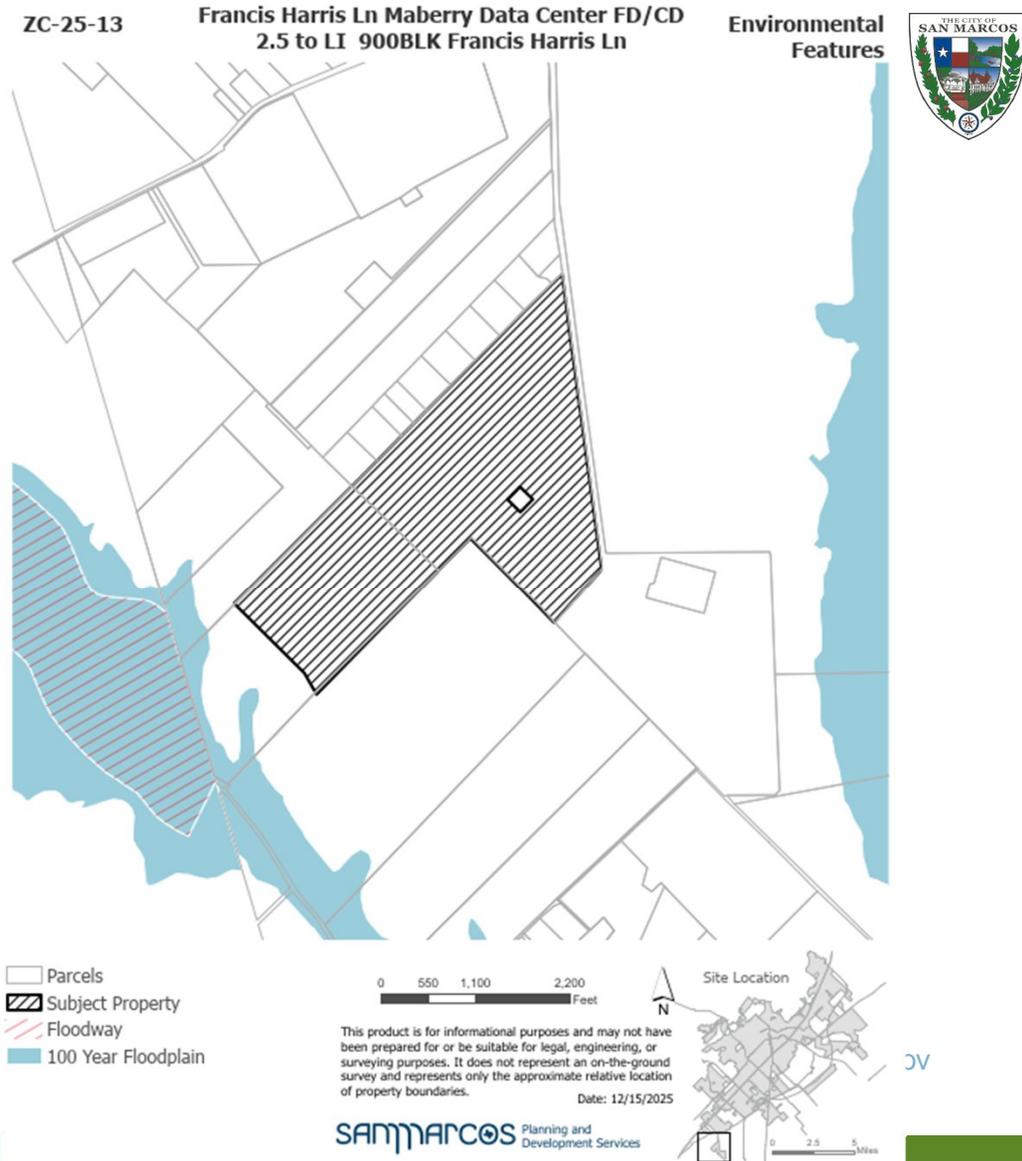
Principle Building Height	4 stories max.	62 ft. max.
Accessory Structure Height	N/A	24 ft. max.

# Zoning Analysis

- Manufacturing and light industrial uses which should not be noxious to nearby residential or commercial uses.
- General Commercial and Civic Building Types.
- Manufacturing & light industrial uses like industrial office, warehouse, & distribution.
- Applicant is proposing to construct a data center.

# Environmental Analysis

- Not located in the Edwards Aquifer Recharge Zone, Contribution Zone or Transition Zone.
- Not located within the 100-year floodplain or floodway.
- Not located within the San Marcos River Corridor or River Protection Zone.



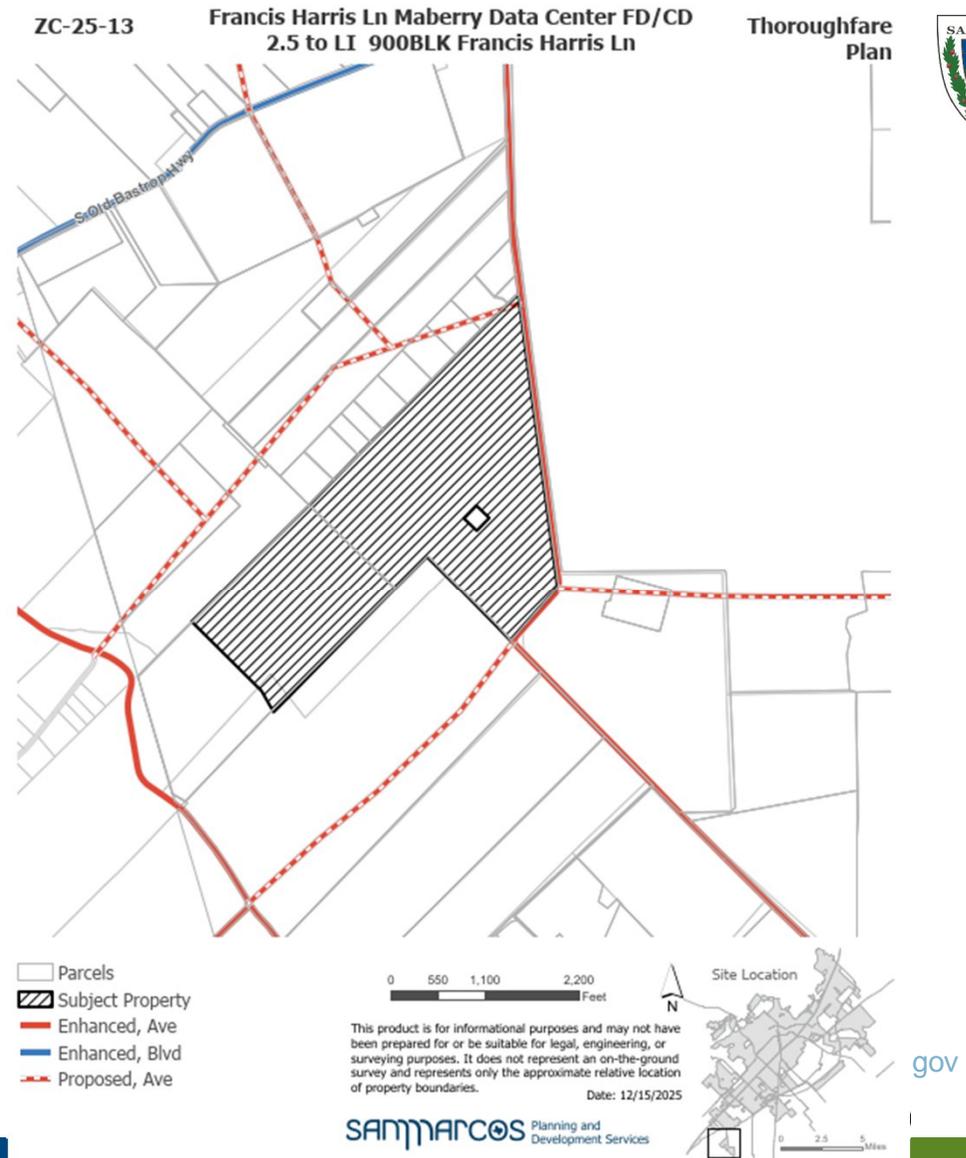
# Infrastructure

- **Streets**

- Proposed TMP road along northern boundary
- Block perimeter (5,000 feet)
- Bicycle & Sidewalk connections required along Francis Harris Ln at time of site development

- **Utilities**

- City of San Marcos Wastewater
- Crystal Clear SUD Water
- Pedernales Electric





## Recommendation (continued)

- Staff recommends **partial approval** of ZC-25-13 for all of the requested tract with the exception of a 50 ‘ buffer along the northwestern property line of the Highlander, SM One, LLC Tract adjacent the private driveway Grant Harris Rd (see map on next slide). This 50’ buffer is recommended for the less intense zoning district of Character District-1 (subject to the consent of the owner).
- This recommendation for approval is also **subject to the approval of the associated Preferred Scenario Amendment PSA-25-02.**

# Proposed CD-1 Buffer

- 50' from the subdivided properties along joint use access easement (Grant Harris Rd.)
- Properties along Grant Harris do not currently have road frontage.
- City's Thoroughfare Plan requires ROW be dedicated and constructed at the time of platting. If this 50' is dedicated as required in the TMP, then the CD-1 zoning would automatically be changed to LI to match adjacent property.
- If no ROW is dedicated, a 20-35 ft Transitional Protective Yard (Type C/D) would be required.

ZC-25-13

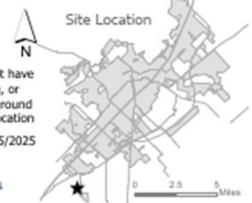
Francis Harris Ln Maberry Data Center  
FD/CD 2.5 to LI 900BLK Francis Harris Ln

Proposed 50'  
Buffer



- ZC-25-02 Grant Harris 50 ft Buffer
- Subject Property
- Parcels

0 140 280 560  
Feet



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Date: 12/15/2025

**SAN MARCOS** Planning and Development Services



## Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Existing Zoning: Character District – 2.5 (CD-2.5)	Proposed Zoning: Light Industrial (LI)
<b>Zoning Description</b>	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings	The CD-2.5 District is primarily intended to accommodate single-family detached houses and to encourage home ownership. Uses that would interfere with the residential nature of the district are not allowed	Light Industrial is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or commercial uses.
<b>Uses</b>	Residential / Agricultural (See Land Use Matrix)	Residential, Civic	Primarily industrial uses as well as light manufacturing, offices, waste related services, and warehouse and distribution. Examples of light industrial uses include food and beverage products, breweries, contractor storage, dry-cleaning, furniture manufacturing, and welding (See Land Use Matrix)
<b>Parking Location</b>	No location standards	Parking allowed in the second and third Layer	No location standards
<b>Parking Standards</b>	Dependent upon use	2 spaces per dwelling unit	Depends on use
<b>Max Residential Units per acre</b>	0.4 units per acre (max)	8 units per acre (max)	N/A - Residential uses are not allowed
<b>Occupancy Restrictions</b>	N/A	N/A	N/A
<b>Landscaping</b>	Tree and shrub requirements	Tree and shrub requirements	Tree and shrub requirements
<b>Building Height (max)</b>	2 stories	2 stories	4 stories
<b>Setbacks</b>	50' minimum front, 20' side, and 20% of total lot depth measured at point of greatest depth in rear	15' front, 5' side (interior), 10' side (corner), 15' rear (5' with alley)	20' minimum front, side, and rear
<b>Impervious Cover (max)</b>	30%	60%	80%
<b>Lot Sizes</b>	Minimum 2 acres lot area, Minimum 200 ft lot width	Minimum 4,500 square ft lot	Minimum 7,000 sq ft lot area, Minimum 70 ft lot width
<b>Streetscapes</b>	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area between sidewalk and street required	Residential Street: 5' sidewalk, street trees every 35' o.c. 7' planting area.	Conventional Street: 6' sidewalk, street trees every 40' on center average, 7' planting area between sidewalk and street required.
<b>Blocks</b>	No Block Perimeter Required	2,800 ft. block perimeter max	5,000 ft. block perimeter max



Legislation Text

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**File #:** ZC-25-15, **Version:** 1

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**AGENDA CAPTION:**

ZC-25-15 (1537 Post Rd SF-6 to CD-4) Hold a public hearing and consider a request by Shelton Eubanks, on behalf of Miguel and Eva Rosales, for a Zoning Change from Single Family-6 (SF-6) to Character District-4 (CD-4) or, subject to consent of the owner, another less intense zoning district classification, for approximately 0.294 acres, comprising Lot 5, Block 1 in the W.N Goforth First Suburban Addition, generally located on the western side of Post Road, approximately 100 ft southwest of the intersection between Post Rd and Uhland Rd (J. Cleary)

**Meeting date:** January 13, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.

- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

The land to the west and north of the site was rezoned to CD-4 in March 2025 by the same applicant. The property owner of this parcel wishes to rezone their property so it can be developed concurrently with these parcels.

The site is designated as Mixed Use- Low on the VisionSMTX Preferred Scenario. The designation was specifically requested by the property owners during the VisionSMTX Comprehensive Plan rewrite process along with the adjacent CD-4 zoned lots and was approved by City Council.

Following Commission consideration/action, the item will move forward for City Council first reading on February 3<sup>rd</sup> and second reading on February 17<sup>th</sup>.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of ZC-25-15 as presented.

**Zoning Request  
ZC-25-15**

**1537 Post Road  
SF-6 to CD-4**



**Summary**

<b>Request:</b>	Zoning change from Single Family-6 to Character District-4		
<b>Applicant:</b>	Shelton Eubanks SMTX Rentals LLC 136 Iron Horse New Braunfels TX 78132	<b>Property Owner:</b>	Miguel and Eva Rosales 11302 Mayo St. Austin Texas 78748

**Notification**

<b>Application:</b>	11/06/2025	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	12/28/2025	<b># of Participants</b>	N/A
<b>Posted:</b>	12/23/2025	<b>Personal:</b>	12/23/2025
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Lot 5 in the W.N Goforth First Suburban Addition		
<b>Location:</b>	On the western side of Post Road, approximately 100 ft southwest of the intersection between Post Rd and Uhland Rd		
<b>Acreage:</b>	+/- 0.294 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Single Family-6	<b>Proposed Zoning:</b>	Character District-4
<b>Existing Use:</b>	Single Family	<b>Proposed Use:</b>	Multifamily
<b>Preferred Scenario:</b>	Mixed Use-Low	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Millview East	<b>Sector:</b>	7
<b>Utility Capacity:</b>	Available	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CD-4/ SF-6	Residential	Neighborhood Low / Mixed Use-Low
<b>South of Property:</b>	CD-4/ MF-24	Railroad/ Residential	Neighborhood High/Mixed Use-Low
<b>East of Property:</b>	SF-6	Residential	Neighborhood-Low
<b>West of Property:</b>	CD-4	Residential	Mixed Use-Low

**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> <b>Denial</b>
<b>Staff:</b> Julia Cleary, AICP	<b>Title :</b> Senior Planner	<b>Date:</b> 01/07/2026

**Zoning Request**  
**ZC-25-15**

**1537 Post Road**  
**SF-6 to CD-4**



**History**

The land to the west and north of the site was rezoned to CD-4 in March 2025 by the same applicant. The property owner of this parcel wishes to rezone their property so it can be developed concurrently with these parcels.

The site is designated as Mixed Use-Low on the Vision SMTX Preferred Scenario. The designation was specifically requested by the property owners during the Vision SMTX Comprehensive Plan rewrite process along with the adjacent CD-4 zoned lots and was approved by City Council.

**Additional Analysis**

See additional analysis below.

**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

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><i>The site is designated as Mixed Use-Low on the Preferred Scenario Map. Per the Equivalency Table adopted under the adopting Ordinance for the Vision SMTX Comprehensive Plan, Character District-4 should be "Considered" in Mixed Use Low designations.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b><i>Studies were not complete at the time of the request.</i></b>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>There is no specific plan adopted for the Post Rd corridor.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this site.</i></b>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><i>CD-4 allows for residential, small scale multifamily and limited commercial on corners with an overall height limit of 3 stories. This is considered to be compatible with the surrounding uses in the area which includes a mixture of single family, commercial, and medium and large-scale multifamily uses.</i></b>

Zoning Request  
 ZC-25-15

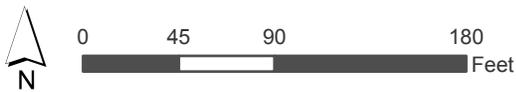
1537 Post Road  
 SF-6 to CD-4



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>The site is located near existing and proposed multifamily development and is served by existing pedestrian, bike and public transportation connections; an existing sidewalk and painted bike lane run along the front of the site and a CARTS bus stop is located approximately 300ft from the site on Uhland Rd.</i></b>
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>Under its current zoning, the site could be developed/ maintained as a single family home.</i></b>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><i>Although the City does not have an adopted housing needs assessment, small scale multifamily products are generally considered to be a product that is needed in the City of San Marcos.</i></b>
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <b><i>There are existing water and wastewater lines adjacent to the site. Per the fire station map included in the packet, there are approximately 14 firefighters within 8 minutes travel of the site.</i></b>
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>The proposed rezoning is not anticipated to have any adverse impacts on property in the vicinity of the subject property.</i></b>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <b><i>This is not a request for Neighborhood Density district.</i></b>
		<u>X</u>	The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <b><i>The site is not located within the floodplain or the Edwards Aquifer Recharge Zone. It is located within the Edwards Aquifer Transition Zone and so would be required to comply with <a href="#">Chapter 6, Article 3</a> of the Land Development Code at the time of site development.</i></b>
<u>X</u>			Any other factors which shall substantially affect the public health, safety, morals, or general welfare <b><i>There are no other factors which are anticipated to substantially impact public health, safety, morals, or general welfare.</i></b>



- Subject Property
- Parcel
- ETJ

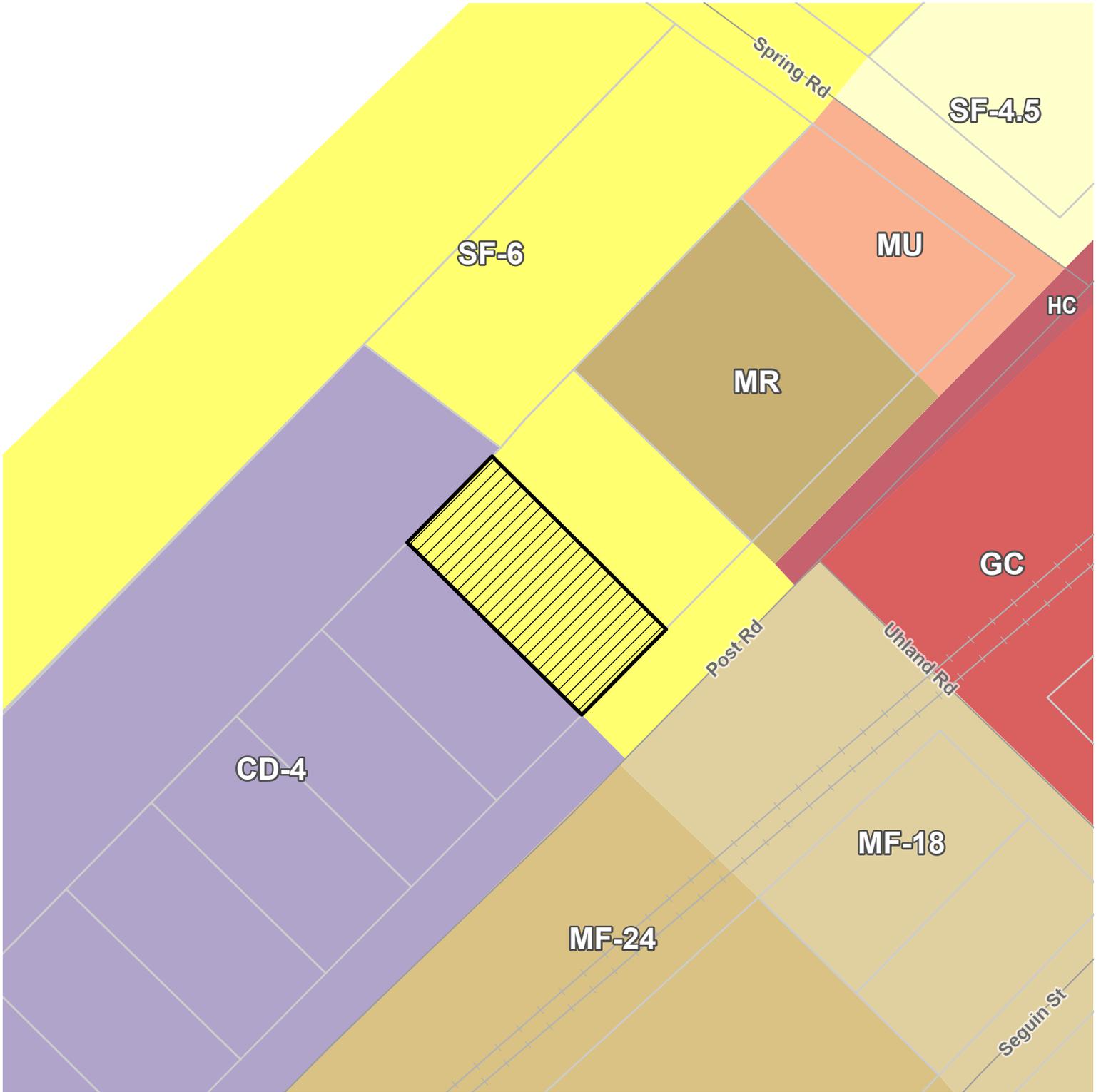


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

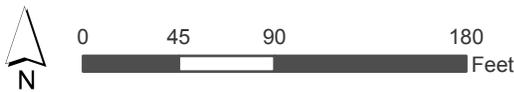
Date: 12/1/2025

Site Location



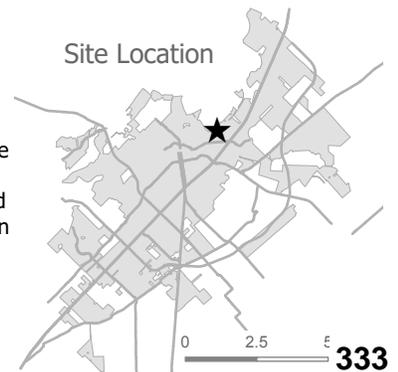


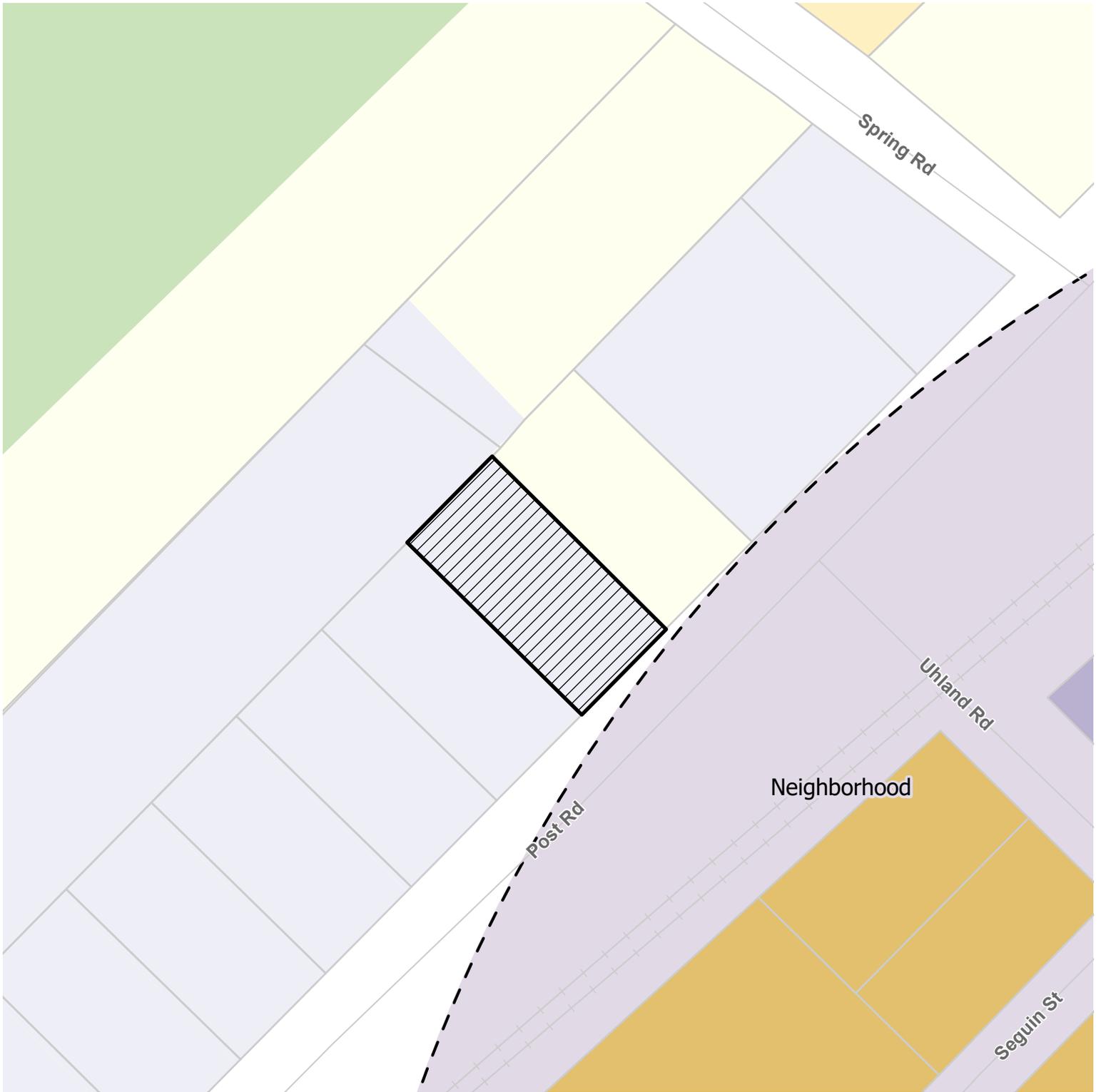
-  Subject Property
-  CD-4
-  GC
-  HC
-  MF-18
-  MF-24
-  MR
-  MU
-  SF-4.5
-  SF-6



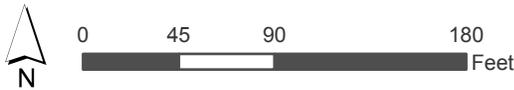
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Date: 12/1/2025





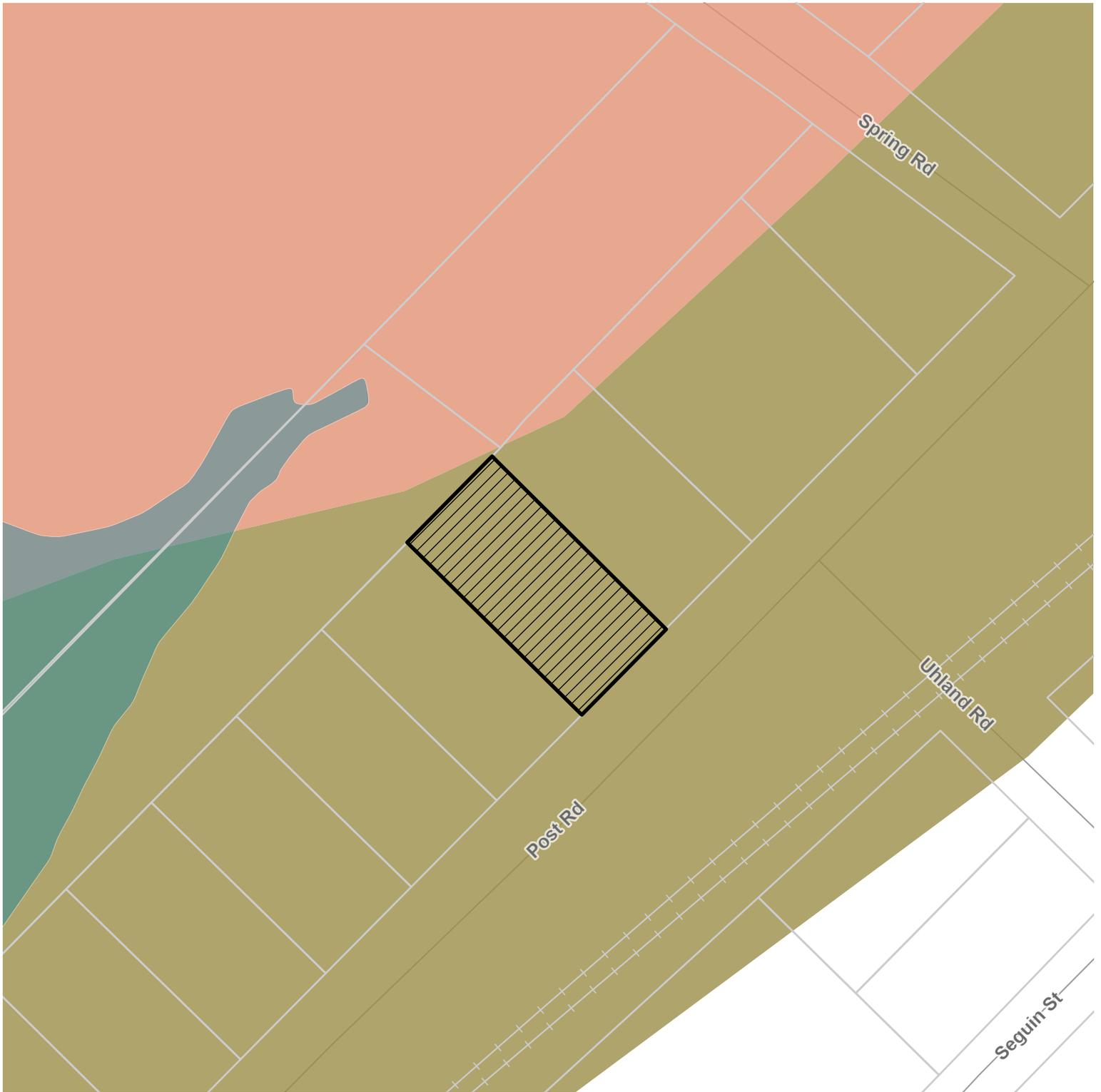
-  Subject Property
-  Parcels
-  Preferred Scenario Centers
-  Neighborhood High
-  Neighborhood Medium
-  Neighborhood Low
-  Mixed Use Medium
-  Mixed Use Low
-  Conservation/Cluster



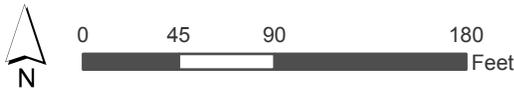
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Date: 12/1/2025





-  Subject Property
-  Railroad
-  Parcels
-  100 Year Floodplain
-  Recharge Zone
-  Transition Zone
-  Minor



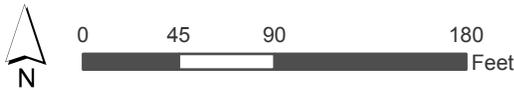
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Date: 12/1/2025





-  Subject Property
-  Enhanced, St
-  Enhanced, Ave
-  Proposed, Ave
-  Enhanced, Blvd
-  Proposed, Blvd
-  Enhanced, HW
-  Proposed, Pkwy
-  Enhanced, Pkwy
-  Proposed, St



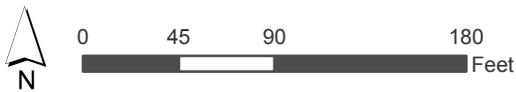
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Date: 12/1/2025





-  Subject Property
-  Sanitary Main Active
-  Potable Water Main Active
-  Parcels

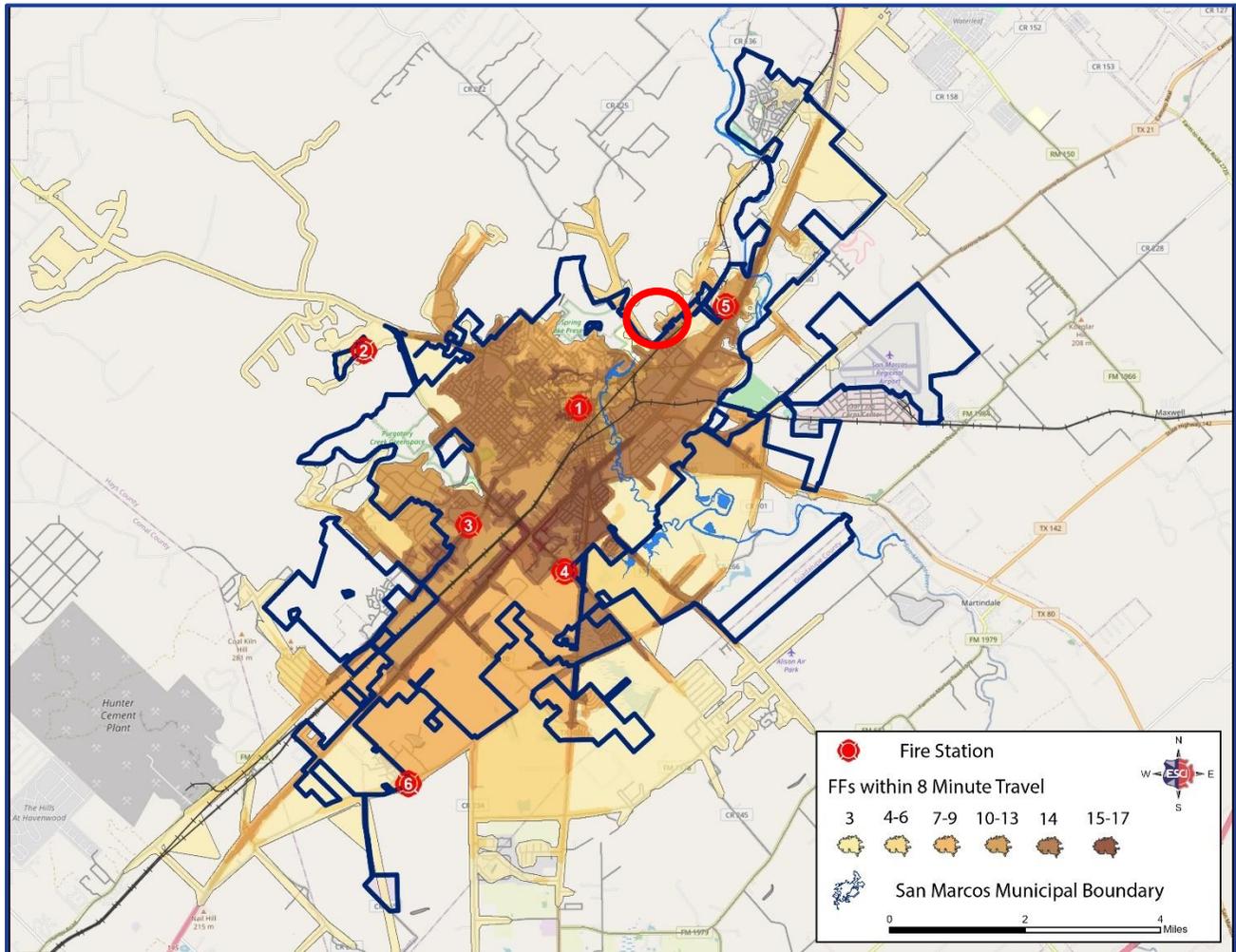


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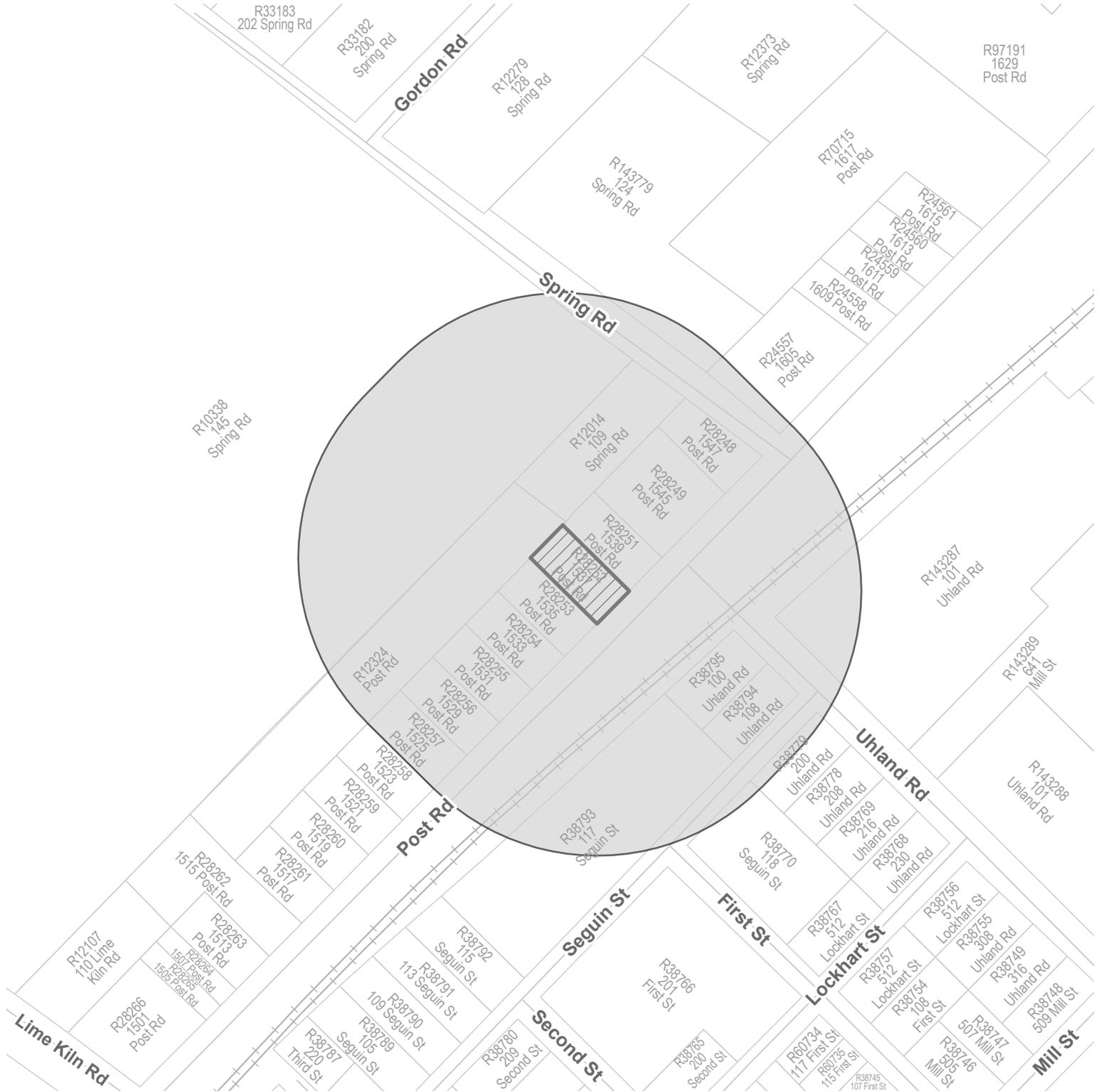
Date: 12/1/2025



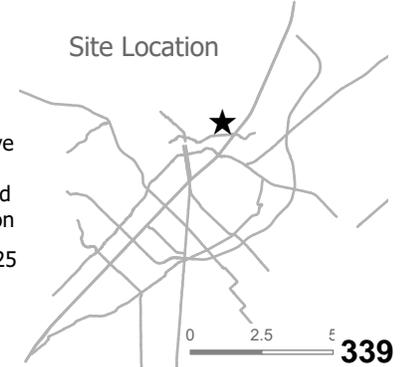
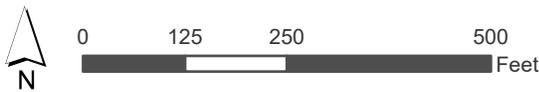
**Figure 112: SMFD 8-Minute Effective Response Force**  
*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*



**○ ZC-25-15 APPROXIMATE LOCATION**



-  400ft Buffer
-  Subject Property
-  Parcel



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Date: 12/19/2025

PLANNING AND DEVELOPMENT SERVICES



12/18/2025

ZC-25-15

**Notice of Public Hearing  
Zoning Change Request  
“SF-6” Single Family - 6 to “CD-4” Character District-4  
1537 Post Rd SF-6 to CD-4**

*ZC-25-15(1537 Post Rd SF-6 to CD-4) Hold a public hearing and consider a request by Shelton Eubanks, on behalf of Miguel and Eva Rosales, for a Zoning Change from Single Family-6 (SF-6) to Character District-4(CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 0.294 acres, comprising Lot 5, Block 1 in the W.N Goforth First Suburban Addition, generally located on the western side of Post Road, approximately 100 ft southwest of the intersection between Post Rd and Uhland Rd. (J. Cleary)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, January 13, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, February 3, 2026**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <https://sanmarcostx.gov/Videos>. Or sign up at: [www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup) or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission:**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

**For City Council:**

[www.sanmarcostx.gov/citizencommentssignup](http://www.sanmarcostx.gov/citizencommentssignup)

For more information regarding this request, contact the case manager, **Julia Cleary**, at **512.805-2658** or [jcleary@sanmarcostx.gov](mailto:jcleary@sanmarcostx.gov). When calling, please refer to case number **ZC-25-15**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

Property ID	Site Address	Owner	Owner Address	Owner City /Zip/State
38795	100 UHLAND RD, SAN MARCOS, TX 78666	BRYAN PEREZ LIVING TRUST	536 ALLEGHENY DR	WALNUT CREEK, CA 94598-2152
12132	1601 POST RD, SAN MARCOS, TX 78666	CREMIN, PATRICK W	1601 POST RD	SAN MARCOS, TX 78666
28249	1541 POST RD, SAN MARCOS, TX 78666	CRUZ, LUPE R	1541 POST RD	SAN MARCOS, TX 78666-7343
10454	223 SPRING RD, SAN MARCOS, TX 78666	DUPONT ANN & WELLS FARGO BANK N A	145 SPRING RD	SAN MARCOS, TX 78666
28255	1531 POST RD	EUBANKS SHELTON DWIGHT & CHERYL LYNN	136 IRON HORSE	NEW BRAUNFELS, TX 78132-3383
12014	109 SPRING RD, SAN MARCOS, TX 78666	HARTIN, VICKI	109 SPRING RD	SAN MARCOS, TX 78666
143780	124 SPRING RD, SAN MARCOS, TX 78666	LANTZ 124 LLC	PO BOX 11191	SPRINGFIELD, MO 65808-1191
38794	108 UHLAND RD, SAN MARCOS, TX 78666	MISENHEIMER, CHARLES G	400 INDIAN HILLS TRL	KYLE, TX 78640-8606
143287	101-107 UHLAND RD, SAN MARCOS, TX 78666	OLD MILL ASSOCIATES LLC	101 UHLAND RD	SAN MARCOS, TX 78666-6681
28248	1547 POST RD, SAN MARCOS, TX 78666	POST ROAD BUSINESS INC	2217 RIVINA DR	AUSTIN, TX 78733-5761
28252	1537 POST RD, APT #101 & 201, SAN MARCOS, TX 78666	ROSALES MIGUEL & EVA CAMPOS	11302 MAYO ST	AUSTIN, TX 78748-2723
38793	117 SEGUIN ST, SAN MARCOS, TX 78666	ROSE VILLAGE GREEN APTS LP	IRWIN R ROSE & CO INC	INDIANAPOLIS, IN 46240-0879
38779	200 UHLAND RD, SAN MARCOS, TX 78666	SERIES 4 OF JAZ BROS VENTURES LLC & FAMDADO INC	5908 WESTSLOPE DR	AUSTIN, TX 78731-3655
28251	1539 POST RD, SAN MARCOS, TX 78666	SERNA, ARISTOTLE J	1539 POST RD	SAN MARCOS, TX 78666-7343
28256	1529 POST RD, SAN MARCOS, TX 78666	SMTX RENTALS LLC	250 HILLTOP DR	SEGUIN, TX 78155-7122
		Heidi Holliday McKittrick	325 Durata Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666

Section 5.1.1.2 Land Use Matrix

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**Table 5.1 Land Use Matrix**

Types of Land Uses	Conventional Residential					Neighborhood Density Districts					Character Districts					Special Districts					Definition Use Standards		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
<b>Agricultural Uses</b>																							
Barns or agricultural buildings		P	L	--	--	--	--	--	--	--	P	P	--	L	--	--	--	--	P	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	--	L	--	--	--	--	P	--	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	L	--	P	P	L	L	L	L	L	--	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	C	L	L	C	P	P	L	L	L	C	C	--	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	--	P	P	P	P	P	P	P	--	P	Section 5.1.2.5
<b>Accessory Uses and Structures</b>																							
Accessory Building/Structure		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	L	P	P	--	P	L	L	P	P	P	--	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	--	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	--	L	L	P	P	--	--	--	L	--	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	P	--	P	--	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	--	P	--	--	--	P	--	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	L	--	--	L	L	L	L	--	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	P	--	--	P	P	P	P	--	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	--	--	L	P	Section 5.1.3.6
<b>Residential Uses</b>																							
Single Family Detached / Tiny Home	P	L	L	L	L	L	L	L	L	--	--	P	L	P	P	--	--	--	--	--	--	--	Section 5.1.4.2

<b>Legend</b>	
P	Permitted Use
L	Limited Use
C	Conditional Use
--	Uses Not Permitted

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential					Neighborhood Density Districts					Character Districts						Special Districts						Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI	MH	CM	
Cottage Court	--	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	--	--	Section 5.1.4.3
Two Family	--	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	--	--	Section 5.1.4.4
Single Family Attached	--	--	--	--	L	L	L	L	L	--	--	--	P	P	P	P	--	--	--	--	--	--	Section 5.1.4.5
Small Multi-Family (up to 9 units)	--	--	--	--	--	--	L	L	L	--	--	--	P	P	P	P	--	--	--	--	--	--	Section 5.1.4.6
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	--	L	L	--	--	--	P	P	P	P	--	--	--	--	--	--	Section 5.1.4.7
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--	Section 5.1.4.8
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	--	Section 5.1.4.9
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.10
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.11
Community Home	L	L	L	L	L	L	L	P	P	--	P	L	P	P	P	P	--	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	--	--	--	--	--	--	Section 5.1.4.12
<b>Commercial Uses</b>																							
Professional Office	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	--	P	P	--	--	--	--	P	P	P	--	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.3

Legend							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential					Neighborhood Density Districts					Character Districts					Special Districts					Definition Use Standards		
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI		MH	CM
Animal care (indoor)	C	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	P	--	--	--	P	Section 5.1.5.3
Tattoo, body piercing	--	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	--	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																						
All Retail Sales, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	--	L	--	--	--	--	--	C	C	C	P	--	--	--	C	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	--	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	--	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	--	C	--	--	--	--	C	P	P	--	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																							
Eating Establishment	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	C	--	--	--	--	--	Section 5.1.5.5

Legend							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential			Neighborhood Density Districts					Character Districts						Special Districts					Definition Use Standards				
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI		HI	MH	CM	
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	--	C	C	--	--	--	--	C	C	C	C	C	--	--	--	C	Section 5.1.5.5	
Overnight Lodging, as listed below:																							Section 5.1.5.6	
Bed and Breakfast (up to 8 rooms)	C	C	C	C	C	C	L	L	P	--	P	C	C	P	P	P	--	--	--	--	--	P	Section 5.1.5.6	
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	--	C	P	--	--	--	--	P	P	P	--	--	--	--	--	P	Section 5.1.5.6	
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	C	--	--	--	--	P	Section 5.1.5.6	
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	L	P	--	--	--	P	Section 5.1.5.7	
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7	
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7	
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	P	--	P	Section 5.1.5.8	
Gym/ Health club	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	P	P	--	P	Section 5.1.5.8	
Smoking Lounge	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	--	--	--	--	--	P	Section 5.1.5.8	
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	--	--	C	Section 5.1.5.8	
Special Event Facility	C	C	--	--	--	--	--	--	C	--	C	--	--	--	--	--	P	--	--	--	--	--	Section 5.1.5.9	
<b>Public &amp; Institutional</b>																								
Civic, except as listed below:	P	L	L	L	L	L	L	P	P	L	L	L	L	P	P	P	P	P	P	P	P	P	Section 5.1.6.1	
Day Care Center	C	--	--	--	C	C	C	L	P	--	C	C	C	L	P	P	P	P	--	--	--	P	Section 5.1.6.1	
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2	
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3	

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential			Neighborhood Density Districts					Character Districts					Special Districts					Definition Use Standards				
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC		LI	HI	MH	CM
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3.D																						
<b>Industrial</b>																							
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	P	P	P	P	--	C	Section 5.1.7.2
Vehicle Service, as listed below:																						Section 5.1.7.3	
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	P	P	P	--	C	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	C	C	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	C	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

Legend							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21, Ord. No. 2023-72, 10-17-2023)

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Topic	Existing Zoning: Single Family-6 (SF6)	Proposed Zoning: Character District 4 (CD4)
Zoning Description	The SF6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.	The CD4 District is intended to accommodate a variety of residential options including single family, two family, and multifamily with limited commercial or mixed use on the corners.
Uses	Residential (single family), accessory dwelling units, home occupations and civic (See Land Use Matrix)	Residential limited Commercial, limited Office (See Land Use Matrix)
Parking Location	No location standards	No parking in the 1 <sup>st</sup> layer; Parking allowed in the 2 <sup>nd</sup> and 3 <sup>rd</sup> Layer
Parking Standards	Depends on use 2 spaces per dwelling unit required for Single Family attached/ detached structures.	Dependent upon use
Max Residential Units per acre	5.5	N/A
Occupancy Restrictions	Yes (see Section 5.1.42)	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	3 stories
Setbacks	5' front, 5' side, and rear	5' front, 5' side, and rear
Impervious Cover (max)	50%	80%
Lot Sizes	Minimum 6,000 sq ft lot area, Minimum 50 ft lot width	Allows a variety of lot sizes depending on Building Type with minimums
Streetscapes	Residential Street: 6' sidewalk, street trees every 35' on lots smaller than 1 acre Commercial Street: 8' sidewalk, street trees every 35' on lots smaller than 1 acre	Residential Street: 6' sidewalk, street trees every 35' on lots smaller than 1 acre Commercial Street: 8' sidewalk, street trees every 35' on lots smaller than 1 acre
Blocks	3,000 ft. Block Perimeter max	2,400 ft. Block Perimeter Max



## Building Standards

Principle Building Height	2 stories max. 35 ft. max.
Accessory Structure Height	N/A 24 ft. max.

## Lot

Building Type	Lot Area	Lot Width	A
House	6,000 sq. ft. min.	50 ft. min.	
Civic	6,000 sq. ft. min.	50 ft. min.	

## Setbacks - Principal Building

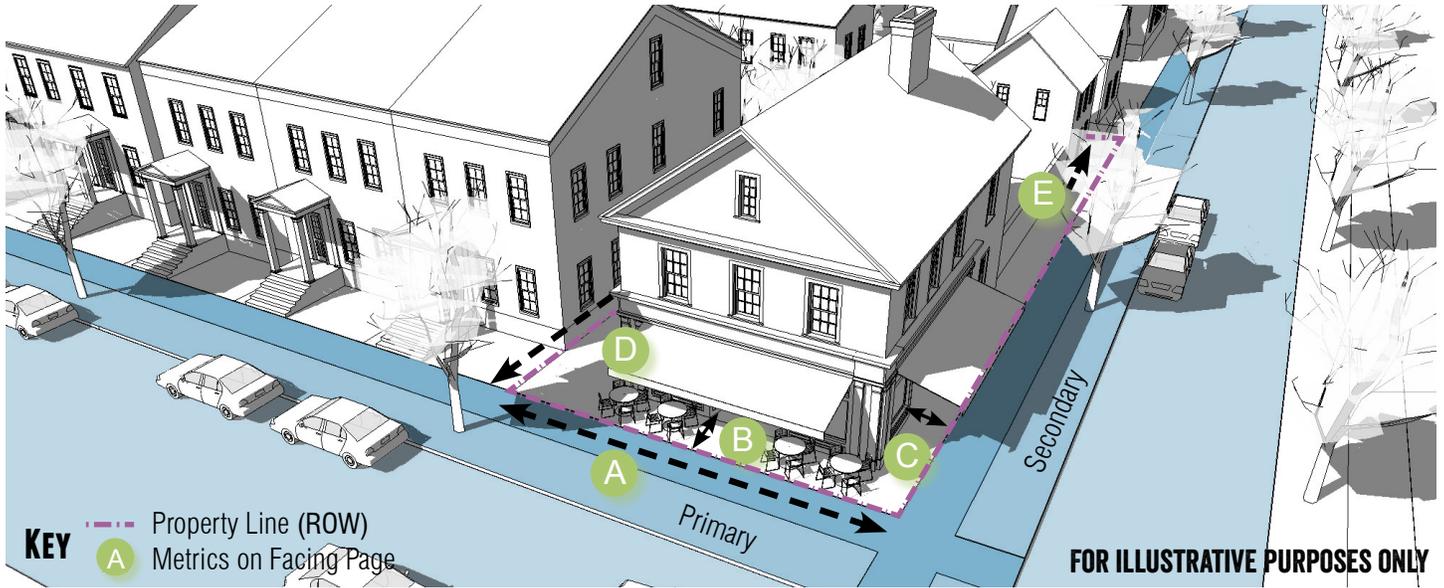
Primary Street	25 ft. min.	B
Secondary Street	15 ft. min.	C
Side	5 ft. min.	D
Rear	20 ft. min.	E

## Setbacks - Accessory Structure

Primary Street	25 ft. min.
Secondary Street	15 ft. min.
Side	5 ft. min.
Rear	5 ft. min.

CD-4

SECTION 4.4.3.5 CHARACTER DISTRICT - 4



**GENERAL DESCRIPTION**

The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

**DENSITY**

Impervious Cover 80% max.

**TRANSPORTATION**

Block Perimeter	2,400 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
	Conventional	Section 3.8.1.7
	Mixed Use	Section 3.8.1.8

**BUILDING TYPES ALLOWED**

Accessory Dwelling	Section 4.4.5.1
House	Section 4.4.5.3
Duplex	Section 4.4.5.4
Townhouse	Section 4.4.5.6
Courtyard Housing	Section 4.4.5.8
Apartment	Section 4.4.5.9
Live/ Work	Section 4.4.5.10
Neighborhood Shopfront	Section 4.4.5.11
Civic Building	Section 4.4.5.14

**BUILDING STANDARDS**

Principle Building Height	3 stories max.	50 ft. max.
Accessory Structure Height	N/A	24 ft. max.

**LOT**

BUILDING TYPE	LOT AREA	LOT WIDTH <span style="float: right;">A</span>
House	4,500 sq. ft. min.	40 ft. min./ 120 ft. max.
Duplex	4,500 sq. ft. min.	40 ft. min./ 120 ft. max.
Townhouse	1,500 sq. ft. min.	20 ft. min./ 120 ft. max.
Courtyard Housing	1,500 sq. ft. min.	15 ft. min./ 120 ft. max.
Apartment	6,000 sq. ft. min.	60 ft. min./ 120 ft. max.
Live/Work	1,100 sq. ft. min.	15 ft. min./ 120 ft. max.
Neighborhood Shopfront	6,000 sq. ft. min.	60 ft. min./ 120 ft. max.
Civic Building	6,000 sq. ft. min.	50 ft. min.

All Lots 45 feet or less in width shall take vehicular access from a rear alley except Courtyard Housing.

**SETBACKS - PRINCIPAL BUILDING**

Primary Street*	5 ft. min - 12 ft. max.	B
Secondary Street*	5 ft. min.	C
Side	5 ft. min.	D
Rear	15 ft. min.	E
Rear, abutting alley	5 ft. min.	E

\*Where there is an existing easement on the property, the maximum setback shall be measured from the easement instead of the right-of-way line.

**SETBACKS - ACCESSORY STRUCTURE**

Primary Street	20 ft. min.
Secondary Street	15 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

**PARKING LOCATION**

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

**BUILD-TO ZONE (BTZ)**

Building Facade in primary street	60% min.
Building Facade in secondary street	35% min.

(Ord. No. 2023-72, 10-17-2023)

Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

Single Family-6 vs Character District-4

TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND-3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC, BP LI, HI	CM
	ACCESSORY DWELLING UNIT	■	■	■	■	■	■	■	■	■	■	--	--
	HOUSE	■	■	■	■	■	--	■	■	--	--	--	--
	COTTAGE COURT	--	--	--	■	--	--	■	--	--	--	--	--
	DUPLEX	--	--	--	■	--	--	■	■	--	--	--	--
	ZERO LOT LINE HOUSE	--	--	■	■	--	--	■	--	--	--	--	--
	TOWNHOUSE	--	--	--	■	■	■	--	■	■	■	--	--
	SMALL MULTI-FAMILY	--	--	--	■	■	■	--	--	--	--	--	--
	COURTYARD HOUSING	--	--	--	--	■	--	--	■	--	--	--	--
	APARTMENT	--	--	--	--	--	--	--	■	■	■	--	--

TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND-3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC, BP LI, HI	CM
	LIVE/WORK	--	--	--	--	--	■	--	■	■	■	--	■
	NEIGHBORHOOD SHOPFRONT	--	--	--	--	■	■	--	■	--	--	--	--
	MIXED USE SHOPFRONT	--	--	--	--	--	■	--	--	■	■	--	■
	GENERAL COMMERCIAL	--	--	--	--	--	--	--	--	--	--	■	■
	CIVIC	■	■	■	■	■	■	■	■	■	■	■	■

LEGEND

■ =Allowed

-- =Not Allowed

(Ord. No. 2020-60, 9-1-2020)

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: September 2025

## CONTACT INFORMATION

Applicant's Name	Shelton Eubanks	Property Owner	Miguel and Eva Rosales
Company	SMTX Rentals LLC	Company	
Applicant's Mailing Address	136 Iron Horse New Braunfels Texas 78132	Owner's Mailing Address	11302 Mayo St. Austin Texas 78748
Applicant's Phone #	[REDACTED]	Owner's Phone #	[REDACTED]
Applicant's Email	[REDACTED]	Owner's Email	[REDACTED]

## PROPERTY INFORMATION

Subject Property Address(es): 1537 Post Rd. San Marcos Texas 78666  
 Legal Description: Lot 5 Block 1 Subdivision WM Goforth Addition  
 Total Acreage: .2938 Tax ID #: R 28252  
 Preferred Scenario Designation: CD-4 Existing Zoning: SF-6  
 Existing Land Use(s): non-conforming residential duplex

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): Character District 4  
 Proposed Land Uses / Reason for Change: We would like to change the zoning on this lot to match this adjacent properties for the purpose of developing it along with the others.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,050 plus \$150 per acre Technology Fee \$15 **MAXIMUM COST \$5,015**

*\*Existing Neighborhood Regulating Plan Included.*

Submission of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at [MGOCONNECT.ORG](https://MGOCONNECT.ORG)

PROPERTY OWNER AUTHORIZATION

I, Eva Rosales (owner name) on behalf of  
n/a (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1537 Post Rd. San Marcos Texas 78666 (address).

I hereby authorize Shelton Eubanks (agent name) on behalf of  
SMTX Rentals LLC (agent company) to file this application for  
Rezoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Eva Campos - Rosales Date: 10/23/2025

Printed Name, Title: Eva Rosales

Signature of Agent:  Date: 10/23/2025

Printed Name, Title: Shelton Eubanks

**PROPERTY OWNER AUTHORIZATION**

I, Miguel Rosales (owner name) on behalf of  
n/a (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1537 Post Road SMTX (address).

I hereby authorize Shelton Eubanks (agent name) on behalf of  
SMTX Rentals LLC (agent company) to file this application for  
Rezoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signed by: miguel rosales Date: 11/11/2025  
Signature of Owner: 06ED1219F3C04ED...

Printed Name, Title: Miguel Rosales

Signature of Agent: [Handwritten Signature] Date: 11-7-25

Printed Name, Title: Shelton Eubanks

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_  


Date: 10/23/2025

Print Name: Shelton Eubanks

Form Updated March, 2023

## Rezone of 1537 Post Road from SF-6 to CD-4

I am submitting this application on behalf of Miguel and Eva Rosales. They are the property owners at 1537 Post Rd.

I currently own 1521,1523,1525,1529,1531,1533 and 1535 Post road and the land located behind the lots. My rear property extends behind 1537 Post road as well. In 2024 and into February of 2025, I worked with the city to amend the preferred scenario map and the area was changed to a Mixed Use Low designation. With this new designation I was able to rezone the above properties to CD-4. The mixed use low designation was carried over onto the Rosales' property as well.

At the time of my rezoning process they were not involved but since have become interested in combining their property with mine for development. Since my property extends behind them this would square of the end of the property as a whole.

This area of town is desperately in need of a refresh and some sort of development will be in the best interest of everyone including the city.

I believe the rezone is reasonable because it is consistent with the Preferred Scenario map and is adjacent to land already zoned the same way.

I have discussed this with Julia Cleary and look forward to presenting it.

Please let me know your thoughts.

Respectfully Submitted,

Shelton Eubanks

512-557-1831

Nov. 12th, 1920, with interest from date until paid at rate of 8% per annum: On same interest is paid in full to Nov. 12th, 1922, but no interest accrued since that date and no part of the principal thereof has been paid.

Now hereby I the said Miguel Mercado do expressly acknowledge, declare and show that I am due and owing on said note No. 5, the just and full sum of Eleven Hundred and Thirty (\$1130.00) principal, together with interest thereon according to its terms and reading from and after Nov. 12th, 1922, and I do hereby expressly, agree, promise and bind myself to pay said note and said amounts to the said Mrs. Armand, or order, at office of State Bank & Trust Co. in San Marcos, Texas, on Nov. 12th, 1924, and I agree that all terms and provisions of said note shall continue in full force and effect, (except same is to mature Nov. 12th, 1924) and that same shall continue to be secured by the Vendor's Lien upon and against said land and also by an express contract lien thereon which is hereby granted.

Witness my signature at San Marcos, Texas, this Sept. 13, 1924.

Miguel Mercado

THE STATE OF TEXAS  
COUNTY OF HAYS

Before the undersigned a Notary Public in and for said County and State on this day personally appeared Miguel Mercado known to me to be the person whose name is subscribed to the foregoing instrument and he to me acknowledged that he had executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office at San Marcos, Texas, this Sept. 13th, 1924.

T.C. Johnson, Jr.,

Notary Public in and for Hays Co., Texas.

(SEAL)

Filed for record Sept. 13, A.D., 1924 at 4:50 o'clock P. M.

Recorded Sept. 15, A.D., 1924 at 4:40 o'clock P. M.

*Lee Donaldson*  
CLERK COUNTY COURT, HAYS COUNTY, TEXAS.

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**Legal description note: Beginning of W.N Goforth Plat declaration as recorded in Hays County Clerk Records**

THE STATE OF TEXAS  
COUNTY OF HAYS

By a deed dated on August 6th, 1924, now of record in Book 88 Pages 10 to 12 of the Hays County Deed Records, W.C. Williams and T. Z. Williams conveyed to William N. Goforth a tract of land in Hays County, Texas, containing one hundred forty-two and 95/100 (142.95) acres facing from the North Western side upon the public road leading from Austin to San Antonio via San Marcos, and known as the Post Road, and it being the same tract of land therefore conveyed to W.C. Williams and T. Z. Williams by the State Bank & Trust Company and Will G. Barber.

That deed to said Goforth, together with the said record thereof, is referred to and made part hereof for fuller description of that entire tract of one hundred forty-two and 95/100 (142.95) acres which is out of the J. M. Veramendi Survey No. 2 and the T.J. Chambers Survey.

Desiring to plat into a Suburban Addition to the City of San Marcos a portion of that entire tract of land, I, the said William N. Goforth, have caused a strip thereof off the

South Eastern end thereof one hundred sixty (160) feet in depth and lying across the entire South Eastern end thereof to be sub-divided into lots which I have numbered consecutively from No. 1 to No. 19.

The strip of ground thus sub-divided into nineteen lots begins at the original most Southern corner of that entire tract in the most North Western line of said Post Road and runs thence North 52° and 30' West with the original most Western or South Western line of the entire tract and with North East line of what is known as the Lime Kiln Road one hundred sixty-one and five-tenths (161.5) feet to a point for corner; thence North 45° and 10' East parallel with and one hundred sixty (160) feet from the most North Western line of said Post Road a distance of fifteen hundred forty (1540) feet to a point in the original most Eastern or North Eastern line of that entire tract; thence South 52° and 30' East with that last named line one hundred sixty-one and 5/10ths (161.5) feet to the most Eastern corner of the entire tract at a point in that most North Western line of said Post Road; thence with that line of said Post Road South 45° and 10' West fifteen hundred twenty-eight (1528) feet to the place of beginning.

The above described strip of ground I have so subdivided into nineteen lots with No. 1 at the most North Eastern end thereof and same then numbered consecutively to No. 19 which is at the most South Western end thereof. Of those lots No. 1 faces eighty-eight (88) feet on said Post Road and at the other end is seventy (70) feet in width, and Lot No. 19 faces eighty (80) feet on said Post Road and at the other end is one hundred ten (110) feet in width; and each of the other seventeen lots being No. 2 to No. 18, both inclusive, front eighty (80) feet on said Post Road and run back between parallel lines a depth of one hundred and sixty feet (160 ft.).

The sub-division so made by me I have designated as "W. N. GOFORTH'S FIRST SUBURBAN ADDITION TO SAN MARCOS, TEXAS," and a plat showing the location and dimensions of each of said lots is hereto attached and marked "EXHIBIT A" and referred to and made part hereof, and I now execute this instrument for purpose of evidencing of record in an appropriate way the sub-division so made by me and each and all of those lots may be hereafter appropriately conveyed by reference to their number upon such plat.

Witness my signature at San Marcos, Texas, on this September 13th, A.D., 1924.

Wm. N. Goforth

THE STATE OF TEXAS  
COUNTY OF HAYS

Before the undersigned, a Notary Public, in and for said County and State, on this day personally appeared William N. Goforth, known to me to be the person whose name is subscribed to the foregoing instrument, and he to me acknowledged that he had executed the same for the purposes and consideration therein stated.

Given under my hand and seal of office at San Marcos, Texas, on this September 13th, A.D., 1924.

Will G. Barber

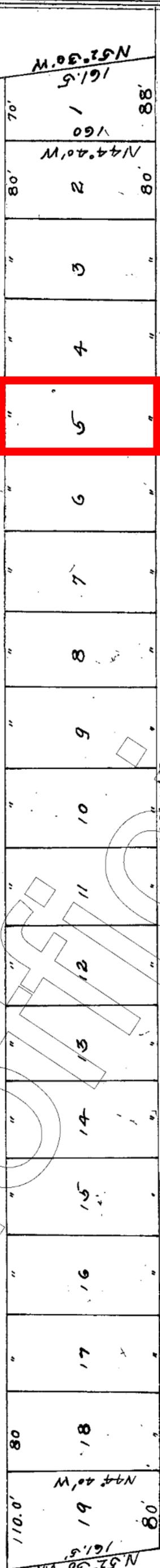
Notary Public in and for Hays County, Texas.

(SEAL)

W.N.GOFORTH'S  
FIRST SUBURBAN ADDITION  
TO

San Marcos, Texas  
Scale. One Inch = 100 Ft.

N45°10'E



San Antonio - Austin Post Road.

Upland Road

Legal description note: Zoning change boundary includes lot 5 only.

"Exhibit A"

Filed for record Sept. 13, A.D., 1924.  
at 5 o'clock P. M.  
Recorded Sept. 16, A.D., 1924.  
at 10:10 o'clock A. M.

*Lee Donaldson*

CLERK COUNTY COURT, HAYS COUNTY, TEXAS.

-----oOo-----

LIME KILN ROAD

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

**WARRANTY DEED WITH VENDOR'S LIEN**

STATE OF TEXAS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

Comidor Title Co. GFA 18-1634-S

THAT THE UNDERSIGNED, RAYMOND H. RABOLD AND GWEN M. VINSON ("Grantor", whether one or more), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by MIGUEL ROSALES AND WIFE, EVA CAMPOS ROSALES ("Grantee", whether one or more) of that one certain promissory note (the "Note") of even date herewith in the principal sum of \$56,250.00, payable to the order of THE FIRST NATIONAL BANK OF BASTROP ("Lender"), as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of the Note being secured by the vendor's lien herein retained, and being additionally secured by a deed of trust of even date herewith to MICHAEL H. PATTERSON, TRUSTEE, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the real property (the "Property") described as follows, to-wit:

Lot 5, W.N. GOFORTH'S FIRST SUBURBAN ADDITION TO THE CITY OF SAN MARCOS, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 88, Page 80, Plat Records of Hays County, Texas.

This conveyance, however, is made and accepted subject to any and all restrictions, reservations, easements, exceptions, covenants and conditions, if any, applicable to and enforceable against the Property as shown by the records of Hays County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the Property, is retained against the Property, premises and improvements until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

THAT Lender, at the instance and request of Grantee, having advanced and paid in cash to Grantor herein that portion of the purchase price of the Property as is evidenced by the Note, the Vendor's Lien, together with the Superior Title to the Property, is retained herein for the benefit of Lender and the same are hereby TRANSFERRED AND ASSIGNED to Lender, its successors and assigns.

Current ad valorem taxes on the Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED effective as of the 24th day of August, 2018.

GRANTOR:

Raymond H. Rabold  
RAYMOND H. RABOLD

Gwen M. Vinson  
GWEN M. VINSON

Grantee's Address:

11302 Mayo St.  
Austin, TX 78748

STATE OF TEXAS                   §  
  §  
COUNTY OF Hays                   §

This instrument was acknowledged before me on the 24 day of August, 2018, by RAYMOND H. RABOLD.

T. Ruiz  
Notary Public, State of Texas



STATE OF TEXAS

COUNTY OF

Hays

§  
§  
§

This instrument was acknowledged before me on the

24 day of August,  
2018, by GWEN M. VINSON.

T. Ruiz

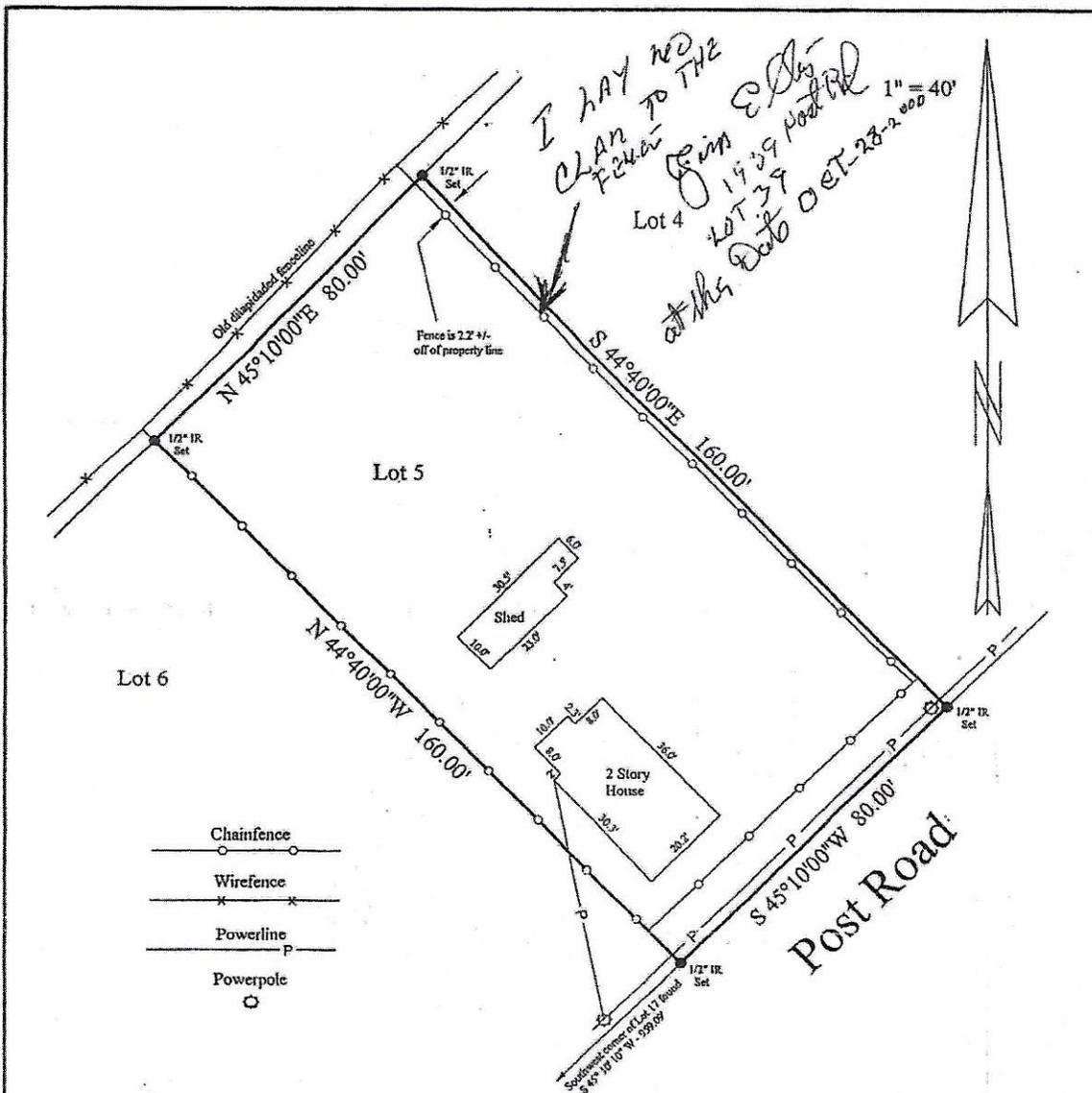
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

18-1634-S





*I HAY NO CLAN TO THE FENCE*  
*Jim E. [unclear]*  
*LOT 39 Post Rd*  
*at this Date OCT-28-2000*

**PLAT SHOWING SURVEY OF LOT 5, W. N. GOFORTH'S FIRST SUBURBAN ADDITION TO SAN MARCOS, TEXAS, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 88, PAGE 78, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.**

**FOR: Raymond H. Rabold, Fidelity National Title and the Lienholder.**

**GF: 00-61971**

**DATE: October 03, 2000**

**ADDRESS: 1537 Post Road, San Marcos, Texas.**

*Raymond H. Rabold*  
*10/15/00*

The undersigned does hereby certify that this is a Category 1A, Condition 2 survey and was made on the ground under my supervision of the property legally described hereon and is essentially correct and there are no visible discrepancies, shortages of area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways except as shown.

*Ronald N. Hayes*  
 Ronald N. Hayes, Registered Professional Land Surveyor, No. 2596

According to Map Panel 0005 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area.

**RONALD D. HAYES**  
 202 SUNFLOWER DRIVE  
 KYLE, TEXAS 78666  
 512-268-4813





# **Public Hearing**

## **ZC-25-15**

### **1537 Post Rd SF-6 to CD-4**

Hold a public hearing and consider a request by Shelton Eubanks, on behalf of Miguel and Eva Rosales, for a Zoning Change from Single Family-6 (SF-6) to Character District-4 (CD-4) or, subject to consent of the owner, another less intense zoning district classification, for approximately 0.294 acres, comprising Lot 5, Block 1 in the W.N Goforth First Suburban Addition, generally located on the western side of Post Road, approximately 100 ft southwest of the intersection between Post Rd and Uhland Rd. (J. Cleary)

# Property Information

- Approximately 0.3 acres
- Located on Post Rd near the intersection with Uhland Rd.
- Located within City Limits



# Context & History

- Currently contains one single family structure
- Surrounding Uses
  - Residential
  - Open Space
  - Railroad
- Adjacent lots zoned CD-4 in February 2025 (Ord. 2025-02)

ZC-25-15

1537 Post Rd SF-6 to CD-4

Aerial



- Subject Property
- Parcel
- ETJ



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 12/1/2025

**SAN MARCOS** Planning and Development Services

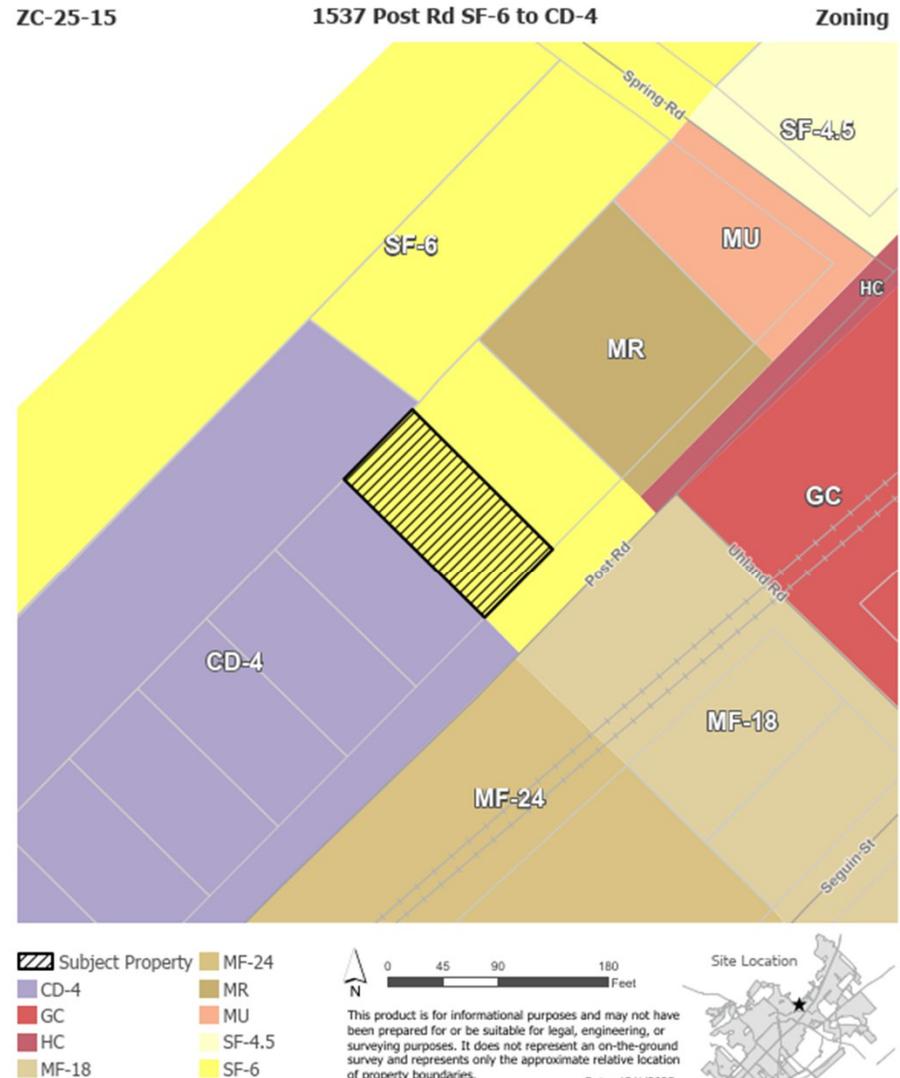


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3

# Context & History

- Existing Zoning: Single Family-6 (SF-6)
  - Allows single family homes, ADUs, limited home occupations and civic uses
- Proposed Zoning: Character District-4 (CD-4)
  - Allows for Variety of Residential Uses and Limited Commercial Uses at Corners



JOV

SAN MARCOS Planning and Development Services



# Comprehensive Plan Analysis

## Step 1: Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Mixed Use – Low
- *“Characterized by smaller commercial centers that are walkable and typically in or near neighborhoods so residents have convenient, safe, and equitable access to services. They should be distributed throughout the city, such as along corridors and near major intersections.” - VisionSMTX*





# Comprehensive Plan Analysis

Step 2: Is the request consistent with the adopted Equivalency Table?

“CD-4” Character District-4 within a “Mixed Use-Low” Place Type

Development Code Zoning Classifications :: Vision SMTX Comprehensive Plan Place Types

Zoning District		Place Types									
		Neighborhood Low-Existing	Neighborhood Low-New	Neighborhood Medium	Neighborhood High	Neighborhood Transition	Mixed Use Low	Mixed Use Medium	Employment/Commercial Low	Employment/Commercial Medium	Conservation/Cluster
Conventional Residential	FD	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
	SF-R	C	NP	NP	-	-	-	-	-	-	-
	SF-6	C	C	NP	-	-	-	-	-	-	-
	SF-4.5	C	C	C	NP	-	-	-	-	-	-
Neighborhood Density Districts	ND-3	See Section 4.1.2.4 and 4.1.2.5 of the Development Code	C	C	NP	NP	NP	NP	-	-	-
	ND-3.2		C	C	NP	NP	NP	NP	-	-	-
	ND-3.5		C	C	C	C	NP	NP	-	-	-
	ND-4		C	C	C	C	C	NP	-	-	-
	N-CM		C	C	C	C	C	C	C	-	C
Character Districts	CD-1	C	C	NP	NP	C	-	-	NP	NP	See Section 4.1.2.6 of the Development Code
	CD-2	-	NP	-	-	-	-	-	-	-	
	CD-2.5	-	C	NP	NP	C	-	-	-	-	
	CD-3	-	C	NP	NP	C	NP	-	-	-	
	CD-4	-	NP	-	NP	NP	C	C	NP	C	
	CD-5	-	-	-	-	NP	NP	C	NP	C	
	CD-5D	-	-	-	-	-	-	C	-	-	
	PA	-	C*	-	-	-	C*	C*	C*	C*	

stx.gov

# Zoning Analysis

- Variety of Residential Uses with Limited Commercial or Mixed Use on the Corners
- Cottage, Duplex, Townhouse, Courtyard Housing, Apartment, Live/Work, Neighborhood Shopfront, Civic
- Residential, Public, and Limited Commercial Uses
- Multifamily proposed

**CD-4** SECTION 4.4.3.4 CHARACTER DISTRICT - 4

**KEY** --- Property Line (ROW)  
A Metrics on Facing Page

FOR ILLUSTRATIVE PURPOSES ONLY

**GENERAL DESCRIPTION**  
The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

**DENSITY**

Impervious Cover	80% max.
------------------	----------

**TRANSPORTATION**

Block Perimeter	2,400 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
	Conventional	Section 3.8.1.7
	Mixed Use	Section 3.8.1.8

**BUILDING TYPES ALLOWED**

Accessory Dwelling	Section 4.4.6.1
Cottage	Section 4.4.6.3
Duplex	Section 4.4.6.5
Townhouse	Section 4.4.6.7
Courtyard Housing	Section 4.4.6.9
Apartment	Section 4.4.6.10
Live/ Work	Section 4.4.6.11
Neighborhood Shopfront	Section 4.4.6.12
Civic Building	Section 4.4.6.15

# Environmental Analysis

- Located within the Edwards Aquifer Transition Zone.
- Not located within the 100-year floodplain or floodway
- Not located within the San Marcos River Corridor or River Protection Zone.

ZC-25-15      1537 Post Rd SF-6 to CD-4      Environmental Features



- ▨ Subject Property
- Railroad
- Parcels
- 100 Year Floodplain
- Recharge Zone
- Transition Zone
- Minor



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Date: 12/1/2025

**SAN MARCOS** Planning and Development Services



[sanmarcos.gov](http://sanmarcos.gov)

B

# Infrastructure

- **Streets**

- Conventional Streetscape
- Block perimeter (2,400 feet)
- Improved bicycle & sidewalk connections required along Post Rd at time of site development

- **Utilities**

- City of San Marcos Water / Wastewater/ Electric

ZC-25-15

1537 Post Rd SF-6 to CD-4

Thoroughfare Plan



	Subject Property		Enhanced, St
	Enhanced, Ave		Proposed, Ave
	Enhanced, Blvd		Proposed, Blvd
	Enhanced, HW		Proposed, Pkwy
	Enhanced, Pkwy		Proposed, St

0 45 90 180 Feet

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Date: 12/1/2025



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[sctx.gov](http://sctx.gov)



## Recommendation

- Staff recommends **approval** of ZC-25-15 as presented.



# Zoning District Comparison Chart

Topic	Existing Zoning: Single Family - 6 (SF-6)	Proposed Zoning: Character District – 4 (CD-4)
<b>Zoning Description</b>	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.	The CD-4 District is intended to accommodate a variety of residential options including single-family, two family, and multifamily with limited commercial or mixed use on the corners.
<b>Uses</b>	Residential (single-family), accessory dwelling units, home occupations and civic (See Land Use Matrix)	Residential, limited Commercial, limited Office. (See Land Use Matrix)
<b>Parking Location</b>	No location standards	No parking in the 1 <sup>st</sup> layer; Parking allowed in the 2 <sup>nd</sup> and 3 <sup>rd</sup> Layer
<b>Parking Standards</b>	Depends on use. 2 spaces per dwelling unit required for Single Family attached/ detached structures.	Dependent upon use.
<b>Max Residential Units per acre</b>	5.5	N/A
<b>Occupancy Restrictions</b>	Yes (see Section 5.1.4.2)	N/A
<b>Landscaping</b>	Tree and shrub requirements	Tree and shrub requirements
<b>Building Height (max)</b>	2 stories	3 stories
<b>Setbacks</b>	20' minimum front, side, and rear	5-12' front Setback, 5' side setback, 15' rear set back.
<b>Impervious Cover (max)</b>	50%	80%
<b>Lot Sizes</b>	Minimum 6,000 sq ft lot area, Minimum 50 ft lot width	Allows a variety of lot sizes depending on Building Type with 1,100 sq ft in area and 15' lot in width being the smallest allowed minimums
<b>Streetscapes</b>	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area. Conventional: 6' sidewalk, street trees every 40' on center average, 7' planting area. Mixed Use: 8' sidewalk, street trees every 35' on center average, 7' planting area
<b>Blocks</b>	3,000 ft. Block Perimeter max	2,400 ft. Block Perimeter Max