

## **ORDINANCE NO. 2022-46**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-22-09, BY REZONING APPROXIMATELY 52.4 ACRES OF LAND, GENERALLY LOCATED BETWEEN HARRIS HILL ROAD AND THE I-35 NORTH FRONTAGE ROAD APPROXIMATELY 600 FEET SOUTH OF SADDLE RUN WAY, FROM “CM” COMMERCIAL DISTRICT TO “LI” LIGHT INDUSTRIAL DISTRICT, OR, SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On March 8, 2022, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “CM” Commercial District to “LI” Light Industrial District for approximately 52.4 acres of land, generally located between Harris Hill Road and the I-35 North Frontage Road approximately 600 feet south of Saddle Run Way (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. The Planning and Zoning Commission approved a recommendation to the City Council regarding the request. The Planning and Zoning Commission, following reconsideration of the request at the direction of the City Council, approved a new recommendation.

3. The City Council held public hearings on April 5 and July 5, 2022, regarding the request.

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

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

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

**SECTION 1.** The Official Zoning Map of the City is amended to rezone the Property, as described in Exhibit A, from “CM” Commercial District to “LI” Light Industrial District.

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

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading and the recording of a restrictive covenant agreement in substantially the form shown in Exhibit B, attached hereto and made a part hereof.

**PASSED AND APPROVED** on first reading on July 5, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on August 2, 2022.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A



### FIELD NOTES FOR A 52.40 ACRE TRACT OF LAND

A **52.40 acre** tract of land, out of the J. Veramendi Survey, Abstract 17, Hays County, Texas and being a portion of a called 216.30 acre tract of land as described and conveyed to Harris Hill Commercial Land Holdings, Ltd., of record in Document No. 20037579, Official Public Records of Hays County, Texas. Said **52.40 acre** tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" at an angle in the easterly right-of-way line of Interstate Highway (I.H.) 35, a variable width right-of-way, as shown on the Texas Department of Transportation (TxDOT) Right-of-Way Map, Account No. 6014-5-6, in the southeast line of a called 73.98 acre tract of land as described in Volume 126, Page 101, Deed Records of Hays County, Texas, for a westerly exterior corner of said 216.30 acre tract and the tract described herein, from which a found TxDOT Monument, Type I, for an angle in the easterly right-of-way line of said I.H. 35 bears, N 05° 27' 06" E, a distance of 314.95 feet;

**THENCE:** N 43° 22' 21" E, departing the easterly right-of-way line of said I.H. 35 and with the common line between of said 73.98 acre tract of land and said 216.30 acre tract, a distance of **1866.87 feet** to a found 6" steel post at the east corner of said 73.98 acre tract, in the southwest line of a called 97.840 acre tract of land as described in Volume 714, Page 603 of the Official Public Records of Hays County, Texas, for the north corner of said 216.30 acre tract and the tract described herein;

**THENCE:** S 46° 40' 58" E, with the common line of said 97.840 acre tract, said 216.30 acre tract, the northwest line of a called 3.00 acre tract as described of record in Volume 1512, Page 315, Official Public Records of Hays County, Texas, and Lot 1A of the Amended Plat of Saddle Brook Lots 1 and 2 as recorded in Volume 18, Pages 22-25, Plat Records of Hays County, Texas, a distance of **2114.12 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the east corner of the tract described herein, from which a found 6" steel post for angle of said Lot 1A and said 216.30 acre tract bears, S 46° 40' 58" E, a distance of 763.30 feet;

**THENCE:** Into said 216.1 acre tract of land, the following sixteen (16) courses:

1. **S 38° 43' 14" W**, a distance of **186.72 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for corner,
2. **N 70° 28' 41" W**, a distance of **136.53 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for angle,
3. **S 75° 39' 00" W**, a distance of **437.28 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for corner,
4. **N 46° 38' 49" W**, a distance of **555.84 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
5. With a tangent curve to the right having a radius of **650.00 feet**, an arc length of **9.21 feet**, a delta angle of **000° 48' 42"** and a chord which bears, **N 46° 14' 28" W**, a distance of **9.21 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of non-tangency,
6. **N 45° 31' 13" W**, a distance of **7.15 feet** to a point of curvature,
7. With a non-tangent curve to the right having a radius of **650.00 feet**, an arc length of **71.28 feet**, a delta angle of **006° 17' 00"** and a chord which bears, **N 42° 03' 49" W**, a distance of **71.28 feet** to a point of non-tangency,
8. **S 51° 04' 41" W**, a distance of **100.00 feet** to a point of curvature,
9. With a non-tangent curve to the left having a radius of **750.00 feet**, an arc length of **82.25 feet**, a delta angle of **006° 17' 00"** and a chord which bears, **S 42° 03' 49" E**, a distance of **81.25 feet** to a point of reverse curvature,
10. With a tangent curve to the right having a radius of **15.00 feet**, an arc length of **22.53 feet**, a delta angle of **086° 04' 37"** and a chord which bears, **S 02° 10' 01" E**, a distance of **20.47 feet** to a point of tangency,
11. **S 40° 52' 18" W**, a distance of **52.88 feet** to a set  $\frac{1}{2}$ " iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,

12. With a tangent curve to the right having a radius of **565.00 feet**, an arc length of **605.63 feet**, a delta angle of **061° 24' 56"** and a chord which bears, **S 71° 34' 46" W**, a distance of **577.05 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
13. **N 77° 42' 46" W**, a distance of **523.96 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature,
14. With a tangent curve to the left having a radius of **635.00 feet**, an arc length of **267.91 feet**, a delta angle of **024° 10' 24"** and a chord which bears, **N 89° 47' 58" W**, a distance of **265.93 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency,
15. **S 78° 06' 50" W**, a distance of **251.46 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature, and
16. With a tangent curve to the right having a radius of **25.00 feet**, an arc length of **39.20 feet**, a delta angle of **089° 51' 01"** and a chord which bears, **N 56° 57' 39" W**, a distance of **35.31 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of tangency in the easterly right-of-way line of said I.H. 35, the westerly line of said 216.3 acre tract and for a southwest corner of the tract described herein, from which a found TxDOT Monument, Type I, for an angle of said I.H. 35 and said 216.3 acre tract bears, **S 12° 02' 09" E**, a distance of 283.95 feet;

**THENCE:** With the easterly right-of-way line of said I.H. 35 and the westerly line of said 216.30 acre tract, the following two (2) courses:

1. **N 12° 02' 09" W**, a distance of **144.05 feet** to a found TxDOT Monument, Type I, for an angle, and
2. **N 05° 27' 06" E**, a distance of **1.78 feet** to the **POINT OF BEGINNING** and containing **52.40 acres** of land situated in the City of San Marcos, Hays County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Field work completed on January 23, 2020.

Job # 20-4003 52.40 Acres

Date: January 24, 2022



**FIELD NOTES FOR A 52.40 ACRE TRACT OF LAND**

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Job # 20-4003 52.40 Acres

Date: January 24, 2022



**EXHIBIT B**

[ATTACH FORM OF RESTRICTIVE COVENANT AGREEMENT]

Date of Recording of Restrictive Covenant: \_\_\_\_\_