

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

|                  |                    |                |                           |
|------------------|--------------------|----------------|---------------------------|
| Applicant's Name | Pamela Madere      | Property Owner | Tim Hatch                 |
| Company          | Jackson Walker LLP | Company        | San Marcos Business Park, |

## PROPERTY INFORMATION

Subject Property Address(es): 5700-6000 block of SB IH-35 frontage road; 7.3 ac. Samuel 

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Total Acreage: 7.3 Tax ID #: R 176375

Preferred Scenario Designation: Commercial/Employ Existing Zoning: HI Heavy Industrial

Existing Land Use(s): Vacant

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): HI Heavy Industrial

Proposed Land Uses / Reason for Change: Proposed development of the property for a range of manufacturing and light industrial uses adjacent to existing heavy industrial uses and HI zoned 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/)**

PROPERTY OWNER AUTHORIZATION

I, Tim Hatch (owner name) on behalf of  
San Marcos Business Park, LP (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
7.3 ac. Samuel Croft Sr. Survey, ABS A0089-PID #R176375 - 5700 -6000 Block of SB IH 35 frontage road (address).

I hereby authorize Pamela Madere (agent name) on behalf of  
Jackson Walker LLP (agent company) to file this application for  
zoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:



Date:

4/21/25

Printed Name, Title:

Tim Hatch, Managing Member

Signature of Agent:



Date:

4.21.25

Printed Name, Title:

Pamela Madere

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: Pam Madere

Date: 4.21.25

Print Name: Pamela Madere

Form Updated March, 2023



Pamela Madere  
(512) 236-2048 (Direct Dial)  
(512) 236-2002 (Direct Fax)  
pmadere@jw.com

April 21, 2025

Amanda Hernandez, Director  
Planning and Development Services Department  
City of San Marcos  
630 E. Hopkins Street  
San Marcos, TX 78666

Re: Zoning Application - 7.3 acres out of 25.334 acres in the Samuel Craft Sr. Survey, Abstract A0089, Hays County, Texas, 6000 block of IH 35 southbound frontage road ("**Property**")

Dear Ms. Hernandez:

As authorized by San Marcos Business Park LP ("**Owner**"), I am submitting concurrent annexation and zoning applications for the Property. This is the remainder tract related to zoning case ZC-25-01. The requested zoning is Heavy Industrial ("**HI**") in order to develop the Property for an industrial park. A pre-development meeting was held with the City on October 29, 2024, to discuss the proposed voluntary annexation and zoning for the Property.

The Property is currently adjacent to the Heldenfels property along the southbound IH 35 frontage road in the 5700 block of IH 35 which is developed for a heavy industrial use.

There is a strip of land along the IH 35 southbound frontage road adjacent to the Property which is in the City Limits and is zoned HI; the Property is currently undeveloped.

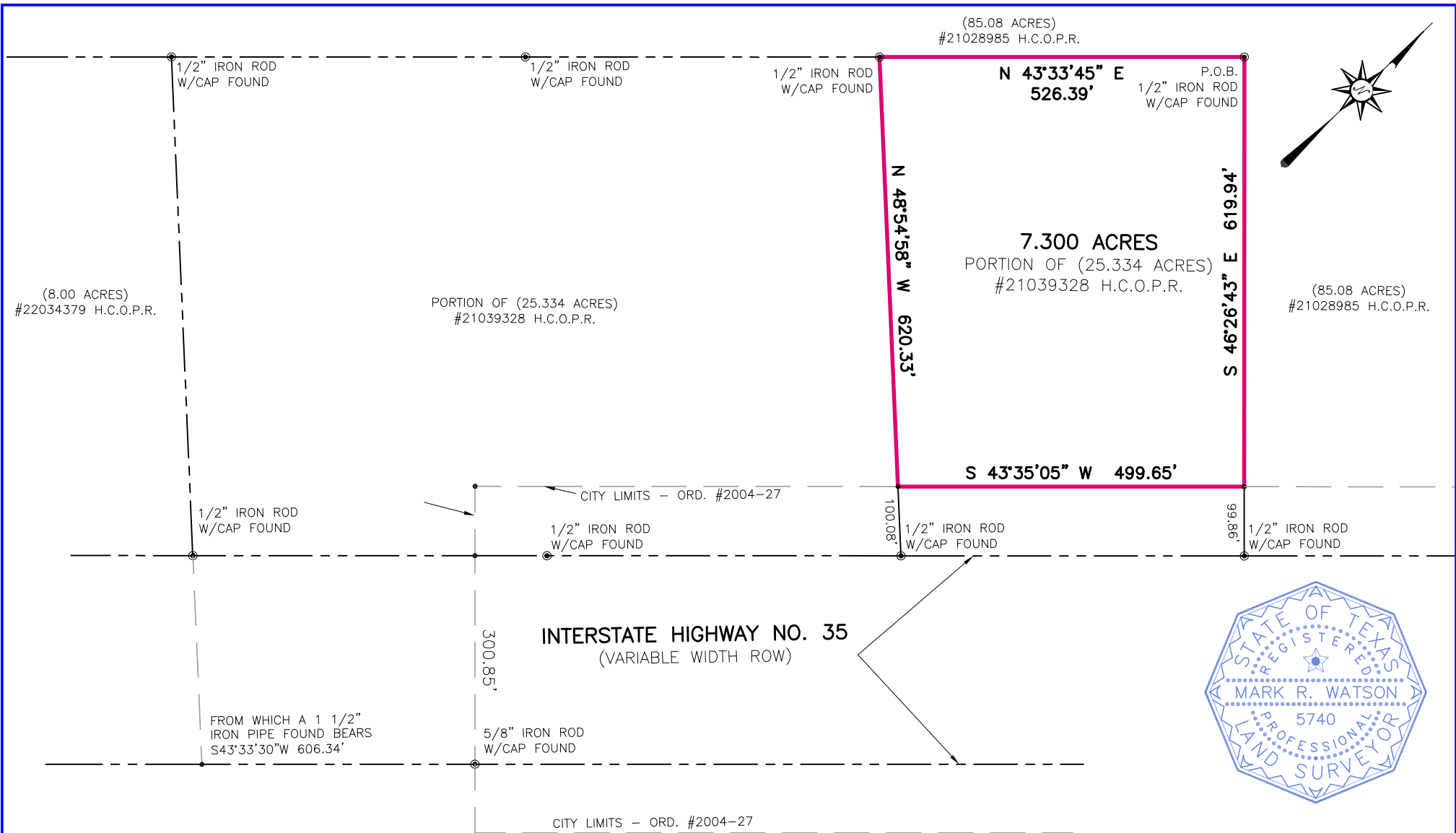
The Comprehensive Plan Preferred Scenario Map does not include the Property which is south of Industrial Fork. The current Preferred Scenario Map designates land north of the Property as Employment Center. The proposed Draft Preferred Scenario Map shows the Property to be designated as Commercial/Employment Low which is appropriate for light and heavy industrial use, as well as retail and services uses, limited to 1-3 stories with surface parking. The proposed use of the Property conforms to this proposed new growth scenario.

Please contact me should you have any questions regarding this annexation/zoning request.

Sincerely,

A handwritten signature in blue ink that reads 'Pam Madere'.

Pamela Madere



LEGEND:

- CALC POINT  
● MONMENT FOUND  
○ MONUMENT SET
- BOUNDARY LINE  
--- ADJOINER LINE  
--- SURVEY LINE

(BRG.-DIST.) RECORD CALL

H.C.P.R. - HAYS COUNTY PLAT RECORDS  
H.C.D.R. - HAYS COUNTY DEED RECORDS  
H.C.O.P.R. - HAYS COUNTY OFFICIAL PUBLIC RECORDS



TX. FIRM REG. #100248-00  
www.crosstexaslandservices.com

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ON-THE-GROUND SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.



REGISTERED PROFESSIONAL LAND SURVEYOR

4-11-2025REV  
11-21-2024  
DATE

NOTE:

1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX SOUTH CENTRAL ZONE AND ARE DERIVED FROM NORMAL GPS TECHNIQUES.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
3. THIS SURVEY A BOUNDARY SURVEY ONLY AND IS NOT AN ENGINEERING DESIGN SURVEY. NO IMPROVEMENTS AND/OR EASEMENTS ARE SHOWN HEREON.

REFERENCE: -----

TYPE OF SURVEY - BOUNDARY

LEGAL DESCRIPTION:

BEING 7.300 ACRES OF LAND OUT OF THE SAMUEL CRAFT SURVEY, ABSTRACT NO. 89 IN HAYS COUNTY, TEXAS

JOB NO. 24-50242

DRAWN BY: MRW

PAGE 1 OF 2

**7.300 ACRE TRACT**

**LEGAL DESCRIPTION:** BEING 7.300 ACRES OF LAND OUT OF THE SAMUEL CRAFT SURVEY, ABSTRACT NO. 89 IN HAYS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 25.334 ACRE TRACT DESCRIBED IN DOC. #21039328 OF THE OFFICIAL PUBLIC RECORDS OF SAID HAYS COUNTY, TEXAS; SAID 7.300 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF CROSS TEXAS LAND SERVICES INC IN NOVEMBER 2024:

**BEGINNING** AT A ½” IRON ROD WITH CAP FOUND FOR A CORNER OF THAT CERTAIN 85.08 ACRE TRACT DESCRIBED IN DOC. #21028985 OF SAID OFFICIAL PUBLIC RECORDS, THE NORTH CORNER OF SAID 25.334 ACRE TRACT AND THE NORTH CORNER HEREOF;

THENCE SOUTH 46°26'43" EAST A DISTANCE OF 619.94 FEET ALONG THE COMMON LINE OF SAID 85.08 ACRE TRACT AND SAID 25.334 ACRE TRACT TO A CALCULATED POINT IN THE NORTH LINE OF THE CITY LIMITS OF THE CITY OF SAN MARCOS AS DESCRIBED IN CITY ORDINANCE #2004-27 FOR THE EAST CORNER HEREOF AND FROM WHICH A 1/2" IRON ROD WITH CAP FOUND BEARS SOUTH 46°26'43" EAST A DISTANCE OF 99.86 FEET;

THENCE SOUTH 43°35'05" WEST A DISTANCE OF 499.65 FEET CROSSING SAID 25.334 ACRE TRACT AND ALONG THE SAID CITY LIMITS TO A CALCULATED POINT FOR THE EAST CORNER OF A 15.475 ACRE TRACT AND THE EAST CORNER OF A 18.245 ACRE TRACT SURVEYED BY CROSS TEXAS LAND SERVICES INC AND THE SOUTH CORNER HEREOF AND FROM WHICH A ½” IRON ROD WITH CAP FOUND BEARS SOUTH 48°54'58” EAST A DISTANCE OF 100.08 FEET;

THENCE NORTH 48°54'58" WEST A DISTANCE OF 620.33 FEET CROSSING SAID 25.334 ACRE TRACT AND ALONG THE NORTHEAST LINES OF SAID 15.475 ACRE TRACT AND SAID 18.245 ACRE TRACT TO A 1/2" IRON ROD WITH CAP FOUND IN THE COMMON LINE OF SAID 85.08 ACRE TRACT AND SAID 25.334 ACRE TRACT FOR THE NORTH CORNER OF SAID 15.475 ACRE TRACT AND THE NORTH CORNER OF SAID 18.245 ACRE TRACT AND THE WEST CORNER HEREOF;

THENCE NORTH 43°33'45" EAST A DISTANCE OF 526.39 FEET ALONG THE COMMON LINE OF SAID 85.08 ACRE TRACT AND SAID 25.334 ACRE TRACT TO THE **POINT OF BEGINNING** CONTAINING 7.300 ACRES MORE OR LESS, AND AS SHOWN HEREON.

**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.**

**SPECIAL WARRANTY DEED**

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

YARRINGTON LAND HOLDINGS LLC, a Texas limited liability company (called "Grantor"), in consideration of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid by San Marcos Business Park, LP, a Texas limited partnership, whose address is 4525 Guadalupe Street, Suite 100, Austin, Texas 78751 (called "Grantee"), the receipt and sufficiency of which are acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of that certain promissory note (the "Note"), dated of even date, payable to the order of Grantor, in the original principal amount of \$2,685,958.34 , and all documents evidencing, securing or pertaining to the indebtedness evidenced by the Note, including without limitation, the obligations under that certain Deed of Trust, covering the Property (the "Deed of Trust"), of even date, executed by Grantee, for the benefit of Grantor, recorded in the Deed of Trust Records of the county in which the Property is located, the payment and performance of which are secured by the vendor's lien retained, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, the real property in Hays County, Texas which is more particularly described on Exhibit A attached hereto (the "Property").

This conveyance is made and accepted subject to the foregoing mineral reservation and to all items on Exhibit B attached hereto, to the extent same are valid and affect the Property (such matters being referred to as the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns FOREVER, subject to the Permitted Exceptions, and, subject to the Permitted Exceptions, Grantor does bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

It is agreed that the vendor's lien and superior title in the Property herein retained are hereby transferred, assigned, sold and conveyed to YARRINGTON LAND HOLDINGS LLC, a Texas limited liability company, as Holder of that certain Note of even date herewith, until such Note and all interest thereon is fully paid and all obligations under the Deed of Trust are fully performed, according to the face, tenor, effect and reading thereof, whereupon this Deed shall become absolute.

Grantor, at the instance and request of Grantee, having advanced and paid in cash to Grantor that portion of the purchase price of the Property as is evidenced by the Note, the vendor's lien, with the superior title to the Property, is retained for the benefit of Grantor, and the same are transferred and assigned to Grantor without recourse.

**IT IS UNDERSTOOD AND AGREED THAT EXCEPT FOR THE WARRANTY OF TITLE CONTAINED IN THIS DEED, (A) THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED AND ACCEPTED BY GRANTEE ON AN "AS IS," "WHERE IS" AND "WITH ALL FAULTS" BASIS, SUBJECT TO ANY CONDITION WHICH MAY EXIST, AND WITHOUT THE EXISTENCE OF AND WITHOUT RELIANCE UPON ANY REPRESENTATION, WARRANTY, AGREEMENT, OR STATEMENT BY GRANTOR, OR ANYONE ACTING ON BEHALF OF GRANTOR INCLUDING, WITHOUT LIMITATION, ANY BROKER, ENGINEER, ARCHITECT, ATTORNEY, SURVEYOR, APPRAISER, OR ENVIRONMENTAL CONSULTANT; (B) GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY ON THE FOREGOING BASIS; (C) GRANTEE IS RELYING SOLELY UPON SUCH INSPECTIONS, EXAMINATION, AND EVALUATION OF THE PROPERTY BY GRANTEE IN PURCHASING THE PROPERTY ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATION, WARRANTY, AGREEMENT OR STATEMENT BY GRANTOR OR ANYONE ACTING ON BEHALF OF GRANTOR, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE, OTHER THAN THE WARRANTY OF TITLE CONTAINED IN THIS DEED; AND (D) GRANTEE HEREBY ASSUMES THE RISK THAT DEFECTS AND OTHER ADVERSE CONDITIONS MAY EXIST ON THE PROPERTY AND RELEASES GRANTOR OF AND FROM ANY AND ALL CLAIMS, ACTIONS, DEMANDS, RIGHTS, DAMAGES, COSTS OR EXPENSES WHICH MIGHT ARISE OUT OF OR IN CONNECTION WITH THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY CONDITION RESULTING FROM OPERATIONS CONDUCTED ON THE PROPERTY OR ON PROPERTY ADJACENT THERETO.**

Real property ad valorem taxes and assessments having been prorated to the date of this Special Warranty Deed, Grantee assumes and agrees to pay when due all such ad valorem property taxes and assessments for the year 2021 and subsequent years.

***SIGNATURE ON FOLLOWING PAGE***

Executed effective as of July 19, 2021.

**GRANTOR:**

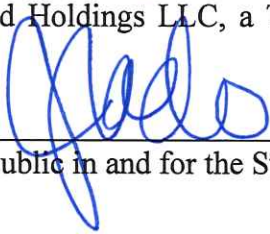
**YARRINGTON LAND HOLDINGS LLC,**  
a Texas limited liability company

By:   
Matt Hainline, Managing Member

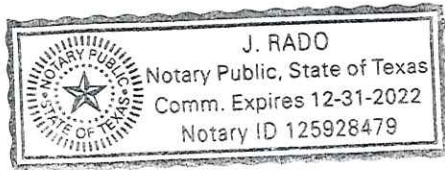
STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 14 day of July, 2021, by Matt Hainline, the Managing Member of Yarrington Land Holdings LLC, a Texas limited liability company, on behalf of said limited liability company.

  
Notary Public in and for the State of Texas

[SEAL]



**EXHIBIT A**

**PROPERTY**

BEING 25.334 ACRES OF LAND OUT OF THE SAMUEL CRAFT SURVEY, ABSTRACT NO. 89 IN HAYS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 110.92 ACRE TRACT DESCRIBED IN VOLUME 1364, PAGE 635 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 25.334 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF CROSS TEXAS LAND SERVICES INC IN JANUARY 2021:

**BEGINNING** AT A ½" IRON ROD WITH ALUM. CAP FOUND IN THE NORTH LINE OF INTERSTATE HIGHWAY NO. 35 FOR THE SOUTH CORNER OF THAT CERTAIN 85.08 ACRE TRACT DESCRIBED IN VOLUME 1974, PAGE 368 OF SAID OFFICIAL PUBLIC RECORDS, A CORNER OF SAID 110.92 ACRE TRACT AND THE EAST CORNER HEREOF;

THENCE SOUTH 43°34'11" WEST A DISTANCE OF 1517.19 FEET ALONG THE NORTHWEST LINE OF SAID HIGHWAY AND THE SOUTHEAST LINE OF SAID 110.92 ACRE TRACT TO A ½" IRON ROD WITH CAP FOUND FOR THE SOUTH CORNER HEREOF;

THENCE NORTH 48°54'58" WEST A DISTANCE OF 720.28 FEET CROSSING SAID 110.92 ACRE TRACT TO A ½" IRON ROD WITH CAP FOUND IN THE SOUTHEAST LINE OF SAID 85.08 ACRE TRACT AND NORTHWEST LINE OF SAID 110.92 ACRE TRACT FOR THE WEST CORNER HEREOF;

THENCE ALONG THE COMMON LINE OF SAID 85.08 ACRE TRACT AND SAID 110.92 ACRE TRACT, THE FOLLOWING 2 COURSES:

1. NORTH 43°33'45" EAST A DISTANCE OF 1548.24 FEET TO A ½" IRON ROD WITH CAP FOUND FOR THE NORTH CORNER HEREOF;
2. SOUTH 46°26'43" EAST A DISTANCE OF 719.80 FEET TO THE **POINT OF BEGINNING** CONTAINING 25.334 ACRES MORE OR LESS, AND AS SHOWN HEREON.

## **EXHIBIT B**

### **PERMITTED EXCEPTIONS**

1. Standby fees, taxes and assessments by any taxing authority for the year 2021, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.
2. Rights of parties in possession.
3. Rights of tenants in possession under unrecorded leases or rental agreements.
4. Easements, or claims of easements, which are not recorded in the public records.
5. Any portion of the property described herein within the limits or boundaries of any public or private roadway and/or highway.
6. 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.
7. Easement as set out in Easement Deed by Court Order in Settlement of Landowner Action Styled Paul D. Drawhorn and Ronald Poor, for themselves and on behalf of all others similarly situated (Plaintiffs) vs Qwest Communications Company, LLC, f/k/a Qwest Communications Corporation, Sprint Communications Company, L.P., and Level 3 Communications, LLC (Defendants), dated February 12, 2015, recorded in/under 5285/106 (aka 15024039), of the Official Public Records of Hays County, Texas.
8. Permanent Sign Easement executed by Yarrington Land Holdings, LLC, to Southfork Frontiers, Ltd., dated December 16, 2020, recorded in/under 20058920, as corrected by Correction Affidavits recorded in/under 20059190 and 20060154, of the Official Public Records of Hays County, Texas.
9. Joint Use Access Easement executed by Yarrington Land Holdings, LLC, to Poco Loco Group, LLC, dated December 17, 2020, recorded in/under 20059251, of the Official Public Records of Hays County, Texas.
10. Subject property lies within the boundaries of the following district: York Creek Improvement District.