

## **ORDINANCE NO. 2021-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-20-26 BY REZONING APPROXIMATELY 15.2331 ACRES OF LAND, GENERALLY LOCATED IN THE 400 BLOCK OF RIVERWAY AVENUE, FROM “CC” COMMUNITYCOMMERCIAL DISTRICT TO “HC” HEAVY COMMERCIAL DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On January 12, 2021, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “CC” Community Commercial District to “HC” Heavy Commercial District for approximately 15.2331 acres of land, generally located in the 400 Block of Riverway Avenue (the “Property”), as described by metes and bounds in Exhibit A, attached hereto and made a part hereof for all purposes.

2. The Planning and Zoning Commission made a recommendation to the City Council to deny the request.

3. The City Council held a public hearing on February 2, 2021 regarding the request.

4. All requirements pertaining to Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City is amended to rezone the Property, as described in Exhibit A, from “CC” Community Commercial District to “HC” Heavy Commercial District.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on March 2, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on March 16, 2021.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A

### FIELD NOTES FOR A 15.2331 ACRE TRACT ZONING CHANGE

A **15.2331 acre tract of land**, being a portion of Lot 1, Block F, of the Final Plat of Blanco Riverwalk Subdivision, as recorded in Volume 14, Page 311 of the Plat Records of Hays County, Texas, also being out of the William Ward Survey, Abstract No. 467 and being described by metes and bounds as follows:

**Commencing** at a point in the centerline of Riverway Avenue, said point being 976.72 feet northwest of the right-of way of Interstate Highway 35, thence, S 66°29'53" W, 27.64 feet to a point, thence, S 43°41'39" W, 33.72 feet to the most southeastern corner of the described tract and the **Point of Beginning**.

1. Thence, in a southwesterly direction, following the southeast line of Lot 1, Block F, of the Final Plat of Blanco Riverwalk Subdivision, as recorded in Volume 14, Page 311 of the Plat Records of Hays County, Texas, thence **S 43°41'39" W**, a distance of **1,126.12 feet** to the most southerly corner of the herein described tract;

Thence, leaving the southeasterly line of Lot 1, Block F, of the Final Plat of Blanco Riverwalk Subdivision, as recorded in Volume 14, Page 311 of the Plat Records of Hays County, Texas, and over and across said Lot 1, block F the following courses:

2. **N 47°54'03" W**, a distance of **103.22** feet;
3. Thence, **N 06°11'03" W**, a distance of **420.16** feet;
4. Thence, **N 04°53'10" E**, a distance of **245.52** feet;
5. Thence, **N 15°31'31" E**, a distance of **381.80** feet;
6. Thence, **N 22°28'07" E**, a distance of **251.15** feet;
7. Thence, **N 43°54'51" E**, a distance of **99.48** feet to the most northeasterly corner of said tract, also being in the southwesterly right-of-way line of Riverway Avenue;

8. Thence, following the southwesterly right-of-way of Riverway Avenue, **S 46°05'09" E**, a distance of **849.13** feet, to the **Point of Beginning** containing **663,552** square feet **or 15.2331** acres.

