

Please spend a few minutes considering the drainage and flood mitigation concerns for the area bound by FM110, SH 80, and the San Marcos River.

Approximately 100 families live between SH80 and the San Marcos River, downstream of FM110. The two creeks being used for drainage of these improved roadways run across the property and roads used by these homeowners. These creeks are prone to frequent flooding and are heavily contaminated by silt and trash with each event.

Currently as I stand at SH80 and FM 110 and look towards the new bridge for SH123, I can see over 500 feet of roadside drainage with only one small rock barrier before the water runs into the creek. This barrier was washed over with silt with less than 1 inch of rain we received in December. Last year, when San Marcos had a 5-inch rain event, this area received a 10-foot rise in the river.

Drainage projects in the city have inadequate retention and filtration of storm water. This is making the flooding problem worse for your downstream neighbors. San Marcos has been very late to the game when it comes to on-site retention and filtration of storm water being required of all developments. Poorly designed stormwater ditches have insufficient grates for catching trash and appear to be rarely cleaned of litter.

Several years ago, the introduction of the Smart Terminal concept raised a lot of alarm bells. A massive amount of time and effort was involved in developing an acceptable plan, not perfect, but acceptable. Many thought the entire area should be a wetland between the two rivers. Now with new property owners for the Smart Terminal and the Cotton Center we are told that a development plan is ready. Unfortunately, very few have seen the plan.

So, what do we do now? The city council of San Marcos should delay approval of rezoning this area as heavy industrial. Allow residents of the area opportunity to review changes in the original smart terminal agreement. Require a public meeting so people can see what is being proposed. The idea of 90% impervious cover is a horrible idea anywhere on this property. A. 50% impervious cover would allow for storm retention and native plantings to filter the drainage. A construction waiver to 80 feet in height sounds horrible if we are looking at stack of graffiti covered railcars. Is this the view we want for people entering the area. Construction anywhere near these creeks should be setback 200 feet. We should require adequate stormwater retention for all new construction at a minimum of a 5-inch rainfall event. The city of San Marcos needs regular and frequent cleaning of all storm ditches. Quit relying on the generous time of volunteers to clean the river. Collect the garbage before it enters the river.

Thank you for your time,

Bruce Jennings, Martindale

February 14, 2023

Dear Planning & Zoning Commission:

My name is Joanne Salas, PhD and my address is 115 Turkey Hollow Circle, San Marcos, Tx 78666.

I am writing to ask that you postpone making any decisions regarding the SMART Terminal until the communities most impacted have time to meet with city staff and the project developers. There is not enough transparency or easily accessible public information about the impact of the SMART Terminal to justify moving forward without a full exploration of its impact on the environment and the surrounding neighborhoods.

When the Council approved this industrial development in 2019, the plan was for Katerra to be the anchor company. At this point, there is no public information on the companies that will be housed at the terminal, yet staff has recommending approval of the developer's request to more than double the size of this project. My husband and I own property in this area and are concerned about the negative impact on the environment and quality of life for residents.

We are concerned with the dangers that will be posed by the increased truck traffic; the increased noise levels; potential toxins from any material passing through the terminal; and harm to the land and river from run-off and other pollutants.

The developer's plan states that traffic impact study will not be conducted until a threshold of trips per day is reached. I do not understand why you would wait until traffic becomes a problem before analyzing potential impact. Making left turns on Highways 21 and 80 already feels unsafe. And, the intersection at HWY 80 and the road to Reedville, FM 1984, is already dangerous. I can't imagine how much worse this will be for residents and for people attending burials or visiting the cemetery on that corner. It seems a traffic impact study should be conducted before building starts instead of waiting for traffic problems.

The plans for constraining noise and decibel levels from the unloading and stacking of cargo containers are insufficient. They set limits for noise during the evenings without considering that elderly and retired residents may be home all-day. Decibel levels above 80 are harmful for people's health. Many of the homes are not well-insulated enough to block the increased noise.

What is the developer doing to protect the residents and the environment from any toxic materials passing through the terminal? Was an environmental study completed and is it public? From what I observed on maps of the proposed development, it looks like there is mixed-use and heavy industrial development bordering the flood plain in several areas. Any damage to the San Marcos River affects the residents living downstream and is likely irreparable.

Historically, zoning decisions favor developers over much less resourced citizens of a community. Heavy industrial developments are built in areas with the least community resistance – those with low to moderate incomes. I am asking that you prioritize the residents, property owners, and the environment over economic gains for the City of San Marcos.

One final point. Does this development include parts of the historic Camino Real de Tejas? If so, how will it be protected from further destruction? Has there been an archeological study to ensure that sacred indigenous sites (including burial grounds) are not destroyed? For way too long, the histories of indigenous and people of color have been sacrificed for economic development from which we rarely benefit.

Please make your decision regarding the expansion of this project as if you or your loved ones would be personally impacted by having the SMART Terminal as a neighbor.

Sincerely,

Joanne Salas, PhD

Dear P&Z

My name is Ramona Brown; I own my home here in San Marcos, Texas, at 332 Perry St.

I am writing because I have many concerns about ZC-23-01. However, I am sure many other people have those same concerns for the environmental and archeological impacts and will bring those concerns to your attention. Moreover, I have read and watched the city council meetings on this rezoning. Therefore, I have little faith that anyone will stop this or put people and our environment before profit and growth. However, I would like to bring something to your attention that I discovered while going door to door of the family homes that are directly impacted by this rezoning to HI.

First, many of these families live near the land and should have received a notice informing them of what was happening; they had yet to receive any notification.

Second, I am glad I speak Spanish because many of these families were Spanish-speaking. Moreover, after speaking with these folks in Spanish, I have identified that many folks need to be notified in their spoken language. Our area has a sizeable Hispanic population. It would be best if you began sending notices in both languages.

Furthermore, I am a college-educated woman who speaks English and holds a bachelor's degree, and I needed help navigating, finding, and understanding the public information provided on the city of San Marcos website. With many privileges, the people I have met have various backgrounds and advanced degrees in city planning, architecture, archeology, land surveying, and research. I understood most of what is being given to the public because of them. My question is how would someone not tech savvy, whose language is not English, or with varying disabilities to read, hear, see, or leave their home supposed to participate in what is occurring in their community that will have a direct impact on them? San Marcos is responsible for creating accessibility for all our neighbors who live in our community.

The main area that I went door to door was Reedville and Maxwell. Ultimately, going door to door made me question these areas' racial, financial, and educational demographics. I did this because all cities have a historical practice of environmental racism that places these developments in their neighborhoods. I hope that the city of San Marcos does everything to refrain from participating in upholding these historically inequitable colonial practices. I

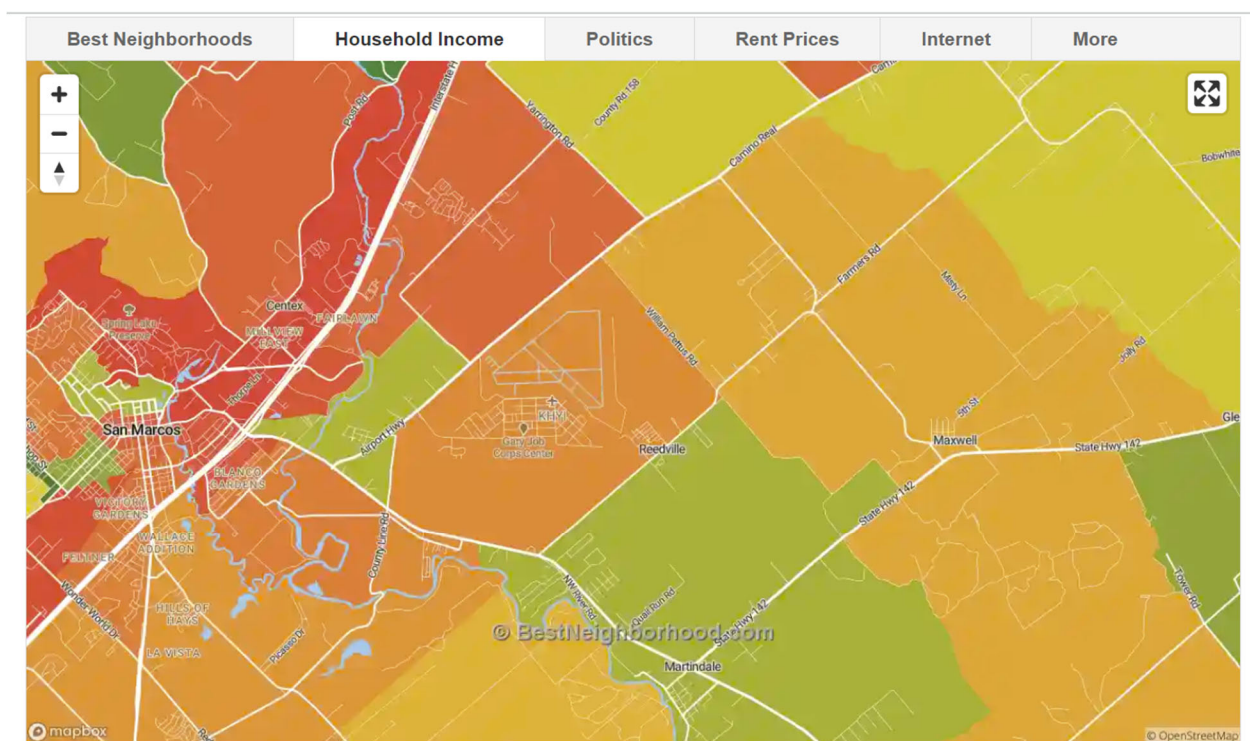


believe these public hearings are meant to obtain input from EVERYONE in our community so that our local government maintains the democratic process its citizens deserve. When reviewing planning and zoning items, please use a social justice and equity lens. Please take the time to go to just a few doors and meet the people you are making decisions for so you can see them and hear them because there were no neighborhoods indicated on that original map sent out as a visual. Thank you so much for taking the time to read through this comment.

Paz,

Ramona

\*Below is a map of Reedville household incomes. In addition to some demographics on Maxwell.



Household Income Key

## Household Income Key

Top 1%

High

Average

Low

"The median household income in Reedville is \$50,266. This means Reedville income is lower than the median income in the United States, with city household incomes in the 34th percentile. Education is usually most correlated with income, and in Reedville 12% of adults have bachelor's degrees or higher versus 31% nationwide. 65% of cities might have higher incomes, and 33% of locations would have lower household income. Compared to nearby cities family and household incomes are lower."

### Maxwell Demographics

#### Education

No High School 6.87%  
Some High School 40.24%  
Some College 38.74%  
Associate Degree 4.24%  
Bachelor's Degree 7.28%  
Graduate Degree 2.63%

#### Race

White 31%  
Claim Hispanic 69%

#### Homeownership

Owner Occupied 66.35%  
Renter Occupied 33.65%

Reference for demographics:

1. <https://www.bestplaces.net/people/zip-code/texas/maxwell/78656>
2. <https://bestneighborhood.org/household-income-reedville-tx/>

**Hernandez, Amanda**

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**From:** stephanie langenkamp <[REDACTED]>  
**Sent:** Tuesday, February 14, 2023 10:49 AM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Proposed zoning change from "Future Development "to "Heavy Industrial " in connection with the SMART Terminal Project

To : Members of the City of San Marcos Planning and Zoning Commission

We moved to San Marcos in 1977 largely because we had fallen in love with the unique beauty of the San Marcos River. In 1979 we bought a house on Riverside Drive so that we could live as close to the river as possible. Later we bought a second house on the near side of Martindale so that we could be even closer to the beautiful river. Throughout our 45 years in the area we have spent countless hours swimming and canoeing in the river, participating in river clean-ups, and developing wonderful friendships with others who love this marvelous river.

A few years ago we were horrified that the "SMART" terminal project moved forward with SM city council approval and with "Heavy Industrial" zoning. This project already includes a **huge** parcel of land which is very close to several large residential areas. The land is criss-crossed with wet-weather streams that flow directly into the San Marcos River very near our home and upstream of Martindale. This irresponsible zoning in this environmentally sensitive area threatens the health of the river, increases the likelihood of both downstream and upstream flooding, and will diminish the quality of life for those who live in the area. The SMART terminal will vastly increase truck traffic, train traffic, noise, and pollution.

**Now we hear that the developer of the SMART terminal project is requesting expansion of "Heavy Industrial"**

**zoning to an additional 588 acres in Caldwell County. We urge you to deny this request for a zoning change. This change would not be in the best interest of the river, those who love the river, nearby neighborhoods, nor any downstream communities along the San Marcos River.**

Thank you for your support on this issue.

Sincerely,  
Phillip Hicks and Stephanie Langenkamp

208 Riverside Drive, San Marcos, TX 78666  
& 191 River Bend Lane, Martindale, TX 78655

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Ana M. Juarez  
342 Newberry Trl.  
San Marcos, TX 78666

February 14, 2023

Planning and Zoning Commission  
San Marcos, TX 78666

Dear Members of the Planning and Zoning Committee,

My name is Ana Juarez and I live at 342 Newberry Trail. I am asking the Planning and Zoning Commission to delay any expansion and re-zoning of the SMART Terminal in order to give the community a chance to meet with city planners and developers to answer the many questions and concerns neighbors have about this development. Developers have been working closely with city staff and council members for many months, even years, but almost no one in the community, especially the adjoining neighborhoods, have had that same opportunity.

We want a seat at the table with P and Z, city council and staff, and developers. We have a long list of concerns, and we want to discuss them before this project gets rezoned. Please give us the opportunity to meet so that we can fully understand the plans and have an opportunity to fully explain our concerns. Three minutes at a public hearing is not enough of an opportunity to answer neighbor's questions and address their concerns.

We need more communication and more transparency to build our cities in collaboration with neighbors. Instead, we get a lack of transparency all along the way. This is not necessarily the intention of developers and city governments, but the process of informing citizens is structured in such a way as to exclude and minimize citizen involvement, rather than to facilitate and include our input throughout the planning stages. Developers have months and years to develop plans, in consultation with specialized city planners, but only a limited number of neighbors, those living within 200 feet of the terminal boundary, receive written notices about the project, and these are received just two weeks before plans will be voted on.

Signs along major roads are also required, but the posted signs, which may have been posted after the required deadline, are pretty meaningless to the majority of citizens. How many of us would know that we should pay attention to a sign that says ZC-23-01, FD to HI, followed by numerical dates? I certainly would not have stopped until I recently learned that FD and HI refer to a Heavy Industrial zoning change. I assure you if the sign said NOTICE: Developer Proposed Heavy Industrial Zoning for 2017 acre Transportation Terminal. Neighbors please call or write for more information, or to attend public hearings, more people would participate.

The SMART Terminal developers basically want to put a major transportation terminal in the middle of nowhere. The huge property, over 2000 acres, is bounded by small two-lane roads. Yes, the 110 Loop is under construction but it is also a two-lane road intended to alleviate current traffic, even as SMTX continues to lead the nation in growth. Major transportation terminals should be located by major highways such as IH 35, IH 10, or 130, not in the middle of nowhere. This terminal is the wrong size and the wrong place.

The new owners of the SMART Terminal wants about two-thirds of their 2017-acre project to be converted to Heavy Industrial Zoning! This means that almost ALL the land between Martindale, Maxwell, Reedville and the intersection of Hwy 21 and Hwy 80 will be zoned for Heavy Industry. To give you a sense of the scope of the project, the total area is about the size of 1,528 football fields. Yes, 1,528 football fields, based on 1.32 acres per field.

Most importantly, the project area provides some of the most affordable housing available in this region. Poor, marginalized, predominantly Hispanic communities will once again bear the brunt of development. Please put people first in this and any other proposals presented to the council. This project will most directly affect neighboring residents, but it will also affect all of San Marcos, Martindale, Reedville, Maxwell and all the other cities and towns located on the San Marcos River.

I respectfully ask you to delay approval of this project until all affected communities have had a real opportunity to learn and understand more about the proposal, and the P and Z, council and developers have thoroughly addressed concerns about impacts on neighboring communities, infrastructure, archaeological sites and the environment. I'm sure developers want to be good neighbors; please give us all an opportunity to have a voice at the table.

Sincerely,

Ana M. Juarez, PhD  
Associate Professor Emerita  
Department of Anthropology, Texas State University

**From:** Nicole Nieto <[REDACTED]>  
**Sent:** Tuesday, March 21, 2023 4:03 PM  
**To:** Cleary, Julia <JCleary@sanmarcostx.gov>  
**Subject:** [EXTERNAL] Case # ZC-23-01

Dear Ms. Cleary,

The developer of the project, Scarborough Dev., SMART Terminal and San Marcos Air Rail Train Terminal Project is supposed to provide Impact Studies for Water, Community, and Transportation has failed to provide adequate information, as per the original agreement/amendments. I believe that NOBODY can, without a narrative, understand what the following map actually MEANS (which is their version of a "residential impact study"). <https://smartdevelopmentproject.com/wp-content/uploads/2023/03/Axis-Residential-Impact-AXIS-PH1-Clean.pdf>

We demand a narrative of water impact, community impact, and traffic impact - principally - BEFORE they are granted permission to move forward. They are bringing in 18-wheelers with tremendous amounts of weight in their containers, which can damage our roads and make it more dangerous for us. Cotton Center was originally supposed to be a PLANNED COMMUNITY DEVELOPMENT for houses and community members, NOT COMMERCIAL, and they took it over.

We as community members want to ensure that they adhere to the requirements provided for the affected members of our community, and that we aren't blind-sided by traffic, noise pollution, water quality and safety, safety for our children, etc., by all of this development. We wouldn't want another Flint, Michigan water scenario for lack of enforcement of the agreed upon standards.

K Nicole Nieto  
Exec. VP  
National Hispanic Institute

Sent from [Mail](#) for Windows

## Hernandez, Amanda

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**From:** Noah Z Brock <[REDACTED]>  
**Sent:** Tuesday, March 21, 2023 11:21 AM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Public Input for SMART Terminal Zoning Change 3-28-23  
**Attachments:** SMART Community Packet.pdf

Dear Planning and Zoning Commission,

Members of the community have spent the last month collecting as much information as we could about the SMART Terminal development and how it will impact our area as well as the City of San Marcos and the City of Martindale. We organized a community meeting on 2-26-23 (the developer did not attend) to inform the public about the project because it was not clear to everyone. From that meeting we learned that they felt unheard and that they did not have a voice. Even adjacent property owners did not receive notice of the development agreement change because that is not required by code. It doesn't matter that the project has more than doubled in size and completely changed in scope. We only received notice if we were within 400 feet of the property being rezoned.

We appreciate you hearing us on February 14th and voting to delay your decision so that we can have meaningful conversations with the developer. So far, none of our input has affected the developers plans for the project. When asked if the developer was willing to make changes to the development based on our input, this was their response:

"We welcome any comments regarding specific request for accommodations that we can review. Our current position is that the development agreement has already been negotiated and approved with the city."

I have attached a packet of information that we have collected in the time that you have given us. This contains a letter to the developer with a list of changes we want to see in the agreement, as well as exhibits that better explain these things. We also have included a list and map of shallow water wells in the area, Q&A with the developer, online petition signers, online petition comments, feedback from the 3/15 meeting held by the developer, comments on the comp plan checklist provided by the city, and comments on the staff report provided by the city.

I am sending this now (3/21/23) in order to get it included in the Planning and Zoning 3/28/23 meeting information packet so that the commissioners have all the information they need in order to vote on this zoning change request.

Thank you,

Noah Brock  
[REDACTED]  
[REDACTED]

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Noah Z Brock <[REDACTED]>

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## Community Amendments to SMART Agreement

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Noah Z Brock <[REDACTED]>  
To: Clayton Kendall <[REDACTED]>  
Cc: JGarber@sanmarcostx.gov, jhughson@sanmarcostx.gov

Mon, Mar 20, 2023 at 6:46 PM

Hi Clayton,

We have been working with community members since February 14th to gather their concerns and feedback on the SMART Terminal development. This has consisted of holding a community meeting as well as going door to door to explain the development to them in terms that they could understand. Over the past month we have gathered quite a lot of data. We have come up with the attached list that itemizes the changes that we, the community, would like to see in the development agreement. This stems from the fact that the land in question is in a "low impact" area of the City of San Marcos Comprehensive plan, but the land usage and zoning is considered "high impact." A type of development like this needs to be done with utmost care, because it will have irreversible impacts on the land, the surrounding communities, and the environment. We never had the opportunity to give input on the development agreement because it was an amendment, not a new agreement. However, the size and scope of the project has drastically changed, and we would like a seat at the table.

This is not an exhaustive list. We are still actively gathering information from the community and may have more input as it becomes available.

Please see the attached document.

Thank you,  
Noah Brock  
[REDACTED]



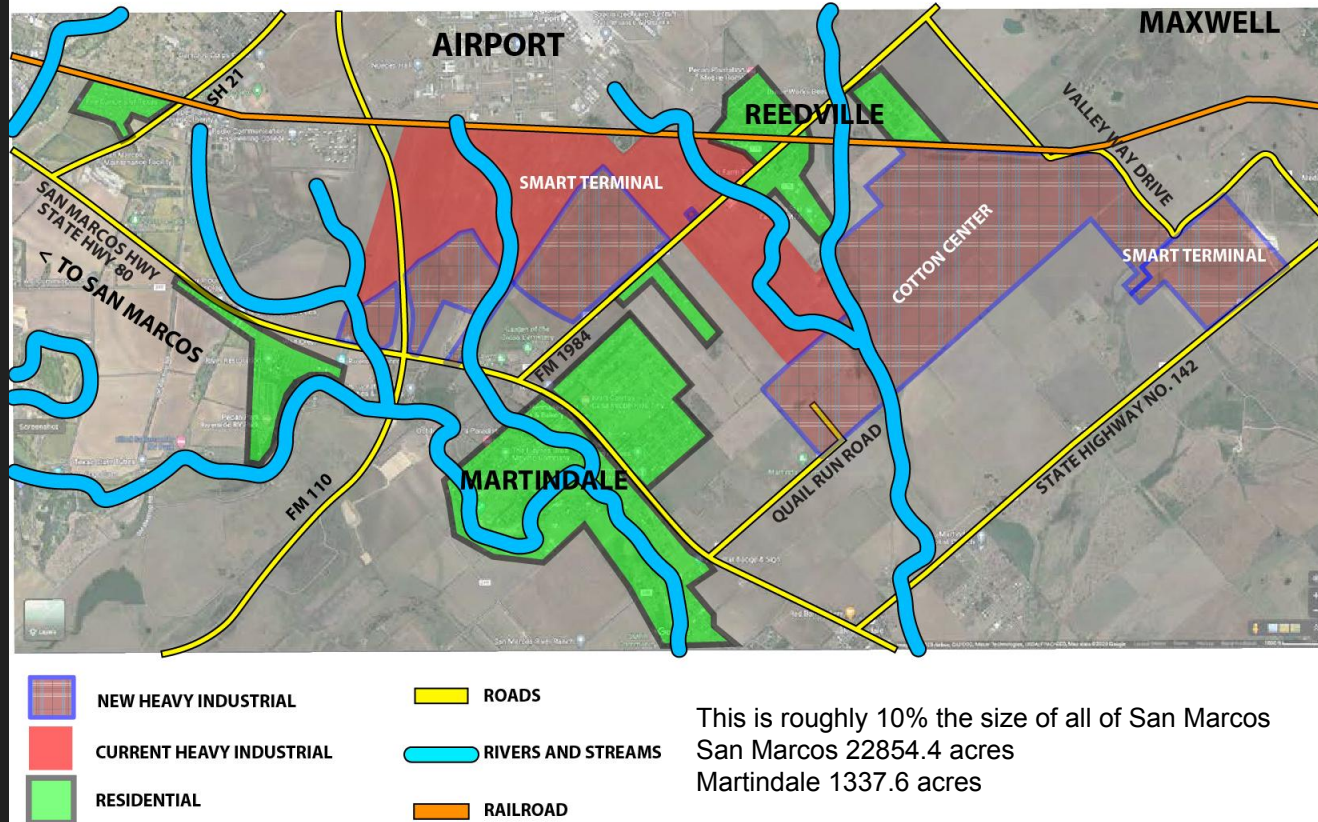
**SMART Community Petition.pdf**  
39K

Dear Clayton Kendall and members of the SMART Terminal Development Team,

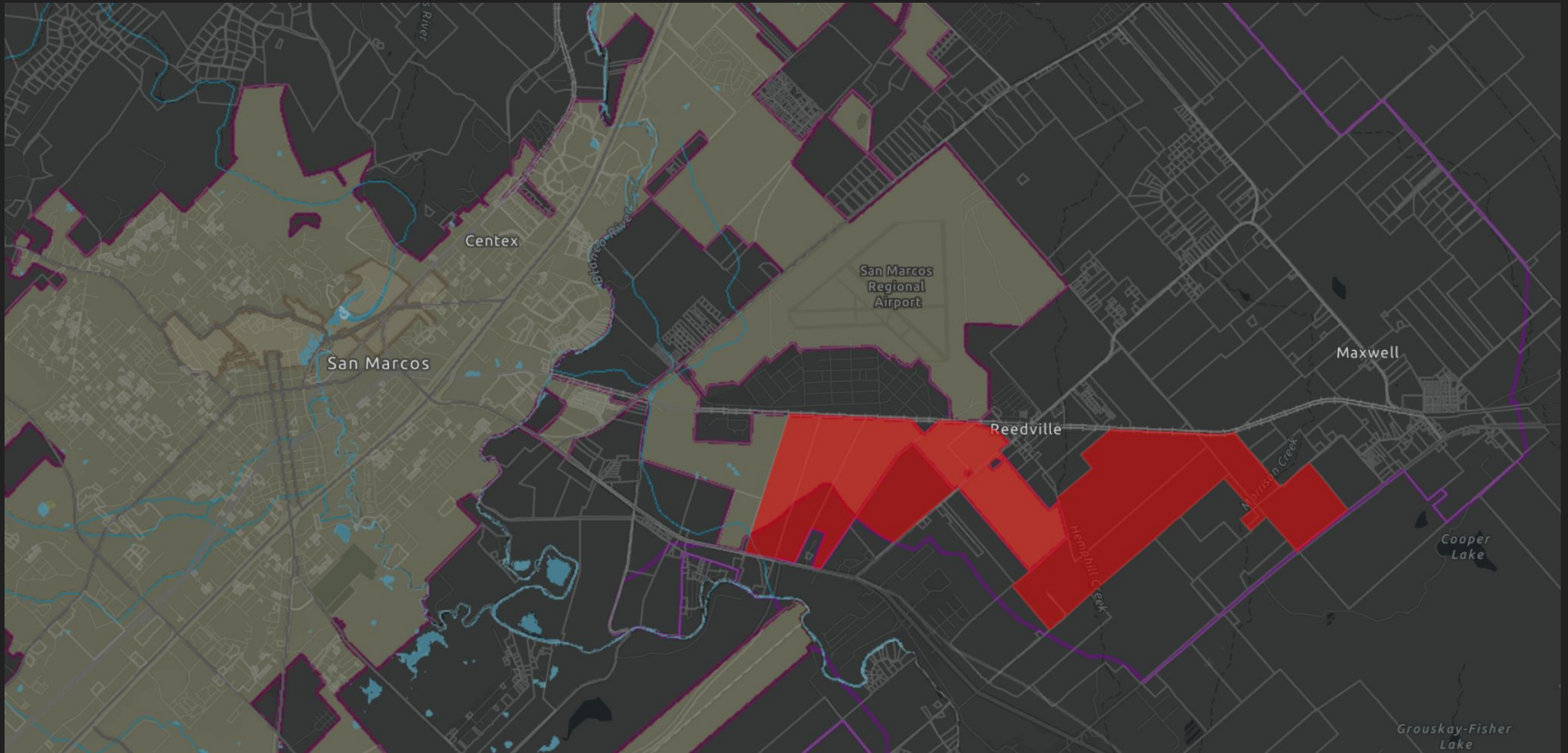
We, the concerned community members, feel that the SMART Terminal Development Agreement (PDA-22-07) does not have enough regulations for the proposed zoning of the property. Since the property is within a “Low Impact” zone on the City of San Marcos Comprehensive plan, there needs to be stricter guidelines implemented to ensure that neighbors and the environment are not affected negatively. Therefore we are proposing the following items be amended to PDA-22-07:

1. Add the following to prohibited land uses:
  - a. Bio-medial facilities
  - b. Electronic Assembly/Hi-Tech Manufacturing
  - c. Plastic Products Molding/Reshaping
  - d. Stone/Clay/Glass Manufacturing
  - e. All battery manufacturing
  - f. Manufacturing processes w/hazardous byproducts
2. Remove the following from permitted land uses:
  - a. Bio-medical facilities
  - b. Electronic Assembly/High Tech Manufacturing
  - c. Manufacturing Processes not listed
3. Increase protective yards or buffer zones:
  - a. 350 ft where adjacent to existing residential uses (zoned and non-zoned)
  - b. Use of plants that are native to blackland prairie
4. Stormwater/drainage/runoff study:
  - a. Will occur prior to rezoning, just like the previous SMART terminal rezoning
5. Traffic Impact Analysis:
  - a. Will occur prior to rezoning
  - b. Will work with TXDOT to determine how this project fits with their plans
  - c. Will define main entrances to the site and truck routes
6. Noise Decibel Levels and Hours:
  - a. Quiet Hours should be established near existing residential (zoned and non-zoned)
  - b. 10AM-8PM maximum of 85 decibels
  - c. 8PM-10AM maximum of 75 decibels
  - d. Maximum of 63 decibels at adjacent residential property line (zoned and non-zoned) at any time
7. Parkland Dedication:
  - a. City of San Marcos requires 33 acres per 1000 residents OR 5.7% of area per 1000 residents for residential developments
  - b. 264 acres should be dedicated to parkland
8. Cut and Fill:
  - a. This should be reduced to 8 feet by right to match the previous SMART Terminal Development Agreement due to the height of the existing water table and shallow wells
9. Impervious Cover:
  - a. Gross Impervious cover should be reduced to 60% due to the fact that the current water quality zones/flood areas are being counted in the total
  - b. Katerra tract from previous agreement was able to keep impervious cover to 54%
10. Water Quality Volume Treatment Level:
  - a. This should match the directly adjacent “San Marcos River Protection Zone” of 80% removal of suspended solids from a 1.25” rainfall
11. Removal of outdoor storage height waiver:
  - a. Since there is no projected rail use, the waiver for intermodal container stacking should be removed
12. Implement a wildlife corridor
  - a. Since this is a large chain of property that is currently used by wildlife

## PROPOSED SAN MARCOS AIR RAIL AND TRUCK TERMINAL



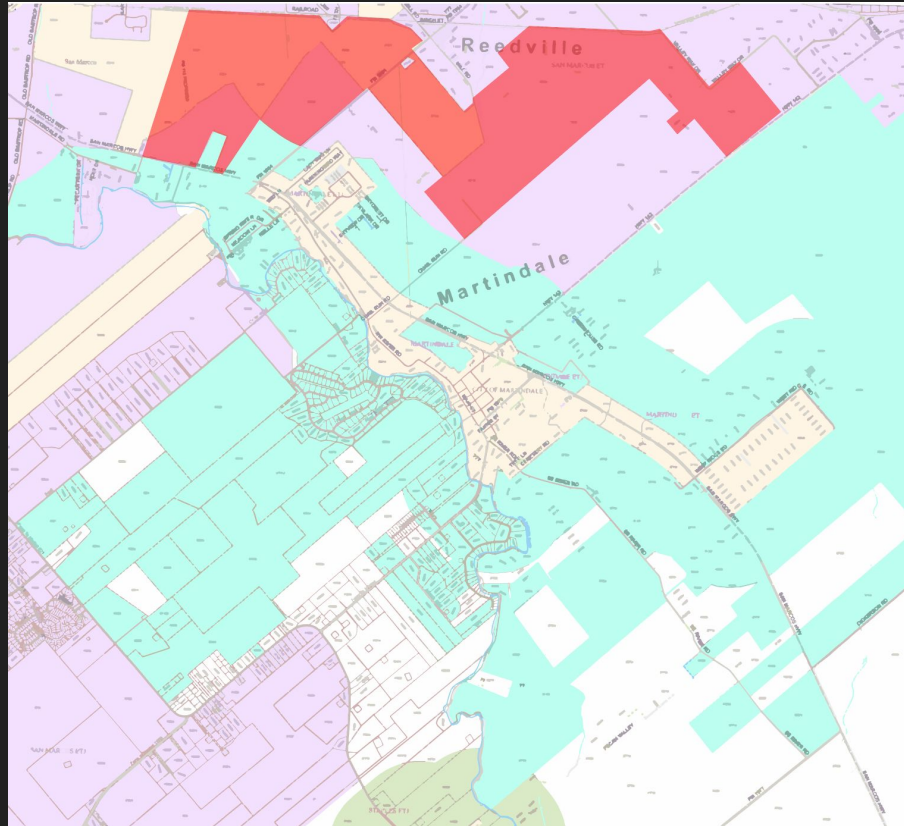
This is roughly 10% the size of all of San Marcos  
San Marcos 22854.4 acres  
Martindale 1337.6 acres



San Marcos 22854.4 acres

The proposed expanded SMART will be roughly 9% the size of the City of San Marcos. Original SMART was 4% the size of San Marcos

Old SMART Terminal 888 acres  
New SMART Terminal 2017 acres



Martindale 1337.6 acres

The proposed expanded SMART will be roughly 50% LARGER than the City of Martindale. Original SMART was 34% smaller than Martindale

Old SMART Terminal 888 acres  
New SMART Terminal 2017 acres





This shows a stack of 6 rail cars, SMART Terminal could go as high as 9, reaching up to 80 feet high. Stacking cranes will reach up to 120 feet high.

Lower right shows [Intel's chip facility that produced nearly 15,000 tons of waste in the first three months of 2021](#), about 60% of it hazardous. It also consumed 927 million gallons of fresh water, enough to fill about 1,400 Olympic swimming pools, and used 561m kilowatt-hours of energy IN 3 MONTHS. This type of facility would currently be ALLOWED under the development agreement as it is currently written.



What is Heavy Industrial?

# Prohibited Land Uses

Current list of prohibited land uses in the Development Code.

1. Acid manufacturing
2. Gas manufacturing
3. Vehicle wrecking yard
4. Junk yard, including storage, sorting, bailing or processing of rags
5. Manufacturing or storage of hazardous materials or explosives, except for fuels contained in vehicles, locomotives, or railcars
6. Manufacturing or storage of fertilizer
7. Manufacturing of carbon batteries
8. Manufacturing of paint, lacquer, oil, turpentine, varnish, enamel and similar products
9. Manufacturing of rubber, glucose, or dextrin
10. Manufacturing of paper or pulp
11. Manufacturing or distillation of tar
12. Monument or marble works
13. Oil compounding and barreling plant
14. Operation of a business that provides the services of disposal, storage, reduction or incineration of solid or hazardous waste (including garbage, refuse, trash, sewage, offal, dead animals)
15. Extraction or refining of petroleum or its products
16. Distillation of bones
17. Smelting of iron, tin, zinc, copper or other ores
18. Fat rendering
19. Stockyards or slaughter of animals
20. Cemeteries
21. Labor camps
22. Jails or honor farms
23. Refining or retail sale or bulk storage of fuel, liquified petroleum and flammable liquids
24. Manufacturing of cement, lime, and gypsum plaster
25. Rock crushers
26. Sugar refining

# Permitted Land Uses

Current list of permitted land uses in the Development Code. There are some specifics that are concerning. They are highlighted in yellow.

1. Office (Health Services)
2. Offices (Medical Office)
3. Offices (Professional)
4. Call Service Center
5. Communication Equipment (Installation and/or Repair)
6. Medical Supplies and Equipment
7. Cabinet Shop (manufacturing)
8. Retail Store w drive thru
9. Retail Store w/o drive thru (under 100,000 sqft. building)
10. Security Systems Installation Company
11. Upholstery Shop (non-auto)
12. Woodworking Shop (ornamental)
13. Electrical Substation
14. Governmental Building or Use
15. Philanthropic Organization
16. Auction Sales (non-vehicle)
- 17. Bio-Medical Facilities**
18. Caterer
19. Extermination Service

20. Furniture Manufacture
21. Urban Farm
22. Maintenance/Janitorial Service
23. Metal Fabrication Shop
24. Moving Storage Company
25. Warehouse/Office and Storage
26. Welding Shop
- 27. Manufacturing**
28. Airport Support and Related Services
29. Distribution Center
- 30. Electronic Assembly/High Tech Manufacturing**
31. Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair
32. Food Processing (no outside public consumption)
33. Laboratory Equipment Manufacturing
34. Machine Shop
- 35. Manufacturing Processes not Listed**
36. Micro-Brewery (onsite mfg. and sales)



# Permitted Land Uses continued

## **37. Plastic Products Molding/Reshaping**

38. Research Lab (non-hazardous)

39. Sign Manufacturing

## **40. Stone/Clay/Glass Manufacturing**

41. Hotel or Motel

42. Vehicle Repair (Train maintenance)

43. Building Material Sales

44. Day Care Services

45. Data Center\*

46. Distribution and processing of construction materials

47. Railroad freight or classification yard

48. Railroad roundhouse or RR car repair shop

49. Railroad tracks; team, spur, loading or storage

50. Terminal, truck, freight or rail

51. All Heavy Industrial Uses authorized by the COSM

Zoning Code, not specifically prohibited by Subsection (B)

1. Bank or Savings and Loan (w/o drive-thru)

2. Convenience Store w/o Gas Sales

3. Restaurant/Prepared Food Sales

4. Restaurant/Prepared Food Sales with beer/wine  
off-premises consumption

5. Retail Store (100,000 sq./ft. or more building)

6. Retail Store (over 100,000 sq./ft. or more building)  
outside sales

7. Retail Store (under 100,000 sq./ft. or more building)  
outside sales

8. Retail Store (under 100,000 sq./ft. or more building) no  
outside sales

# Waivers in Development Agreement

These waivers allow the developer to have exceptions to specific City codes that require specific restrictions to protect community and design.

Maximum block perimeter increased to 10,000ft

Code states 5,000ft

Blank wall areas increased when 300 ft away from public road

Code rules apply everywhere

Chain link fencing allowed

Code does not allow for chain link fencing

Eliminated landscaping in trailer parking areas, trees to be installed elsewhere

Code requires landscaping in all parking areas

Sidewalk access eliminated for industrial areas

Code requires pedestrian access everywhere

Increased cut and fill to 15ft and 20ft by right

Code states 4ft by right, previous agreement 8ft

Outdoor storage height increased to 80ft for railcar stacking

Code states 12ft

# Other information

City of San Marcos will pay all water and wastewater impact fees during the development of the property

Traffic Impact Analysis is required at first plat (aka dividing the property)

Developer will pay for all costs of infrastructure and land improvements

Developer will dedicate (2) 3 acre parcels for 2 fire stations

Developer will dedicate 8 acres for parkland

Impervious cover reduced to 70% from 80% by code overall. (90% maximum per plat)

At least 70% suspended solids are removed from stormwater produced by a 1.25" rainfall

Stormwater discharge will be 10% less than existing for 2, 10, 25, and 100 year storm events

Sound levels 10am - 10pm maximum 85 decibels

Sound levels 10pm - 10am maximum 75 decibels

# What the community wants

- Add to and modify the prohibited land use list
- Increased size of protective yards or buffers
- Stormwater study prior to rezoning
- Reduction in cut and fill
- Traffic Impact Analysis (TIA) prior to rezoning
- Establish Quiet Hours near existing residential
- Dark Skies compatible lighting for the entire site
- Increase parkland dedication
- Reduced impervious cover
- Increased Water Quality Volume treatment level
- Plan wildlife corridors

# Prohibited List additions

- Bio-Medical Facilities
- Electronic Assembly/High Tech Manufacturing
- Plastic Products Molding/Reshaping
- Stone/Clay/Glass Manufacturing
- **Manufacturing processes w/ hazardous byproducts**
- All Battery Manufacturing

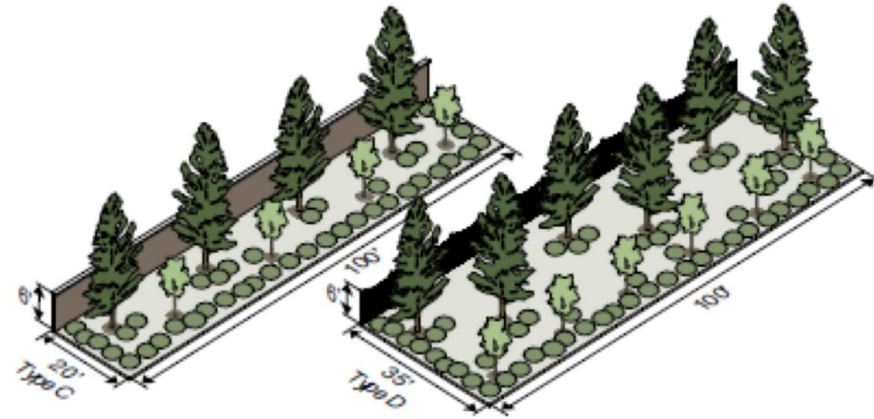
# Protective Yards or Buffer Zones

One of these types is required when transitioning from HI to any Residential

Neighboring properties are not zoned residential because they are outside of city limits.

Section 7.2.2.4 COSM Dev Code

**Due to the scale of this development:  
Increase minimum depth to 350 feet  
next to existing residential properties.  
This should include vegetation  
screening and walls where necessary.**



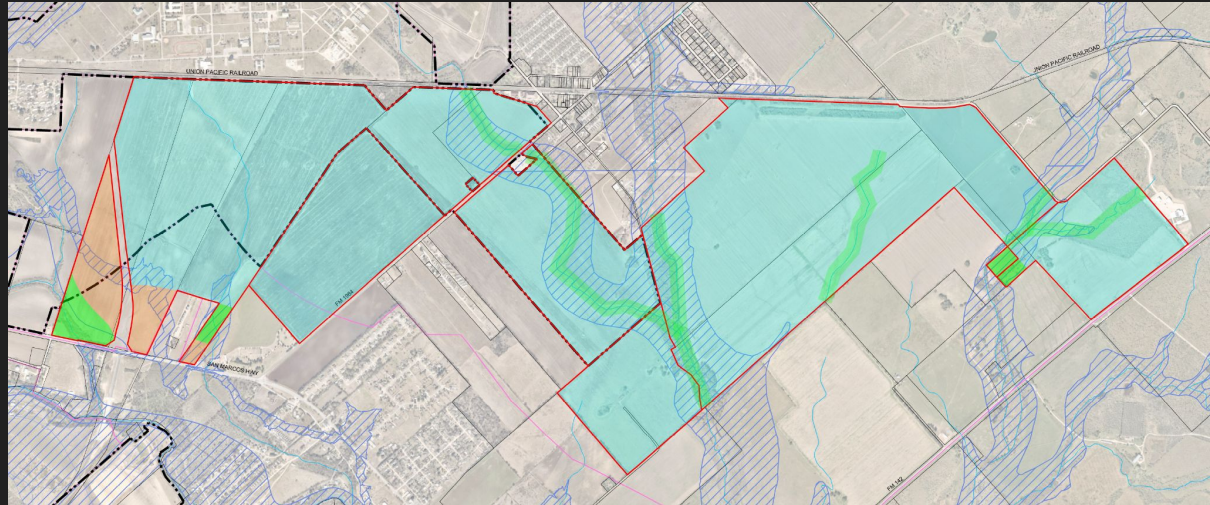
	TYPE C	TYPE D
Depth (min)	20 ft.	35 ft.
Fence Height (min)	Not Allowed	6 ft.
Wall Height (min)	6 ft.	Not Required
Shade Trees (min per 100 ft.)	4	6
Understory Trees (min per 100 ft.)	4	6
Shrubs (min per 100 ft.)	40	60

# Stormwater Study

Development agreement states this is required by the first plat

Stormwater study was done by Halff at the request of the City during the previous SMART Terminal annexation and rezoning.

This should be done prior to rezoning due potential for land use changes.



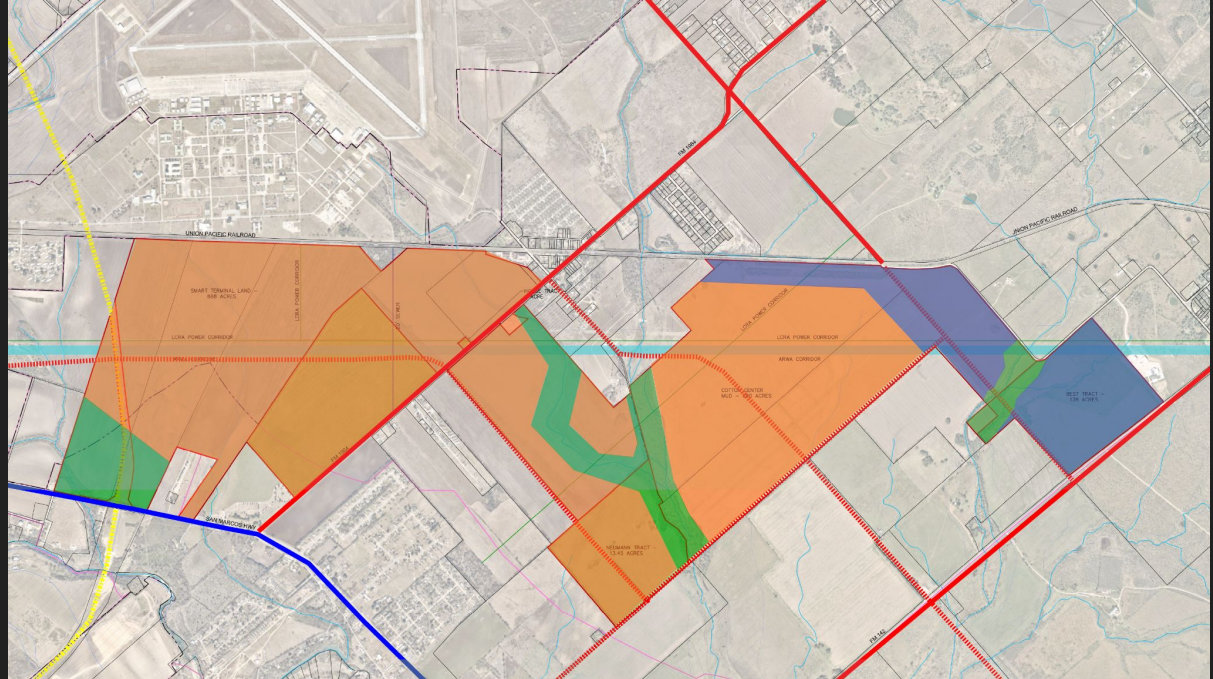
# Reduce Cut and Fill

Orange is 15 feet

Blue is 20 feet

Green is 4 feet

This needs to be reduced to 8 feet by right since the existing water table is 12-15 feet below the surface. This was stated in the 3/19/19 City Council meeting.





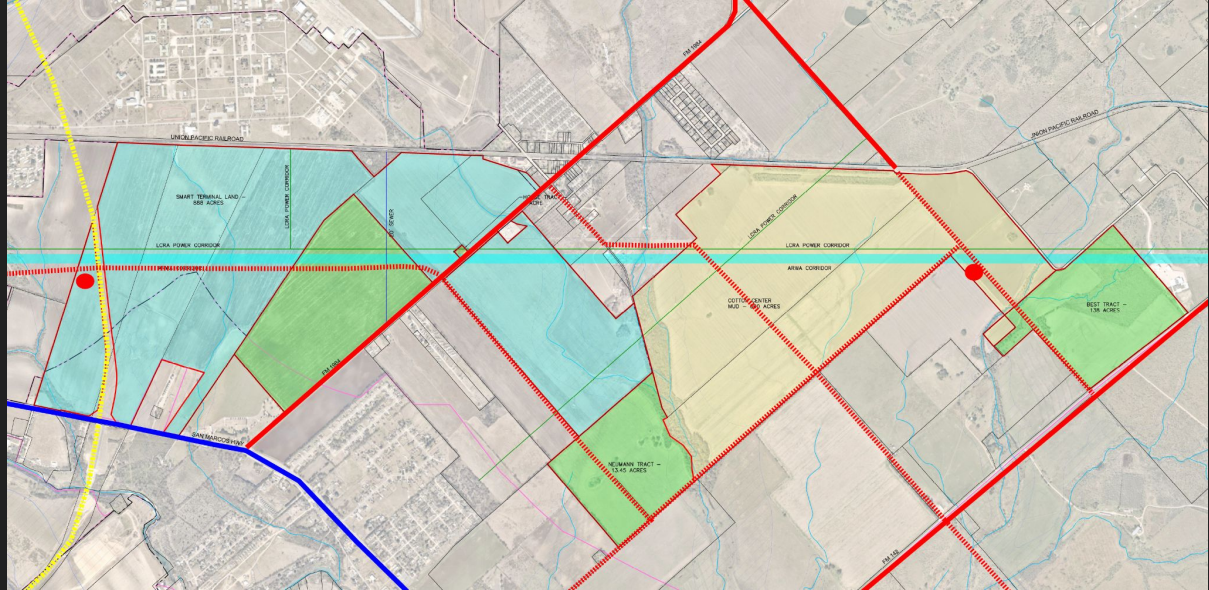
# Traffic Impact Analysis (TIA)

Develop agreement states that a TIA will be required at first plat

Current expansion to SH 80 and FM 110 is to alleviate current traffic congestion in the area.

This will require further expansion to both in order to handle increased truck traffic.

**This TIA should happen prior to rezoning due to the fact that the City will be responsible for maintaining all newly added roads within the Industrial park. These will experience a lot of wear and tear with heavy truck traffic.**



# Quiet Hours

Sound levels 10am - 10pm maximum  
85 decibels

Sound levels 10pm - 10am maximum  
75 decibels

**Quiet Hours should be established  
near existing residential areas in  
accordance with existing residential  
requirements**

**10am-8pm maximum of 85 decibels**

**8pm-10am maximum of 75 decibels**

**Maximum of 63 decibels measured  
at residential properties (zoned and  
unzoned)**

## DIVISION 2: STANDARDS

### Section 7.4.2.1 Noise

- A. Noise Level Maximums.** Sound equipment at a business shall not be operated so that it produces sound:
1. In excess of 85 decibels for a period exceeding one minute between the hours of 11:00 a.m. and 10:00 p.m., as measured at the property line of the business or beyond.
  2. In excess of 75 decibels for a period exceeding one minute between the hours of 10:00 p.m. and 11:00 a.m. as measured at the property line of the business or beyond.
  3. In excess of 63 decibels at any time as measured from within the property line of any residential zoning or use.

# Dark Skies Lighting

Main source of light pollution in the area is from the Gary Job Corp

All other adjacent areas are Rural Residential, or agricultural

Lighting should match the existing lighting in the area and focus on minimizing light pollution.

**Model Lighting Ordinance (MLO)**  
developed by IDA and the  
Illuminating Engineering Society  
of North America (IESNA)



**Illuminating**  
ENGINEERING SOCIETY



**JOINT IDA - IES**  
**Model Lighting Ordinance**  
**(MLO)**  
**with USER'S GUIDE**

# Parkland Dedication

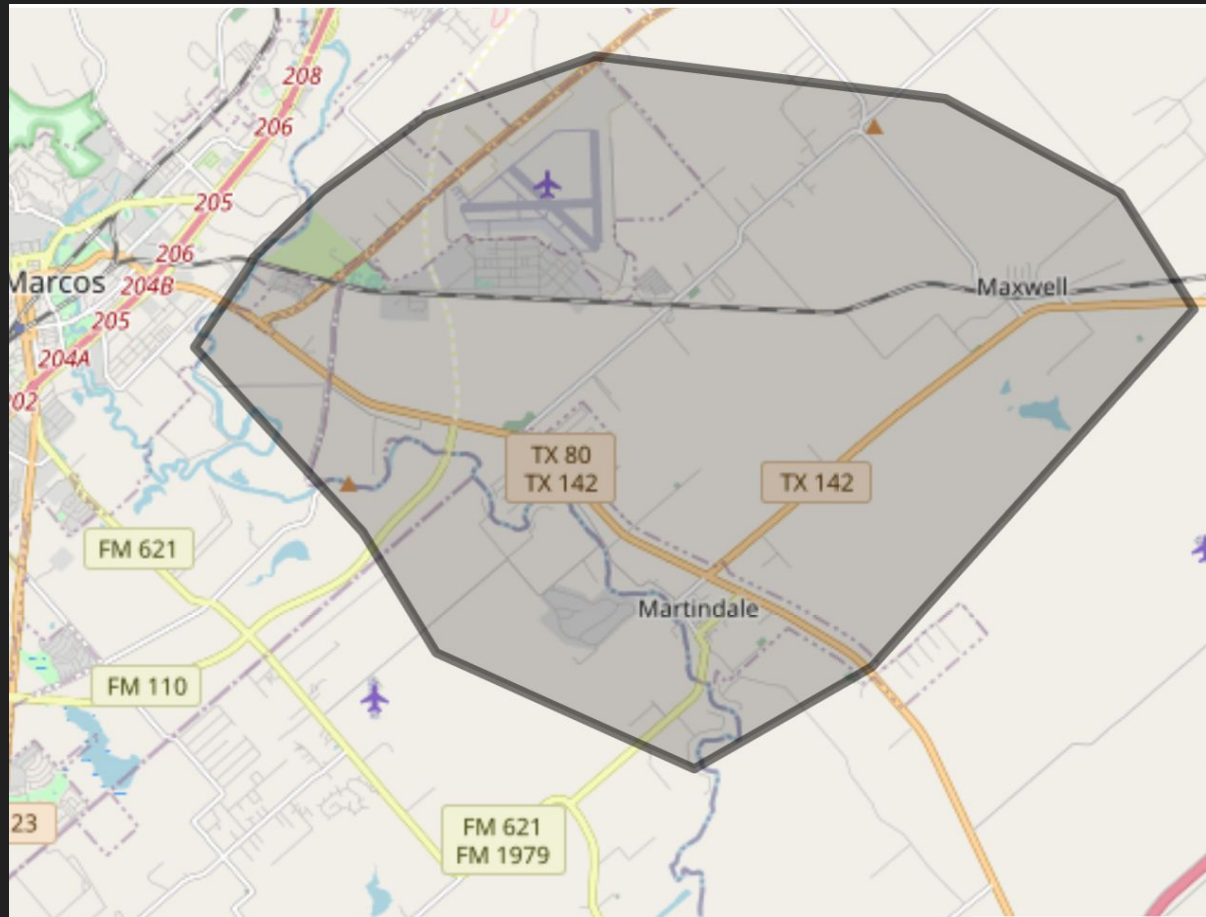
Current development says 8 acres

For other developments the City of San Marcos requires 33 acres per 1000 residents  
OR  
5.7% of area per 1000 residents

Population in selected area ~ 8000

$8000/1000 = 8 \times 33 = 264$   
 $2017 \times .057 = 115 \times 8 = 920$

**Park Dedication of:**  
**264 acres**  
OR  
**920 acres**



Parkland dedication is required for other types of development except for Commercial and Industrial. Because of the proximity to existing residential, this should be a requirement for this development. Here are the numbers that are used to calculate what this parkland dedication should be.



# Reduction of Impervious Cover

City Code specifies maximum 80%

Development agreement is 70% or 1412  
acres

Katerra tract from original agreement was  
54%

**Maximum overall should be set to  
60% due to the fact that this area is  
considered “Low-Impact” in San  
Marcos Comprehensive plan and  
much of it drains to the River and  
that the flood zones and easements  
are included in this calculation.**



# Increased Water Quality Volume treatment level

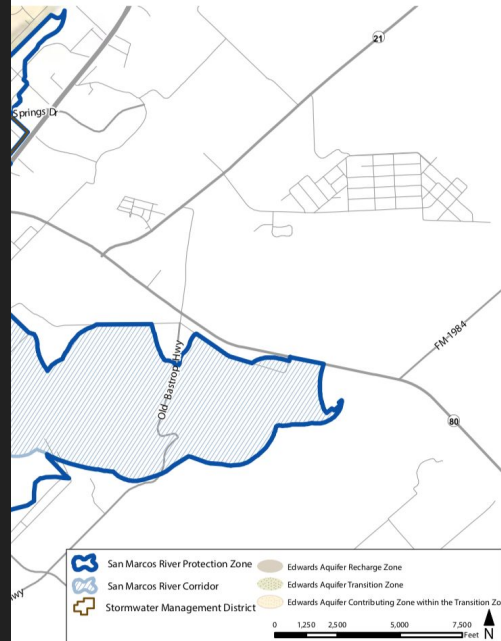
Development Agreement states 70% of suspended solids will be removed from water runoff

The San Marcos River Protection Zone is directly adjacent to the property and is fed from the property by several creeks

This should be increased to 80% to match the WQV of the San Marcos River Protection Zone

**TABLE 6.1 WATER QUALITY VOLUME AND TREATMENT LEVEL TABLE**

LOCATION	WQV AMOUNT DESIGN RAINFALL	WQV TREATMENT LEVEL
Edwards Aquifer Recharge Zone	1.60"	89%
Edwards Aquifer Transition Zone and Contributing Zone within the Transition Zone	1.25"	85%
San Marcos River Protection Zone	1.25"	80%
San Marcos River Corridor	1.60"	89%



# Wildlife Corridor

These 2017 acres are currently used by a large variety of wildlife

This includes migrating birds, deer, foxes, bobcats, and other native animals that need our protection

This large of on an area with impervious cover will greatly impact the current wildlife movement through the area.

Establishment of a designated green space/wildlife corridor will prevent the loss of these creatures.

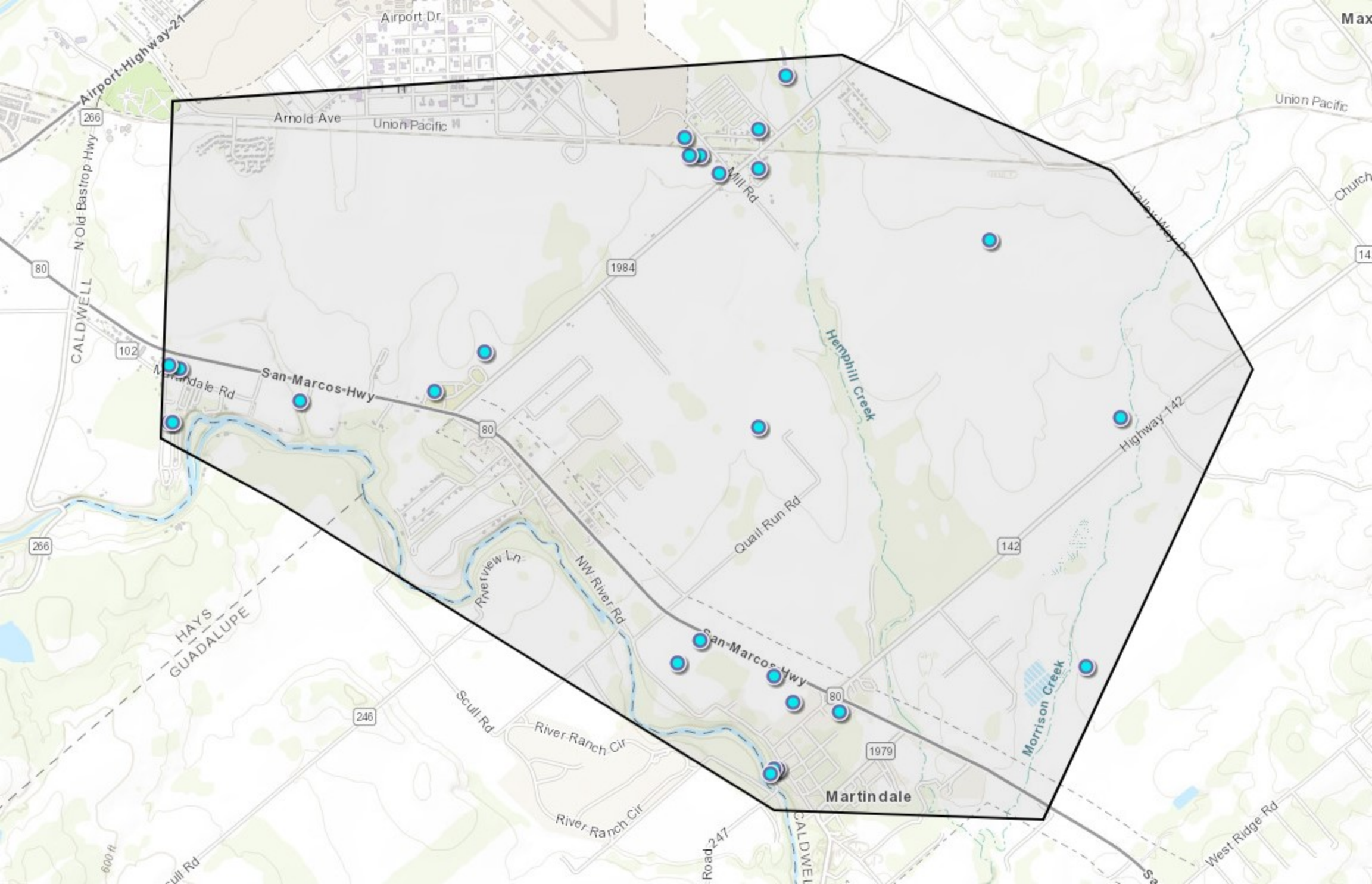


## Ground Water Wells in Close Proximity to the project

State Well Number	Owner	Water Use	Elevation (	Well Depth (ft)	Water Level Observation Type	Water Quality Available	Aquifer Code Name	Latitude (DD)	Longitude (DD)	County	Well Type
6702705 - Scanned Do C. C. Fehlis		Domestic	560	22	Miscellaneous Measurements	Y	110AVML - Alluvium and Leona Formation	29.880833	-97.846667	Caldwell	Withdrawal of Water
6710104 - Scanned Do Memory Lawn Memorial Park, Inc.		Irrigation	555	23	Historical Observation Well	Y	100ALVM - Alluvium	29.864445	-97.87	Caldwell	Withdrawal of Water
6702706 - Scanned Do J. T. Ellis		Domestic	560	25	Miscellaneous Measurements	Y	110AVML - Alluvium and Leona Formation	29.878055	-97.849445	Caldwell	Withdrawal of Water
6710201 - Scanned Do O. M. Hoffman		Domestic	534	25	Miscellaneous Measurements	Y	112LEON - Leona Formation	29.862778	-97.820555	Caldwell	Withdrawal of Water
6710101 - Scanned Do Martindale WSC (#1) T.B. Martin		Plugged or Destroyed	515	26	Miscellaneous Measurements	Y	112LEON - Leona Formation	29.840556	-97.845834	Caldwell	Withdrawal of Water
6702707 - Scanned Do Reedville Grain and Elevator		Domestic	563	26	Miscellaneous Measurements	Y	100ALVM - Alluvium	29.879167	-97.851667	Caldwell	Withdrawal of Water
6710110 - Scanned Do Garden of the Cross Cementary		Irrigation	560	27	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.866944	-97.866389	Caldwell	Withdrawal of Water
6702702 - Scanned Do Courtenay Marshall		Unused	565	27	Miscellaneous Measurements	Y	100ALVM - Alluvium	29.880278	-97.851945	Caldwell	Withdrawal of Water
6702708 - Scanned Do Joe K. Alexander		Irrigation	560	29	Miscellaneous Measurements	Y	100ALVM - Alluvium	29.884167	-97.844722	Caldwell	Withdrawal of Water
6710103 - Scanned Do Mrs. Ed Kasch		Domestic	541	29	Miscellaneous Measurements	Y	112LEON - Leona Formation	29.862223	-97.846667	Caldwell	Withdrawal of Water
6710203 - Scanned Do Herbert Conrad		Domestic	522	30	Historical Observation Well	Y	100ALVM - Alluvium	29.847222	-97.823055	Caldwell	Withdrawal of Water
6702703 - Scanned Do T. G. Langham		Domestic	565	31	Miscellaneous Measurements	Y	100ALVM - Alluvium	29.879167	-97.850834	Caldwell	Withdrawal of Water
6702704 - Scanned Do T. G. Langham		Stock	560	31	Miscellaneous Measurements	Y	110AVML - Alluvium and Leona Formation	29.878333	-97.846667	Caldwell	Withdrawal of Water
6709304 - Scanned Do Ray Harper		Unused	555	32	Historical Observation Well	N	100ALVM - Alluvium	29.865834	-97.888334	Caldwell	Withdrawal of Water
6710105 - Scanned Do D. R. Bagley		Irrigation	525	33	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.844445	-97.840834	Caldwell	Withdrawal of Water
6710109 - Scanned Do Robert Harper		Irrigation	533	33	Historical Observation Well	N	100ALVM - Alluvium	29.848889	-97.850834	Caldwell	Withdrawal of Water
6710108 - Scanned Do Robert Harper		Irrigation	534	34	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.8475	-97.852501	Caldwell	Withdrawal of Water
6710202 - Scanned Do T. G. Langham		Unused	556	34	Miscellaneous Measurements	Y	112LEON - Leona Formation	29.873889	-97.83	Caldwell	Withdrawal of Water
6709305 - Scanned Do A. A. Harper		Domestic	551	35	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.866112	-97.889167	Caldwell	Withdrawal of Water
6710106 - Scanned Do T. D. Bagley		Irrigation	530	35	None	N	110ALVM - Quaternary Alluvium	29.845	-97.844167	Caldwell	Withdrawal of Water
6710107 - Scanned Do W. W. Bagley & Sons		Irrigation	529	35	None	N	110ALVM - Quaternary Alluvium	29.846667	-97.845556	Caldwell	Withdrawal of Water
6710102 - Scanned Do Martindale WSC (#2) T.B. Martin		Public Supply	520	45	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.840833	-97.845278	Caldwell	Withdrawal of Water
6709306 - Scanned Do Pecan Park Campground Well #2		Public Supply	548	50	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.862501	-97.889167	Caldwell	Withdrawal of Water
6709307 - Scanned Do Pecan Park Campground Well #1		Public Supply	546	50	None	N	110ALVM - Quaternary Alluvium	29.862501	-97.888889	Caldwell	Withdrawal of Water
6710111 - Scanned Do Martindale WSC Well #3		Public Supply	520	70	Miscellaneous Measurements	N	110ALVM - Quaternary Alluvium	29.840834	-97.845556	Caldwell	Withdrawal of Water
6709303 - Scanned Do A. A. Harper		Unused	553	None	N	N	110ALVM - Quaternary Alluvium	29.863889	-97.879722	Caldwell	Spring

This is a list of groundwater wells surrounding the SMART Terminal properties. The majority of these are considered "shallow" wells that get very close to the cut and fill depths in the project.





1. What are your plans for the 660 acres that are being removed from the Cotton Center Development Agreement and added to the SMART Terminal Development Agreement?
  - a. The 660 acres have already been added to the Development Agreement which occurred on January 17, 2023 by Council action. Development plans are unknown for the 660 acres at this time.
    - i. Do you have a plan to annex and rezone this property to HI in San Marcos as well?
      1. The city has agreed to annex and zone the property according to the terms of the development agreement. Heavy Industrial/ Commercial [as modified in the development agreement] is permitted on the property. We currently do not have a timeline or set plan for annexing this property.
    - ii. Why were the 660 acres purchased from Walton out of the Cotton Center agreement to include in the SMART Terminal development agreement, but not annex and zone it like the rest of the land? Is there something preventing that piece of property from being annexed and zoned into the City of San Marcos?
      1. The 600 acres cannot be zoned and annexed at this time because the land is included in the Cotton Center MUD.
    - iii. The development agreement states that the 660 acres was removed from the Cotton Center Development Agreement. Wouldn't that remove all ties to the Cotton Center MUD?
      - 1.
2. What type of buffers or transitional areas will there be between these HI/HC properties and neighboring residential properties? How far back from the ROW will new building be constructed?
  - a. HI Zoning describes minimum 20' wide building setbacks from rights of way. Rarely is a building located closer than 50' to any property boundary to allow for internal vehicular circulation, grading/landscaping, and parking.
3. When do you anticipate to begin construction of infrastructure for the properties (assuming permitting and rezoning goes on schedule)?
  - a. Q4 2023
4. How long will construction and development of the property take? This is obviously going to take many years to get water, wastewater, electrical, roads, etc. put in place. I'm just looking for a ballpark range, and I understand that you cannot give me an exact number. Being that you are both developers, I imagine you have a good understanding of how long projects like this typically take.

- a. Phase 1 infrastructure will begin Q4 2023 and reach completion Q4 2024.  
Currently, phase 1 is located in the north east quadrant of Hwy. 80 and FM 110.  
The timeline to develop the balance of the property is unknown.
- i. Since Phase 1 is roughly 1000 acres and you plan on completing the infrastructure portion of that within the time range of Q4 2023 to Q4 2024, that would mean you'd be developing an average of 2.74 acres per day. Is this possible to do? If so, can you explain to me how that would be possible?
    - 1. Phase 1 according, to the Development Agreement Exhibit, is very large. All of this area will not be developed at the same time.
    - 2. Phase 1 development is likely to occur over several years [Phase 1-A; 1-B; 1-C and so on].
    - 3. Infrastructure included in that 2023 – 2024 timeline directly benefits the phase 1-A. It doesn't include other infrastructure improvements needed for the balance of phase 1.
  - ii. I'm now confused as to why you answered my question about a Phase 1 timeline stating Q4 2023 - Q4 2024, just to come back and say that you were actually referring to some non-publicly known Phase 1A 1B 1C etc. Why didn't you state this before? You lead me to believe that all of Phase 1 was included in your time estimate.
    - 1. I can understand the confusion and misunderstanding here.
    - 2. In your original infrastructure timeline question we referred to "Phase 1" instead of "Phase 1-A", however we defined the area accurately and communicated there is no timeline for the balance.
    - 3. In an effort to clarify, phase "1-A" infrastructure is expected to be completed Q4 2024.
  - iii. What area was your Q3 2023 to Q4 2024 time estimate referring to?
    - 1. Same area described in original timeline question below. (above in this case)
  - iv. So now my question is, do you have a more accurate phasing plan that reflects what you are talking about now?
    - 1. We do not have a detailed phasing plan and anticipate this will be fluid over several years. This will be driven by market demand.
  - v. What is your estimated timeline for all of Phase 1? (This was the question I asked before)
    - 1. We have no estimated timeline for all of phase 1 or additional phases. This depends on market demand.

5. During the infrastructure construction phase of the property, how will runoff and stormwater containment be managed?
  - a. In accordance with Texas Commission on Environmental Quality (TCEQ) Storm Water Management Protection Plan (SWPPP). Owner and Contractor are accountable and fiscally liable to the State. City of San Marcos will regulatory and reporting agency. Likely BMPs (Best Management Practices; i.e. implemented active controls) include sediment basins with outfall filtration, silt fences, rock check dams, and rock construction entrances.
6. During the infrastructure construction phase of the property, how will the property be accessed by construction vehicles? Will they enter the property from SH 80? FM 110? FM1984?
  - a. Likely all three depending on proximity to site. Phase 1 will primarily access from SH110 but may also access via FM1984.
7. For the rail spur additions, how close will these get to FM 1984?
  - a. Unknown. The location of rail spurs, if any, will be dictated solely by railroad approval to access the mainline, which the developer does not currently hold. Phase 1 does not include rail, and no rail development is currently forecasted.
    - i. Has the developer requested railroad access to add spurs? How long does this process typically take? (follow up to question 8)
      1. No request has been made at this time.
      2. It typically takes 12-18 months for approval
      3. After approval it typically takes 18-24 months for construction
    - ii. If infrastructure for Phase 1 is expected to be completed roughly 18-20 months from now (as stated from previous questions), how would it be possible to include the rail spurs in the plan? Wouldn't that need to be planned out in the infrastructure construction phase?
      1. Rail Spurs are not included in the current phase 1-A Infrastructure scope.
8. Since the development agreement states that intermodal containers can be stacked up to 80 feet high, how tall are the cranes allowed to be? Will they be taller than 80 feet?
  - a. Cranes could reach 120 feet in height.
    - i. Will the intermodal container cranes abide by San Marcos lighting standards or will they be exempt? What type of lighting will be on these? Will the lighting be on 24/7?
      1. Intermodal container storage is allowed on-site per the development agreement among several other specialized uses. There is not a current plan in place for container storage requiring

- a crane. If such use is implemented ownership would be required to abide by city code and any other applicable standards.
2. It's our understanding there is a dark sky ordinance but that would best be confirmed by city staff.
9. Do you have any preliminary plans for Phase 1 or any other Phases? Do you have any maps or layouts that you can share?
- a. The Phasing plan for the property can be found in the approved Development Agreement. I will also forward you a copy. Currently, the first phase of development is still being determined but we anticipate it being located north of Hwy 80 connecting to FM 110. Ownership has not determined what would be built in phase 1.
- i. I have the full development agreement that was approved on 1-17-23, no need to send that to me. I was asking specifically about plat layouts or infrastructure layouts other than what was shown in the development agreement. Based on previous answers about timeline, when do you expect to have plat layouts and infrastructure plans completed? If you anticipate starting in Q4 of 2023, will you have enough time to complete the required studies (TIA and stormwater) prior to starting construction in Q4?
1. We don't have any layouts we can share at this time. Phase 1 is a large area on the Development Agreement phasing plan. The first phase of development will not take up all of the area shown on the phasing exhibit.
- ii. Based on previous answers about timeline, when do you expect to have plat layouts and infrastructure plans completed? If you anticipate starting in Q4 of 2023, will you have enough time to complete the required studies (TIA and stormwater) prior to starting construction in Q4?
1. All required engineering studies (TIA, Stormwater Management Plan, etc.) will be submitted, reviewed, and approved by the City of San Marcos as required per the applicable construction permit releases. All planning/design items will be submitted to the City for review/approval in a timeline consistent with our anticipated construction start date.
10. What is the need for the entire 2017 acres to be zoned Heavy Industrial?
- a. Based on the characteristics of the site being already zoned HI for 736 acres;
- b. Adjacency to the railroad and airport on the north;
- c. A new major thoroughfare [FM 110] bisecting the property;
- d. Hwy 80 on the south;



- e. The city's original feedback in 2019 that the property would be the best location for future industrial in the city.
  - i. This doesn't really answer my question. This is only referring to the land that is designated as Phase 1, which is roughly 1000 acres. This is only justification for the property that is located near the Memory Lawn Cemetery and FM110. Can you provide any documentation where the city states that this would be the best location for future industrial in the city? Was the city only referring to the land in the 2019 development agreement or were they referring to the 2017 acres that are in the amended agreement?
    - 1. Our answer remains the same.
    - 2. The only thing I would add is the proximity and frontage on FM 1984 and HWY-142.
    - 3. We do not have any documentation of the city's comments.
- 11. Since Phase 1 does not include rail, and there is no rail forecasted, why does this project include Rail in the name?
  - a. Phase one is a small piece of the project and does not include rail plans.
  - b. The property is located next to a major railroad on the north end.
  - c. Rail may be a component to overall development.
    - i. So are you saying that is it being called a "Rail" Terminal because of its proximity to an existing rail line?
      - 1. The word "Rail" is abbreviated in the SMART and is included in the name because of the proximity to a railroad and the potential to utilize rail in the future. Similarly, the word "Air" is abbreviated in the word SMART because an airport is located next to the property. There is no "air traffic" forecasted at the airport to directly benefit SMART at this time but the potential remains in the future just as it does for rail.
    - ii. Or are you saying that rail development is planned for a different Phase? If it is for a different Phase, can you specify which one and the locations of the rail spurs?
      - 1. Rail development is not forecasted or planned for any of the property at this time. There has been no communication with the railroad on obtaining access to the mainline. The railroad holds all approval for access and location for future rail spurs.
- 12. Are you willing to make changes to the development agreement based on input from the community?

- a. We welcome any comments regarding *specific* request for accommodations that we can review. Our current position is that the development agreement has already been negotiated and approved with the city.
- 13. Are you willing to change the zoning request to less “high impact” zoning designations such as light industrial, light commercial, mixed-use where there are existing adjacent residential properties?
  - a. We intend to continue the zoning request as currently drafted for commercial/industrial per the development agreement.

## Online Petition Signers Updated 3/21/2023

646 Total

Name	City	State	Postal Code	Country	Signed On
James Bailey	Aberdeen		98520	US	3/7/2023
Tessa Parker	Aberdeen		98520	US	3/7/2023
Julian Serna	Albuquerque		87120	US	3/6/2023
Eva M	Albuquerque		87110	US	3/6/2023
lia fisher	Alexandria		22307	US	3/15/2023
Caleb Ballantine	Amherst		1002	US	3/15/2023
Connor Schwab	Anderson		29625	US	3/5/2023
Fariborz Khodadad	Annapolis		21403	US	3/12/2023
Kailah Jennings	Apo		96367	US	3/6/2023
Paola Landin	Arlington		76006	US	3/6/2023
Nikki Sullivan	Arlington		22204	US	3/11/2023
Lydia Gantert	Arlington	TX	76016	US	3/12/2023
Miya Clark	Arnold		63010	US	3/17/2023
Mike Galvez	Arvada		80003	US	3/7/2023
Carina Martin	Ashburn		20148	US	3/9/2023
Latasha Stone	Atlanta		30331	US	3/6/2023
Madi Fischer	Atlanta		30303	US	3/6/2023
Julianna Vasquez	Atlanta		30315	US	3/6/2023
Tay H.	Atlanta		30324	US	3/7/2023
Arianna Kyser	Atlanta		30309	US	3/7/2023
Jayden Norton	Auburn		98002	US	3/11/2023
ramona Brown	Austin	TX		US	3/4/2023
Mark Fairchild	Austin	TX	78704	US	3/4/2023
Elizabeth Emberson	Austin	TX	78731	US	3/5/2023
alex c	Austin		78768	US	3/5/2023
Ezra Reynolds	Austin	TX	78702	US	3/6/2023
Leslie P	Austin		78723	US	3/6/2023
Monika Garcia	Austin	TX	78741	US	3/6/2023
Rae Josey	Austin	TX	78751	US	3/6/2023
Amy Waugh	Austin	TX	78701	US	3/7/2023
Chloe Hunt	Austin	TX	78751	US	3/9/2023
Carleen Kirksey	Austin	TX	78741	US	3/10/2023
Zee Ber	Austin	TX	78701	US	3/10/2023
Samantha Gaspard	Austin	TX	78741	US	3/11/2023
Skylar Prentice	Austin	TX	78705	US	3/11/2023
Kaley Blask	Austin	TX	78741	US	3/12/2023
Kord Moore	Austin	TX	78724	US	3/12/2023
Erik Rodriguez	Austin	TX	78741	US	3/13/2023
Guadalupe Rodriguez	Austin	TX	78753	US	3/15/2023
Zitlali Navarrete	Austin	TX	78701	US	3/15/2023
Melissa Derrick	Austin	TX	78703	US	3/15/2023
Natalie Ayala	Austin	TX	78753	US	3/16/2023
Jacob Rivera	Austin	TX	78754	US	3/16/2023
Meghan Hopkins	Austin	TX	78702	US	3/17/2023
Josh Garcia	Austin	TX	78723	US	3/18/2023
Kathleen Alsobrook	Austin	TX	78751	US	3/19/2023



Luke White	Austin	TX	78751	US	3/19/2023
Teresa Gonzalez	Austin	TX	78702	US	3/20/2023
Juliana Sanchez	Avon park		33825	US	3/6/2023
Emily Muchnick	Ballwin		63011	US	3/7/2023
Matthew Z	baltimore		0	US	3/7/2023
Jasmin steadman	Bankstown		2162	US	3/6/2023
Theresa Bass	Barbourville		40906	US	3/7/2023
reanne hipolito	Bartlett		60103	US	3/9/2023
Sydney Morales	Bay City	TX	77404	US	3/15/2023
Emily Kubik	bay shore		11706	US	3/7/2023
Robert Ohlendorf	Bedford	TX	76021	US	3/10/2023
Andrea Zepeda	Bellevue		68123	US	3/7/2023
Synicia Chavez	Bellflower		90706	US	3/6/2023
Felix Echevarria	Belton		76513	US	3/7/2023
Tina Bush	Bessemer		35022	US	3/6/2023
Jada Flournoy	Birmingham	AL	35209	US	3/6/2023
Etzar Cisneros	Birmingham	AL	35206	US	3/10/2023
Shelley briggs	Blue Springs		64015	US	3/12/2023
Michael Brock	Boca Grande	FL	33921	US	3/7/2023
Skylar Holloway	Boise		83709	US	3/5/2023
Crush Kei	Boyle		38730	US	3/12/2023
s k	Bridge City	TX	33414	US	3/6/2023
Arubiana Lampe- hoy	Bronx		11226	US	3/5/2023
Donald trump Is oran	Bronx		10456	US	3/5/2023
Gina Torres	Bronx		10463	US	3/12/2023
John Passannante	Brooklyn		11229	US	3/5/2023
Devious Pelvis	Brooklyn		11206	US	3/6/2023
Victoria Myers	Brooklyn		11225	US	3/6/2023
Diana Ruiz Baez	Brooklyn		11520	US	3/11/2023
Delia Billings	Brooks		4921	US	3/12/2023
Yaratzi Oroz	Brush		80723	US	3/15/2023
Brent Webster	Bucyrus		44820	US	3/12/2023
Mia Carbonell	Buffalo		14214	US	3/6/2023
Sara Ruettimann	Buffalo		14227	US	3/7/2023
Brittany Neadow	Calgary		T3G	US	3/10/2023
katelynn Wolverton	Cambridge		43725	US	3/5/2023
Lisa Hudson	Canal Fulton		44614	US	3/14/2023
Ashlyn Palmer	Cannon Falls		55009	US	3/7/2023
Luisa Gudiel	Carrollton		30117	US	3/15/2023
G. Diane Matthews-IV	Carson		90746	US	3/6/2023
Rory Rodgers	Casa Blanca		87007	US	3/6/2023
Hunter Brown	Castle Rock		80108	US	3/12/2023
Hannah Mendez	Cathlamet		98612	US	3/5/2023
Payton Tucker	Centerburg		43011	US	3/12/2023
Jyrden Gutierrez	Chandler		85249	US	3/6/2023
M. Browning	Chandler		85224	US	3/10/2023
Carrie Lalonde	Chandler	TX	75758	US	3/15/2023

Logan Grimes	Chatsworth		8088	US	3/6/2023
Natalie thompson	cheyenne		82009	US	3/7/2023
Natalia Maslak	Chicago		60616	US	3/6/2023
Cody Potocsnak	Chicago		60607	US	3/12/2023
Cade Yarbrough	Chicago	IL	60602	US	3/14/2023
Angie Duran	Chicago	IL	60639	US	3/14/2023
Carlos Roman	Chicago		60647	US	3/18/2023
Kaiden Jenkins	Cincinnati		45219	US	3/6/2023
Mari Connors	Cincinnati		45236	US	3/7/2023
evann o	Cincinnati		45211	US	3/7/2023
Kathryn Lawson	Cincinnati	OH	45247	US	3/12/2023
Rachael Johnson	Cincinnati		45215	US	3/17/2023
Grace Cardona	Cisco		76437	US	3/6/2023
Kylee Zitterkoph	Clare		48617	US	3/7/2023
Mackenzie Woodley	Clarksville		37040	US	3/6/2023
States CR	Clarksville		37040	US	3/17/2023
Emma Pursifull	Cleveland		44192	US	3/17/2023
Aliyha Lopez	Coachella		92236	US	3/6/2023
Nicole Hernandez	College Park		20740	US	3/5/2023
Alexandra Stewart	College Station	TX	77840	US	3/11/2023
Yd1 Uzumaki	College Station		77840	US	3/20/2023
Asia Carolina	Columbia		29204	US	3/6/2023
Max Stump	Columbus			US	3/7/2023
Safiya Mohamud	Columbus		43231	US	3/10/2023
Ian Sherman	Columbus		43202	US	3/12/2023
Isabella Nava	Columbus		43215	US	3/12/2023
Grace Kleismit	Columbus		43202	US	3/12/2023
Ethan C	Columbus	OH	43202	US	3/12/2023
Hadley Irwin	Commerce	MI	48382	US	3/5/2023
michele rule	Concord		3301	US	3/9/2023
Shelby Warren	Cookeville		38506	US	3/6/2023
Natsu Vr	Coral Springs		33065	US	3/5/2023
Justin Hall	Coral Springs	FL	33071	US	3/15/2023
Chandra Olson	Cornell		54732	US	3/6/2023
Elvia Ramírez	Corona		92882	US	3/6/2023
Gene Reagan	Corpus Christi	TX	78427	US	3/9/2023
Shelby Feinberg	Corpus Christi		78418	US	3/10/2023
Bruce Wilson	Corpus Christi	TX	78427	US	3/14/2023
Kassy Gonzalez	Corpus Christi		78410	US	3/15/2023
Jack Wallace	Coweta		74429	US	3/5/2023
Hunter Baker	Cross Junction		22625	US	3/11/2023
Jasmine Treadway	Cullman		35055	US	3/5/2023
Maria Munoz	Dallas		75202	US	3/5/2023
..	Dallas		75270	US	3/7/2023
Bailey Byrd	Dallas		75245	US	3/9/2023
olivia Gonzalez	Dallas	TX	75270	US	3/11/2023
Anthony C	Dallas	TX	75270	US	3/12/2023

Oksana Melendez	Dallas		75218	US	3/15/2023
Daniel Morales	Dallas		75064	US	3/17/2023
Jax Burdick	Danielson		6239	US	3/6/2023
Jacqueline Russell	Dardanelle		72834	US	3/15/2023
Lucas Lum	Decatur		37322	US	3/7/2023
Kyli Riley	Delta		52550	US	3/14/2023
Kiandra Laner	Denver		80238	US	3/6/2023
Addie Syed	Des Plains		60017	US	3/12/2023
Jenna Masserant	Detroit		48143	US	3/6/2023
Mia Cecenas	Douglas		31533	US	3/6/2023
Hanna Hutcheson	Douglas		31535	US	3/12/2023
Chelsea Ross	Downers Grove		60515	US	3/6/2023
Prathyusha Gadekal	Downingtown		19335	US	3/6/2023
Elenore Goode	Dripping Springs	TX	78620	US	3/10/2023
Pen15 B0115	Dublin		94568	US	3/6/2023
Desirae Barnes	Duluth		55810	US	3/20/2023
rashidi Dennis	Dundalk		21222	US	3/12/2023
Brae Wyatt	East Saint Louis		62204	US	3/14/2023
Anna Laidler	East Stroudsburg		18301	US	3/11/2023
Alana Sears	Ebensburg		15931	US	3/6/2023
Alondra Torres	El Paso		79901	US	3/5/2023
Dominic Cavalcante	Elkhart		46516	US	3/14/2023
Reanna Jerns	Elkton		21921	US	3/5/2023
Edward Mattie	Erwin		37650	US	3/12/2023
Amanda Newcomb	Evansville		47715	US	3/12/2023
Erin DeRosa	everett		2149	US	3/11/2023
Tayleigh Feehan	Fairborn		45324	US	3/6/2023
Claudia Garcia	Fayetteville		28358	US	3/15/2023
Ernest Batiste	Fishers		46037	US	3/7/2023
Ricardo Gentry	Flint		48505	US	3/7/2023
Abdiel Gonzalez	Florissant		63031	US	3/17/2023
Edward Cohen	Flower Mound		75028	US	3/7/2023
Chelsea Castillo	Fontana		92336	US	3/6/2023
Dolores Sirvent	Forest Hills		11375	US	3/7/2023
Paula Ace	Fort Lauderdale		33304	US	3/14/2023
Paula Molinares	Fort Lauderdale		33319	US	3/20/2023
Jensen Eggleston	Fort Worth	TX	76102	US	3/11/2023
Michaela umstead	Franklin		16323	US	3/6/2023
Amanda Saar	Fredericksburg		22407	US	3/6/2023
Jacquelyn White	Frisco		75034	US	3/12/2023
lydia Bice	Gainesville		32608	US	3/11/2023
Aasia Aamer	Galt		95632	US	3/11/2023
Vanessa Andrade	Gardena		90249	US	3/5/2023
Berkley Bruce	Garland		75040	US	3/7/2023
Carmen Cuesta	Glen Cove	NY	11542	US	3/5/2023
ines salinas	Glendale		91205	US	3/5/2023
natalee anne	Grand Junction		81506	US	3/6/2023

Natalie Delgado	Grand Prairie		75050	US	3/6/2023
Cierra Franklin	Grandview		64030	US	3/12/2023
Uhmrrrrrrr Uhmrr	Greenbelt		20770	US	3/6/2023
Shara Ortiz	Guaynabo			US	3/7/2023
jessica garcia	Hamden		6518	US	3/7/2023
Thea Thompson	Harrisburg		17110	US	3/12/2023
Allis Irias Wu	Hayward		94545	US	3/6/2023
Peyton Rowe	Hayward		94541	US	3/6/2023
Joshua Alvarado	Hicksville		11801	US	3/6/2023
Victoria Annunziata	Highland Lakes		7422	US	3/7/2023
Kalysa Going	Hillsborough		27278	US	3/7/2023
Newt Avellana	Honolulu		96825	US	3/5/2023
Sophia Hoelscher	House Springs		63051	US	3/6/2023
Lucas Holst	House Springs		63051	US	3/6/2023
devin moreno	Houston		77023	US	3/5/2023
Anthony Gocke	Houston		77203	US	3/6/2023
Mary P Fowler	Houston	TX	78655	US	3/7/2023
Karen Little	Houston	TX	77035	US	3/7/2023
Mali Haque	Houston		77099	US	3/9/2023
Leah Figueroa	Houston		77203	US	3/10/2023
Julian Rodriguez	Houston	TX	77009	US	3/11/2023
Ashley Chalmers	Houston	TX	77007	US	3/11/2023
John Cena	Houston		77054	US	3/12/2023
Maria Richardson	Houston	TX	77052	US	3/17/2023
Aubrey Barton	Houston	TX	77020	US	3/17/2023
Mallory Bezanson	Hudson		54016	US	3/6/2023
Zoe Pinder	Hudson		34667	US	3/7/2023
Gunner Demille	Hurricane		84737	US	3/14/2023
Mackenzie Mcfaul	Hyattsville		20782	US	3/6/2023
Marisol Castellanos	Hyde Park		12538	US	3/5/2023
hanna farnsworth	Indian Trail		28079	US	3/7/2023
kaleigha n	Indianapolis		46255	US	3/7/2023
Kristen Mena	Irving		75060	US	3/7/2023
kylee bayer	jackson		49201	US	3/5/2023
Frank Green	Jackson		39212	US	3/6/2023
Riley Webster	Jacksonville		32211	US	3/5/2023
Dante Medori	Jenkintown		19046	US	3/5/2023
Kyle Chavis Lingham J	Jersey City		7003	US	3/7/2023
ava wicker	Jonesboro		72401	US	3/6/2023
Sydney Gavrilov	Jupiter		33458	US	3/6/2023
Craig Lalonde	Kanab	UT	84741	US	3/15/2023
Makena Hodgkins	Keene		3431	US	3/5/2023
Kelby Farnsworth	Keene		3431	US	3/5/2023
Tommy Hovey	Ketchum		83340	US	3/6/2023
A M	Kilgore		75662	US	3/15/2023
Amber Seale	Kingsbury	TX	78638	US	3/14/2023
Gordon Poston	Kingstree		29556	US	3/12/2023

Kelinet Rodriguez	Kissimmee		34746	US	3/5/2023
Dana Wile	Kyle	TX	78640	US	3/7/2023
skye taylor	Kyle	TX	78640	US	3/13/2023
Colby Jackson	Kyle	TX	78640	US	3/16/2023
Jonafa Banbury	Kyle	TX	78640	US	3/17/2023
Genesis Hernandez	La Mirada		90638	US	3/7/2023
Mr Rogers	Lake Jackson		77566	US	3/10/2023
Molly Williams	Lakewood		44107	US	3/12/2023
Shemia Conner	Las Vegas		89119	US	3/5/2023
Megan Cordrey	Las Vegas		89128	US	3/15/2023
Lissa Johnson	Laurium		49913	US	3/7/2023
Cian Gasper	League City	TX	77573	US	3/15/2023
Susan Smith	Lewisville	TX	75077	US	3/10/2023
Teresa McKinney	Lewisville	TX	75077	US	3/10/2023
Kiera Norris	Lincoln		68521	US	3/7/2023
Shayla Emory	Livermore		94550	US	3/6/2023
Jan Curtice	Lockhart	TX	78644	US	3/10/2023
Jason Tatu	Lockhart	TX	78644	US	3/13/2023
Morgan Mallory	Locust Grove		22508	US	3/6/2023
Camella Gossage	Longview		75270	US	3/5/2023
Lorena Recinos	Los Angeles		90002	US	3/5/2023
Yaretzy Garcia	Los Angeles		90042	US	3/6/2023
Ariel Valdivia	Los Angeles		90020	US	3/6/2023
Jamie Dufault	Los Angeles		90006	US	3/10/2023
Iveet Iraheta	Louisburg		27549	US	3/10/2023
Eileen Daniel	Louisville		40220	US	3/10/2023
Kristen Arnold	Lubbock	TX	79403	US	3/15/2023
Lily Adriaens	Madison		53705	US	3/7/2023
kai Sodemann	Madison		53719	US	3/12/2023
nicole garrido	Manassas		20110	US	3/6/2023
j m	Manassas		20110	US	3/10/2023
Kyla Bernard	Manchester		3102	US	3/12/2023
Robby Manning	Manchester		3102	US	3/12/2023
Nely Paredon	Mansfield		76063	US	3/6/2023
Mark Fitzpatrick	Marco Island		34145	US	3/5/2023
Briannah Fritzinger	Marlton	NJ	8053	US	3/16/2023
Janie York	Martindale	TX	78655	US	3/5/2023
Michael Ohlendorf	Martindale	TX	78655	US	3/5/2023
Kendra Clark	Martindale	TX	78655	US	3/6/2023
Lisa Hanusch	Martindale	TX	78655	US	3/7/2023
JASMIN HINOJOSA	Martindale	TX	78655	US	3/7/2023
Ramon Rivera	Martindale	TX	78655	US	3/7/2023
Arlene Green	Martindale	TX	78655	US	3/8/2023
Debbie Lawrence	Martindale	TX	78655	US	3/9/2023
Sid Decker	Martindale	TX	78666	US	3/10/2023
Alexis Rodriguez	Martindale	TX	78655	US	3/13/2023
Eric Telford	Martindale	TX	78655	US	3/15/2023

Korey Rohlack	Martindale	TX	78655	US	3/15/2023
Diane Macgregor	Martindale	TX	78666	US	3/15/2023
Hermania Rohlack	Martindale	TX	78655	US	3/20/2023
Aidan Coyne	Martins Ferry		43912	US	3/7/2023
Noah Brock	Maxwell	TX	78656	US	3/4/2023
Annie D	Maxwell	TX	78656	US	3/4/2023
Kay Moore	Maxwell	TX	78656	US	3/6/2023
Nicole Nieto	Maxwell	TX	78656	US	3/8/2023
Shelby Newhouse	Maxwell	TX	78656	US	3/10/2023
Anne Grant	MAXWELL	TX	78656-4397	US	3/13/2023
Martha Place	Maxwell	TX	78656	US	3/13/2023
Cody Pineda	Maxwell	TX	78656	US	3/13/2023
Cody Pineda	maxwell	TX	78656	US	3/13/2023
Coriana McDonald	Maxwell	TX	78656	US	3/16/2023
Jakiya Maxwell	McKinney	TX	75072	US	3/10/2023
Evelyn Zaranek	Medina		14103	US	3/6/2023
Ezra M	Melbourne		32935	US	3/7/2023
Adam Hassan	Mesa		85210	US	3/6/2023
hannah grill	Mesa		85209	US	3/12/2023
Dmytro Chebanov	Miami		33125	US	3/5/2023
Sui Jim	Miami		33178	US	3/6/2023
Aylenia Bernal	Minneapolis		55454	US	3/6/2023
Emily DeWolfe	Minneapolis		55415	US	3/6/2023
Charles Konkur	Minneapolis		55404	US	3/7/2023
Livana Mattila	Minneapolis		55418	US	3/12/2023
Lorelei Bell	Minot		58701	US	3/7/2023
Xnyra Leon-Guerrero	Missouri		65802	US	3/14/2023
Julissa Betancourt	Monterey Park		91754	US	3/14/2023
Ashley Hamilton	Montgomery		47558	US	3/5/2023
Makhia Ruffin	Morgan City		70380	US	3/10/2023
betty winholtz	morro bay	CA	93442	US	3/14/2023
sam parks	Mt. Vernon		62864	US	3/11/2023
Sydni Zealy	Murfreesboro		37129	US	3/6/2023
Macyn Ford	Myakka City		34251	US	3/6/2023
Alice Gard	Naples	FL	34112	US	3/14/2023
Abanoub Ishak	Nashville		37222	US	3/7/2023
Mia Macchia	New Braunfels		78132	US	3/5/2023
Dieuseul Pierrevil	New Haven		1960	US	3/12/2023
Braeleigh Bruner	New Orleans		70112	US	3/6/2023
Tilly Stevens	New York		10013	US	3/5/2023
Vicky Hen	New York		10009	US	3/5/2023
Abu Shafi	New York		10031	US	3/7/2023
Devin Gomez	New York		10030	US	3/10/2023
Courtney James	New York		10013	US	3/15/2023
Marcia Souza	Newark		7105	US	3/11/2023
Charlie Allen	No		No	US	3/11/2023
JESSICA MICHEELS	Noblesville		46060	US	3/10/2023



Susan Zukowski	Nokomis	FL	34275	US	3/5/2023
Andrea Cuffee	Norfolk		23504	US	3/5/2023
Sahara lewis	Norman		73072	US	3/6/2023
Aubrey Violet	North Attleboro		2760	US	3/6/2023
David Scott	Northfield		55057	US	3/10/2023
Chanel Lockhart	Northfield		8225	US	3/18/2023
Kayla Funston	Norwalk		90650	US	3/7/2023
Jim Head	Oak Park	MI	48237	US	3/15/2023
Roselyn Diaz	Ogden		84404	US	3/6/2023
Jory Green	Ogden		84403	US	3/15/2023
Zaylee Jackson	Ogden		84404	US	3/15/2023
Emmaline Ramsey	Oil City		16301	US	3/6/2023
James Ross	Oklahoma City	OK	73123	US	3/10/2023
maddie miller	Olney		20832	US	3/15/2023
Abigail Palmierri	Omaha		68154	US	3/17/2023
Bobby Goodman	Oneida		37841	US	3/12/2023
Deanna Berryhill	Opelika		36804	US	3/7/2023
Michael Godek	Orem	UT	84058	US	3/14/2023
Cheyenne M	Owings Mills		21117	US	3/5/2023
Autumn Woodbury	Owosso		48867	US	3/9/2023
Trinitey Nageotte	Painesville		44077	US	3/6/2023
George Clayton	Palmdale		93552	US	3/18/2023
pamela hamilton	Palo Cedro	CA	96073	US	3/13/2023
Autumn Rogers	Penacook		3303	US	3/7/2023
Jaclyn White	Peoria		85345	US	3/6/2023
Joshua Curphey	Peterborough		PE7	US	3/5/2023
Dorian Sampson	Philadelphia		19145	US	3/5/2023
Kelly Bates	Philadelphia		19111	US	3/5/2023
Kennedy Nesmith	Philadelphia		19122	US	3/6/2023
Mike Fife	Philadelphia		19144	US	3/6/2023
YARITZA Barreiro	Phoenix		85066	US	3/6/2023
Snoop Dogg	Phoenix		85041	US	3/20/2023
jahodm Matthews	piscataway		8854	US	3/12/2023
Zoya Domashnev	Pittsburgh		15217	US	3/17/2023
Lyla Moore	Plain city		43064	US	3/18/2023
Tatiana Herrera	Plainfield		7060	US	3/17/2023
Sonia Kulik	Pleasantville		10570	US	3/14/2023
Patricia Bartlett	Port Richey		34668	US	3/5/2023
Iemony snicket	Portland		97202	US	3/7/2023
Gaby Ornelas	Presidio		79845	US	3/14/2023
Evan Swinford	Queen Creek		85142	US	3/6/2023
Eilyn Nunez	Rahway		7065	US	3/6/2023
Aaliyah Firecloud	Rapid city		57701	US	3/15/2023
Liralen Canion	Reedville	TX	78656	US	3/14/2023
Jhayden Darwin Madc	Richmond		23225	US	3/5/2023
tuma lee	Richmond		77406	US	3/6/2023
Jaime Turgeon	Richmond	VA	23237	US	3/10/2023

Jackie garcia	Richmond		23224	US	3/14/2023
Zona Roskowske	Riverton		82501	US	3/6/2023
King Tisdale	Rochester		14619	US	3/5/2023
Willow Howlett	Rochester		14610	US	3/12/2023
Elyana Garcia	Rockford		61107	US	3/17/2023
Amy venegas	Rogers		72758	US	3/6/2023
Raquel Martinez	Rosedale		20011	US	3/10/2023
Myneeka Holloway	Round Rock	TX	78681	US	3/5/2023
Diego Ruiz	Sacramento		95835	US	3/7/2023
Amanda Ugwoke	Saint Cloud		56303	US	3/7/2023
Tim Donovan	Saint Paul	MN	55116	US	3/12/2023
Owen Thompson	Salt Lake City		84121	US	3/9/2023
Norman Bean	San Antonio	TX	78202	US	3/5/2023
Carondelet Crain Derr	San Antonio	TX	78207	US	3/9/2023
Stephanie Sandoval	San Antonio	TX	78207	US	3/10/2023
Eric Frank	San Antonio	TX	78202	US	3/11/2023
ashlen Lyon	San Antonio	TX	78212	US	3/13/2023
Alana Trammell	San Antonio	TX	78228	US	3/14/2023
Alfredo Camacho	San Antonio	TX	78228	US	3/14/2023
bianca anciso	san antonio	TX	78229	US	3/14/2023
Hector Pereyra	San Antonio		78222	US	3/14/2023
Karl M. Richardson	San Antonio	TX	78223	US	3/17/2023
Whitney Oyler	San Antonio	TX	78234	US	3/17/2023
John Byrd	San Antonio	TX	78237	US	3/18/2023
Marijane Vandivier	San Antonio	TX	78210	US	3/18/2023
Larisaa Austria	San Diego		92101	US	3/5/2023
Roy Shakerifar	San Diego		92128	US	3/7/2023
Ethan Mendez	San Diego		92114	US	3/14/2023
Isamar Diaz	San Diego		92104	US	3/20/2023
Damaris Nesa	San Francisco		94103	US	3/6/2023
antonin salle	San Francisco		94110	US	3/20/2023
Yusuf Akbiyik	San Jose		95126	US	3/12/2023
Joshua Irvine	San Jose		95141	US	3/12/2023
Ileana Lopez Jimenez	San Juan		77021	US	3/19/2023
Tim Martin	San marcos	TX	78666	US	3/4/2023
Eaton Saylor	San Marcos	TX	78666	US	3/4/2023
Maxfield Sheridan Bal	San Marcos	TX	78666	US	3/5/2023
Angela Chagolla	San Marcos	TX	78666	US	3/5/2023
Texas Red	San Marcos	TX	78666	US	3/5/2023
Lisa Pous	San Marcos	TX	78666	US	3/5/2023
Angela Tripp	San Marcos	TX	78666	US	3/5/2023
Nichole Brooks	San Marcos	TX	78666	US	3/5/2023
Bruce Jennings	San Marcos	TX	78666	US	3/5/2023
Jennifer Kehr	San Marcos	TX	78666	US	3/6/2023
Paula Sacks	San Marcos	TX	78666	US	3/6/2023
Laura T. Sanchez Fowl	San Marcos	TX	78666	US	3/6/2023
Erin Mortensen	San Marcos	TX	78666	US	3/6/2023

Juanita Zepeda	San Marcos	TX	78666	US	3/6/2023
Kristin Quinn	San Marcos	TX	78666	US	3/6/2023
Tamara Stroud	San Marcos	TX	78666	US	3/6/2023
Gloria Mutschlechner	San Marcos	TX	78666	US	3/7/2023
Ruth Foster	San Marcos	TX	78666	US	3/7/2023
Matthew McGovern	San Marcos	TX	78666	US	3/7/2023
sahara hinojosa	San marcos	TX	78666	US	3/7/2023
Wendi Jones	San Marcos	TX	78666	US	3/7/2023
Charles Bero	San Marcos	TX	78666	US	3/7/2023
Devin Preston	San Marcos	TX	78666	US	3/7/2023
Renee Brunson	San Marcos	TX	78666	US	3/7/2023
Emily Lesch	San Marcos	TX	78666	US	3/7/2023
Molly Hopkins	San Marcos	TX	78666	US	3/7/2023
Christie Pruitt	San Marcos	TX	78666	US	3/7/2023
Jean Morris	San Marcos	TX	78666	US	3/7/2023
Susan Neiman	San Marcos	TX	78666	US	3/7/2023
Carlton Carl	San Marcos	TX	78666	US	3/7/2023
MaryBeth HARPER	San Marcos	TX	78666	US	3/7/2023
Shannon Duffy	San Marcos	TX	78666	US	3/8/2023
Melissa Moreland	San Marcos	TX	78666	US	3/8/2023
Martha Joyce Davis	San Marcos	TX	78666	US	3/8/2023
Debbie Himelrick	San Marcos	TX	78666	US	3/8/2023
Viktoria Medina	San Marcos	TX	78666	US	3/8/2023
Dawn Matney	San Marcos	TX	78666	US	3/8/2023
Laura Benavides	San Marcos	TX	78666	US	3/9/2023
Beth Hawes	San Marcos	TX	78666	US	3/9/2023
Logan Jones	San Marcos	TX	78666	US	3/10/2023
Tate Gregory	San Marcos	TX	78666	US	3/10/2023
Lindsay Plagens	San Marcos	TX	78666	US	3/10/2023
Robin Green	San Marcos	TX	78666	US	3/10/2023
Joy Jungers	San Marcos	TX	78666	US	3/10/2023
kiaira coates	San Marcos	TX	78666	US	3/10/2023
Khoi Nguyen	San Marcos	TX	78666	US	3/10/2023
Frances McNair	San Marcos	TX	78666	US	3/10/2023
Jeses Morris	San Marcos	TX	78666	US	3/10/2023
Bridgett Tijerina	San Marcos	TX	78666	US	3/10/2023
Lisa Prewitt	San Marcos	TX	78666	US	3/10/2023
Carla McDougale	San Marcos	TX	78666	US	3/10/2023
Zoe Elayda	San Marcos	TX	78666	US	3/10/2023
T Leal	San Marcos	TX	78666	US	3/10/2023
victor godefroy	San Marcos	TX	78666	US	3/10/2023
Hannah Stone	San Marcos	TX	78666	US	3/11/2023
Mesiah Madrigal	San Marcos	TX	78666	US	3/11/2023
Isaiah Kuhns	San Marcos	TX	78666	US	3/11/2023
Braydon Vaughan	San Marcos	TX	78666	US	3/11/2023
Christopher Steckel	San Marcos	TX	78666	US	3/11/2023
Erin Broyles	San Marcos	TX	78666	US	3/11/2023

Emma Long	San Marcos	TX	78666	US	3/11/2023
Jon Smith	San Marcos	TX	78666	US	3/11/2023
James Taylor	San Marcos	TX	78666	US	3/11/2023
Isabel Varela	San Marcos	TX	78666	US	3/11/2023
Lara Sears	San Marcos	TX	78666	US	3/11/2023
Melinda Marino	San Marcos	TX	78666	US	3/11/2023
Lisa Marie "LMC" Cop	San Marcos	TX	78666	US	3/11/2023
Holly mcgarvey	San Marcos	TX	78666	US	3/11/2023
Morgan Dabelgott	San Marcos	TX	78666	US	3/12/2023
Sarah Teale	San Marcos	TX	78613	US	3/12/2023
Cody Jarmon	San Marcos	TX	78666	US	3/12/2023
MARK Wincent	San Marcos	TX	78666	US	3/12/2023
Traci Yarbrough	San Marcos	TX	78656	US	3/13/2023
Victoria Escobar	San Marcos	TX	78666	US	3/13/2023
Esmeralda Rodriguez	San Marcos	TX	78666	US	3/13/2023
Gianna Maulone	San Marcos	TX	78666	US	3/13/2023
Kendall Klug	San Marcos	TX	78666	US	3/13/2023
Keith Fitzgerald	San Marcos	TX	78666	US	3/13/2023
Heidi Mireles	San Marcos	TX	78666	US	3/13/2023
Shan Pasarya	San Marcos	TX	78666	US	3/13/2023
Cory McDonald	San Marcos	TX	78666	US	3/14/2023
Ana McDonald	San Marcos	TX	78666	US	3/14/2023
Beatrice Contreras	San Marcos	TX	78666	US	3/14/2023
Johnny Pineda	San Marcos	TX	78666	US	3/14/2023
Breanna Campbell	San Marcos	TX	78666	US	3/14/2023
Debra Pendley	San Marcos	TX	78666	US	3/14/2023
Markley Walsh	San Marcos	TX	78666	US	3/14/2023
Henrietta Rodriguez	San Marcos	TX	78666	US	3/14/2023
Eli Cruz	San Marcos	TX	78666	US	3/15/2023
Raven Sharp	San Marcos	TX	78666	US	3/15/2023
Pete Casares	San Marcos	TX	78666	US	3/15/2023
Rachel Casares	San Marcos	TX	78666	US	3/15/2023
Leeland B	San Marcos	TX	78666	US	3/15/2023
Kiara Castillo	San Marcos	TX	78666	US	3/15/2023
Carmen Marquez	San Marcos	TX	78666	US	3/15/2023
Barbara Guarrero	San Marcos	TX	78666	US	3/15/2023
Jaqueline Rodriguez	San Marcos	TX	78666	US	3/15/2023
kiley marquez	San Marcos	TX	77052	US	3/15/2023
Savannah Olivo	San Marcos	TX	78666	US	3/15/2023
Zach Peoples	San Marcos	TX	78666	US	3/15/2023
Kaileena Kunz	San Marcos	TX	78666	US	3/15/2023
harvey lockwood	San Marcos	TX	78666	US	3/15/2023
Teri Peterson	San Marcos	TX	78666	US	3/15/2023
Harold Rogers	San Marcos	TX	78666	US	3/15/2023
Avery Guerra	San Marcos	TX	78666	US	3/15/2023
miley vela	San Marcos	TX	78666	US	3/15/2023
Jesus Velázquez	San Marcos	TX	78666	US	3/15/2023

Daniela Bermea	San Marcos	TX	78666	US	3/15/2023
bibisha sapkota	San Marcos	TX	78666	US	3/15/2023
Tristan Campbell	San Marcos	TX	78666	US	3/15/2023
Oliver Pulling	San marcos	TX	78666	US	3/16/2023
Emma Allen	San Marcos	TX	78666	US	3/16/2023
Johnnathen Marquez	San Marcos	TX	78666	US	3/16/2023
avery heatwole	San Marcos	TX	78666	US	3/16/2023
Fedra Olivares	San Marcos	TX	78666	US	3/16/2023
Alexa Herrera	San Marcos	TX	78666	US	3/16/2023
analia sepulveda	san marcos	TX	78666	US	3/16/2023
Jennifer Rosas	San Marcos	TX	78666	US	3/16/2023
Zoe Hengst	San Marcos	TX	78666	US	3/16/2023
Kathleen Hewitt	San Marcos	TX	78666	US	3/16/2023
Margie Crosby	San Marcos	TX	78666	US	3/16/2023
Amelie Bartz	San Marcos	TX	78666	US	3/16/2023
Marina Howard	San Marcos	TX	78666	US	3/16/2023
Kelly Kolodziejcyk	San Marcos	TX	78666	US	3/16/2023
Suzi Fields	San Marcos	TX	78666	US	3/17/2023
Alej Mena	San Marcos	TX	78666	US	3/17/2023
Emma Benitez	San Marcos	TX	78666	US	3/17/2023
Heather Hopkins	San Marcos	TX	78666	US	3/17/2023
William Eugene-Onye	San Marcos	TX	78666	US	3/17/2023
Adriana Miller	San Marcos	TX	78666	US	3/17/2023
Reagan Vielma	San Marcos	TX	78666	US	3/17/2023
Max Grossi	San Marcos	TX	78666	US	3/19/2023
julia ryza	San Marcos	TX	78666	US	3/19/2023
Graham Holmes	San Marcos	TX	78666	US	3/19/2023
Kimberly Sticher	San Marcos	TX	78666	US	3/19/2023
Hector Conde	San Marcos	TX	78666	US	3/20/2023
Kyla Broyles	San Marcos	TX	78666	US	3/20/2023
clementina Pederson	san Marcos TX	TX	san Marcos	US	3/6/2023
Ronilda VanBuskirk	Sandwich		2563	US	3/7/2023
Nancy Yan	Sanford		32771	US	3/6/2023
Nathaniel Hough	Sanit Joe		56544	US	3/7/2023
Josie Erickson	Santa Cruz		95062	US	3/5/2023
Marcia Zukowski	Sarasota	FL	34231	US	3/6/2023
Bradjay Benavides	Scottsbluff		69361	US	3/15/2023
Judith Telford	Seattle	WA	98160	US	3/5/2023
Olivia Conrad	Seattle		98122	US	3/6/2023
Aether Ayer	Seattle		98126	US	3/7/2023
Matthew Li	Seattle		98160	US	3/10/2023
Nadiya Sease	Sheboygan		53081	US	3/6/2023
Bree Lopez	Sheridan		97378	US	3/7/2023
Samanhta Pedroza	Sioux City		51106	US	3/18/2023
Learah Jackson	Sioux Falls		57106	US	3/5/2023
Vladimir Rodriguez	Slidell		70461	US	3/15/2023
Ashlyn Fitzgerald	Solon		44139	US	3/6/2023

Antonio De La Rosa	h Brunswick Township		8852	US	3/14/2023
keddia betty	South Lyon		48178	US	3/6/2023
katy phelan	South Pasadena		91030	US	3/15/2023
Jessie Lieberman	Southington		6489	US	3/6/2023
Lynne Kuhns	Southlake	TX	76092	US	3/11/2023
Vancamp Popese	Spring	TX	77373	US	3/11/2023
uriel vargas	Springdale		72762	US	3/15/2023
Richard Joseph Robles	Springfield		37172	US	3/7/2023
jenise robles	Springfield		37172	US	3/7/2023
Alexa Tadros	Springfield		62702	US	3/12/2023
Malik Khair	St Louis		63116	US	3/5/2023
Caiden Meske	St Louis		63101	US	3/11/2023
Linnea Dramdahl	St. Paul		55119	US	3/12/2023
Lexi Lipavsky	Staten Island		10312	US	3/6/2023
Arianna Parrott	Stockton		95209	US	3/6/2023
Renata Rubio	Stockton		95207	US	3/6/2023
Alexia able	Summerville		29483	US	3/6/2023
Jillian Glinski	Syracuse		13219	US	3/5/2023
baylee daye	Tampa		33624	US	3/5/2023
Iliana Bhuller	Tampa		33625	US	3/6/2023
Leah keck	Tazewell		37879	US	3/6/2023
Miles Lunsford	Tazewell		37879	US	3/6/2023
Donald wleklinski	Terre Haute	IN	47803	US	3/13/2023
Brynli McCarthy	Texarkana		75501	US	3/7/2023
Bentley Parson	Tilton		61833	US	3/17/2023
Toe Muncher	Toe city		73829	US	3/6/2023
Stella Bouyer	Toledo		43613	US	3/10/2023
Phoebe Stanley	Towson		21286	US	3/6/2023
Amy Hernandez Mont	Trenton		8648	US	3/6/2023
Larissa Cooper	Trenton		8610	US	3/6/2023
Deborah Lynn Hoster	Tucson		85712	US	3/12/2023
Bryson Shultz	Tulsa		74019	US	3/17/2023
SarahMadeline Thoml	Tuscaloosa		35405	US	3/6/2023
Carisma Hernandez	Tyler		75703	US	3/6/2023
Jubby Louiscar	Union		7083	US	3/6/2023
Yaretzi Rendon	Union City		7087	US	3/5/2023
Michele Pacheco	Upland		91784	US	3/5/2023
Shane Van Eck	Vacaville		94610	US	3/15/2023
Angela Allen	Valley Stream		11580	US	3/5/2023
Austin Lattanzi	Vancouver		98661	US	3/7/2023
Lauren Allen	Vestal		13850	US	3/6/2023
Cecilia lopes	Vineyard Haven		2568	US	3/6/2023
hollie baldwin	Virginia	MN	55750	US	3/13/2023
Alexys Bailor	Waianae		96792	US	3/6/2023
Soklin Ngouv	Walton		41094	US	3/20/2023
tobias finch	Warsaw		28398	US	3/12/2023
Jessica Thompson	Washington		20008	US	3/6/2023



Sloane Harrell	Washington	20032	US	3/7/2023
xuechun Mei	Washington	20068	US	3/12/2023
Alexis Gutierrez	Waterbury	6708	US	3/11/2023
Nevaeh Rodriguez	Weaverville	28787	US	3/6/2023
Remy Young	West Roxbury	2132	US	3/15/2023
Zoe Adams	West Warwick	2893	US	3/6/2023
Aissata Gako	Westchester	45069	US	3/6/2023
Tiffany Parrett	Westville	61883	US	3/6/2023
Juana Flores	Whittier	90604	US	3/12/2023
Jordan Cawthorn	Wichita	67203	US	3/6/2023
joe deity	Wichita Falls	76301	US	3/6/2023
Chris Lee	Willow Grove	19090	US	3/12/2023
Kevin Jones	Wimberley TX	78676	US	3/15/2023
Giovanna Nakamura	Winchester	1890	US	3/7/2023
Leticia Soares	Winter Garden	34787	US	3/7/2023
Alissar awar	Winter Springs	32708	US	3/15/2023
angelika makirtchyan	Woodland Hills	84653	US	3/15/2023
Sydney McGowan	Woodside	11377	US	3/6/2023
Violet Billig	Zionsville	46077	US	3/6/2023
McKenna Mendez			US	3/5/2023
kimora thomas			US	3/5/2023
msaztec .			US	3/6/2023
Shantierra Hall			US	3/6/2023
Alex Cheese			US	3/6/2023
Piggy Zapatos			US	3/6/2023
anonymous girl			US	3/6/2023
Liberty Woods			US	3/6/2023
elena stidham			US	3/6/2023
Andraya Alka	TX		US	3/7/2023
Andersen J Ridgely			US	3/7/2023
Ian Dickson			US	3/7/2023
Andrew Floyd			US	3/7/2023
Ford Jouvenal			US	3/7/2023
Maggie Quinn			US	3/9/2023
Alicia Lutsuk			US	3/10/2023
Audrey Kelley			US	3/14/2023

## Online Petition Comments

1. Maxfield Sheridan Baker San Marcos TX 78666 "This has not been a well thought out use of this property. Heavy Industrial near the river without clawbacks should they pollute our community is unacceptable!"
2. Juanita Zepeda San Marcos TX 78666 "I live in Reedville because it's affordable and comfortable. This proposal will not maintain my ability to live out my days in dignity. Clean water, roads in good repair, fresh air, and adequate utilities are stewardship of our world and under threat by this project. This community values family, continuity and work. More trains and big trucks as well as more jet traffic pose safety and cohesion risks for young working parents, school children and retirees."
3. clementina Pederson San Marcos TX San Marcos "I don't want a heavy industrial area in my front yard."
4. Andraya Alka TX "Our community doesn't need this. What we need are places for families and children. Everything is so focused on the college and industrial. I miss old SM, where the locals at least fit into the city as opposed to now being shoved out."
5. victor godefroy San Marcos TX 78666 "as a resident of san marcos i am obligated to protect its river and surrounding nature as best i can"
6. Lisa Marie "LMC" Coppoletta San Marcos TX 78666 "I applaud the residents who continue to speak out at these meetings. Ive also been speaking at the City Council and Planning and Zoning meetings. Do we want a situation like in Ohio with the train derailment. There may be prohibited uses on the land, do we know those same prohibited uses are allowable to to be transported at the "SMART" terminal? Please, if you sign this petition show up to the City Council and Planning and Zoning meetings. This is going to be devastating to the property owners. In what orbit do we annex and then provide no due process during Zoning. These elected officials were never voted by these residents were they? Again, your signature is not as effective unless your VOICE is heard on public record. Thank you to all that have been speaking out at each meeting."
7. Sarah Teale San Marcos TX 78613 "No development is worth risking detrimental environmental impacts - no matter how much the city hopes to glean from taxes. Once this is zoned heavy industrial a myriad of unseemly things could go in over there that are bad for nature and existing residents. I don't think close enough attention has been paid to drafting a development agreement that is based on community input. If a zoning change is withheld maybe the development agreement could be renegotiated with terms more in line with appropriate environmental and resident protection."
8. Debbie Lawrence Martindale TX 78655 "The zoning for Heavy Industrial is not appropriate for the size of the property, because of being a threat to the river, or for the location, next to neighborhoods and small towns."
9. Noah Brock Maxwell TX 78656 "I live directly across the street from this property and I don't want my way of life to negatively affected by such a high impact zoning. There needs to be changes made to the development agreement to help mitigate nuisances and environmental impacts."
10. Shan Pasarya Maxwell TX 78656 "Crazy how people we weren't given opportunity to vote for are making drastic changes to our surrounding land without properly informing us. As it is we live next to a highway that's already a death trap but sure let's add more commercial vehicles into the mix!"

11. Rachel Casarez Maxwell TX 78666 "We moved to this area to live in a nice quiet neighborhood where we could grow old and enjoy the fresh clean air. Now SM wants to make us their dirty industrial area because they don't want to it in their neighborhoods. Our neighborhood has always experienced flooding. I fear this will only exacerbate the flooding and make our homes even more prone to flooding. Our neighborhood has always been neglected by the county. And now we have no say it what becomes of our homes and our surrounding areas. Do not let our community become San Marcos's dumping ground!!"

## Comments Concerning the developer hosted meeting on 3/15/2023

1. The presentation seemed designed for experts in planning and development, not members of the general community. Since I didn't understand most of the posters, I wasn't sure what questions to ask. It was helpful when knowledgeable community members asked questions and I could listen to their discussions, but I felt like I could learn more if everyone got to hear a brief presentation followed by people from the audience asking questions. That way everyone would get to hear the same questions and answers. After the general q and a the developers could be available for individual and small group discussion, with the possibility of referring to the posters if needed. -Ana Juarez, San Marcos [REDACTED]
2. They are not aware of the 46 foot wall of water that can hit this area when the Blanco and the San Marcos River meet during a storm. -Susan Neiman, San Marcos, [REDACTED]
3. The gentlemen representing the Franklin Mt. Developers sort of acted like we are stupid. The general view from them was that this is already happened and you can't get in our way or alter our plans. They tried to push the idea that EVERYTHING they propose is good for the ecology, economy, San Marcos, and the two counties (Hays & Caldwell). Questions that were not addressed; How are you paid as this property is sold off to various industrial companies? Some water flow areas are not shown on your maps, what will you do if the drainage and water catchments don't actually deal with extreme rain events? If an industrial entity does build there, where are all the little connecting paved roads going to be placed? My impression is that we will just have to live with lots of traffic on Hwy 80, FM110 and FM1984, that we will have, whenever these individual industries get to purchasing plots, light pollution, noise pollution, rail holdups, larger jet cargo traffic going over and an increase in property tax due to theoretical value increase. This whole project looks to benefit San Marcos alone, and leave Martindale, Reedville and Maxwell to eat all the downsides. -Norman, Bean/Martindale [REDACTED]
4. When I arrived there it was confusing for me because I did not know what to do. When I would walk up I didnt want to interrupt the person talking, but also I had no context of what they were talking about, which made it difficult to ask questions. So, I mostly walked around and listened to half conversations. Furthermore, I have ADD and it was difficult to focus on what was being told to me because everyone was talking about different things at the same time. Then in one conversation I came into someone asked a question, and when Dan answered the young lady said that the other guy had told her something different. Overall, I felt overwhelmed and confused. I would like to have had something presented to us followed by a Q&A where people could ask questions in an orderly way. -Ramona Brown, San Marcos, [REDACTED]
5. unfortunately the developers avoided answering the most important questions and their staff were well trained to be very vague and generic. -Janeth, Larson, San Marcos
6. I do not want the SMART terminal to become an inland port. The planned roads will not support this type of operation safely. Large business assembly/manufacturing operations are fine. They

create jobs and raise opportunities for everyone. Also, all battery manufacturing should be on the prohibited list (too many hazardous materials used in battery manufacturing). -Deviney, Robert, Martindale, [REDACTED]

7. Developers need to provide copies of all the maps, either printed copies to hand out or online copies. Questions about drainage were not answered clearly. Also why do they need HEAVY industry and not LIGHT industry? 70% Impervious cover is entirely too much. How about lowering the impervious cover to 60% and over a much smaller area? Parks, green spaces need to be increased. Why is the developer afraid to meet in a town hall type meeting? – Anonymous
8. It would be preferable to conduct the meeting in a different format: a presentation to us from the developers followed by Q&A from those attending. The format of the meeting last Wednesday only allowed me to hear the questions and answers from those who are looking at the same poster as I am, which limits what I can learn from questions asked by others.  
-Ohlendorf, Michael, We live on a farm on the San Marcos River across the river from Staples, [REDACTED]
9. This was a repeat of maps, adding newly acquired properties, and a City Council handout. Q&A was a bit more productive. Too many answers were "not at this time." No indications of storm water management locations/plan. -Anonymous

**ZC-23-01 (City Parks FD-HI) Zoning Change Review (By Comp Plan Element)**

**LAND USE – Preferred Scenario Map / Land Use Intensity Matrix**

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	<b>X – Heavy Industrial Districts are “Not Preferred” in a Low Intensity Zone, although a Preferred Scenario Amendment is not required.</b>	<b>If HI is "Not Preferred" here, why is this marked YES? This is asking if it is preferred, not if an amendment is required.</b>

**ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies**

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 <sup>st</sup> Century Workforce	Provides / Encourages educational opportunities			<b>X</b>
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities, and infrastructure for business	<b>X</b>		
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			<b>X</b>

**ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints**

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint	<b>42.3%</b>	<b>37.2%</b>	<b>14%</b>	<b>5.5%</b>	<b>0.9%</b>
Cultural	<b>98.4%</b>			<b>1.6%</b>	
Edwards Aquifer	<b>100%</b>				
Endangered Species	<b>100%</b>				
Floodplains	<b>82.8%</b>	<b>1%</b>		<b>15.6%</b>	<b>0.5%</b>
Geological	<b>100%</b>				
Slope	<b>99.5%</b>		<b>0.3%</b>		<b>0.2%</b>
Soils	<b>60.9%</b>	<b>37.3%</b>		<b>1.8%</b>	
Vegetation	<b>100%</b>				
Watersheds	<b>82.7%</b>	<b>17.3%</b>			
Water Quality Zone	<b>88.4%</b>			<b>5.2%</b>	<b>6.4%</b>

**ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results**

Located in Subwatershed:	<b>Morrison Creek</b>				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed	<b>X</b>				
<b>Notes: No additional impervious cover for the Morrison Creek was anticipated for the Morrison Creek watershed in the 2013 model.</b>					

**NEIGHBORHOODS – Where is the property located**

CONA Neighborhood(s):	<b>N/A</b>	<b>This is in Neighborhood Commission Area Sector 6</b>	
Neighborhood Commission Area(s):	<b>N/A</b>		
Neighborhood Character Study Area(s):	<b>N/A</b>		

**PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure**

	YES	NO
Will Parks and / or Open Space be Provided?	<b>X</b>	
Will Trails and / or Green Space Connections be Provided?		<b>X</b>
<b>The development agreement requires one park, which is not typically required for non-residential uses</b>		
<b>Maintenance / Repair Density</b>	Low (maintenance)	High (maintenance)
Wastewater Infrastructure	<b>X</b>	
Water Infrastructure	<b>X</b>	
<b>Public Facility Availability</b>		
	YES	NO
Parks / Open Space within ¼ mile (walking distance)? <b>An 8-acre park will be dedicated within the SMART Terminal Development site.</b>		<b>X</b>
Wastewater service available?		<b>X</b>
Water service available?		<b>X</b>



**TRANSPORTATION** – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

	A	B	C	D	F
Existing Daily LOS SH 80/SH110 FM 1984 Highway 142	X	FM 1984 does not have any of the above		X	X
Existing Peak LOS SH 80/SH 110 FM 1984 Highway 142	X				X X
Preferred Scenario Daily LOS SH 80/ SH 110 FM 1984 Highway 142			X		X X
Preferred Scenario Peak LOS SH 80/ SH 110 FM 1984 Highway 142	X		X		X
		N/A	Good	Fair	Poor
Sidewalk Availability					X
		YES		NO	
Adjacent to existing bicycle lane?				X	
Adjacent to existing public transportation route?				X	
Notes:					

# Zoning Request

## ZC-23-01

# FM 1984

## SMART Terminal



### Summary

<b>Request:</b>	Zoning change from Future Development to Heavy Industrial		
<b>Applicant:</b>	Franklin Mountain San Marcos I LLP 16380 Addison Rd, Addison TX 75001	<b>Property Owner:</b>	Franklin Mountain San Marcos I LLP 16380 Addison Rd, Addison TX 75001

### Notification

<b>Application:</b>	12/05/23	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	01/29/23	<b># of Participants</b>	N/A
<b>Posted:</b>	01/27/23	<b>Personal:</b>	01/27/23
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	588.821 +/- acres of land, more or less, out of the William Pettus Survey, Abstract No. 21 and the Thomas Maxwell Survey No.17, Abstract No. 188, Caldwell County, Texas.		
<b>Location:</b>	Generally located between State Highway 80 and the Union Pacific Railroad, and between future FM 110 and State Highway 142.		
<b>Acreage:</b>	588 acres	<b>PDD/DA/Other:</b>	DA – 2023-20R
<b>Existing Zoning:</b>	None (ETJ)	<b>Proposed Zoning:</b>	HI
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Industrial Park
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Low Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Extension Required at Developer's Expense	<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>	Heavy Industrial	Vacant (Future SMART Terminal)	Low Intensity Zone
<b>South of Property:</b>	ETJ/None	Vacant/ Cemetery/ Rural residential	Low Intensity Zone
<b>East of Property:</b>	ETJ/ None	Vacant/ Rural Residential/Agricultural	Low Intensity Zone
<b>West of Property:</b>	Future Development	Vacant/ Agricultural	Low Intensity Zone

# Zoning Request

## ZC-23-01

FM 1984  
SMART Terminal



### Staff Recommendation

<u>X</u>	Approval as Submitted		Alternate Approval		Denial
Staff: Julia Cleary					
Title : Senior Planner			Date: 02/08/23		

### History

The site is currently located outside the City limits in the Extra-territorial Jurisdiction (ETJ). An application for annexation is being considered concurrently with this request (AN-22-20). The zoning request is made up of five separate parcels, all of which are part of the San Marcos Air, Rail and Truck ("SMART") Terminal Development Agreement, which was originally approved in 2019 and then amended on January 17, 2023 to include these additional parcels. The request is consistent with the heavy Industrial uses in the approved Development Agreement.

A full list of uses permitted under the Development Agreement is included in the packet.

### Additional Analysis

See additional analysis below.

### Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
	This is inconsistent with the Comp Plan, why is the marked as 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 shown as "Low Intensity" on the Preferred Scenario map, which per Table 4.1 is a "Not Preferred" area for Heavy Industrial</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>There is no small area or neighborhood plan in effect for this site.</i></b>

# Zoning Request

ZC-23-01

FM 1984  
SMART Terminal



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 any applicable plan adopted by City Council
<u>X</u>			Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>The request is consistent with the SMART Terminal Development Agreement as amended by Council on Jan 17, 2023.</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>The zoning is adjacent to the wider SMART Terminal Development Agreement site which was originally approved in 2018.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>Upon annexation the site shall be zoned "FD" Future Development which is intended to be a temporary zoning district only.</i></b>
<u>X</u>	There is no documented need for this. There are no plans for rail or air development on this property. Why is this marked consistent?		Whether there is a need for the proposed use at the proposed location <b><i>The City has not received a market or needs assessment for this particular development, however the site will benefit from the location adjacent the airport and the railway line.</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

# Zoning Request

ZC-23-01

FM 1984

SMART Terminal



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</p> <p><b><i>There are existing residential neighborhoods located across the street from subject property on FM 1984 and on SH 80. However, the Development Agreement prohibits a number of "bad neighbor" uses typically permitted within a HI zoning district including, but not limited to: vehicle wrecking yards; manufacturing or storage of fertilizer; disposal or incineration of solid and hazardous waste, and fat rendering.</i></b></p>
		<u>N/A</u>	<p>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</p> <p><b><i>This is not a request for a Neighborhood Density District.</i></b></p>
<u>X</u>			<p>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</p> <p><b><i>There is floodway/ floodplain located within the easternmost parcel of this zoning request. Per the approved Development Agreement, post development discharge must be 10% less than pre-development rates considering Atlas 14 precipitation data, compared to the standard code requirement that requires no change.</i></b></p>
		<u>N/A</u>	<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</p>

Dear Planning and Zoning Commissioners,

I am writing to ask you to deny ZC-23-01. I want to preface my remarks by saying that I am not a NIMBY (Not in my back yard), nor am I anti-growth or anti-manufacturing and Heavy Industry. Our modern lives depend on manufacturing, and I fully support efforts to increase manufacturing in the U.S. However, because of the high impact and risks for neighborhoods and the environment, it is essential to fully research and do our due diligence before changing zoning and approving development agreements. When I began investigating this project, I thought ZC-23-01 could be tweaked some before it was approved. Unfortunately, the more I learned the more I realized that we do not know enough about this project, e.g. will this project be a long-term gain or a long-term drain for taxpayers? Similarly, this project fails to protect neighbors and the environment. It cannot just be tweaked. Based on the research done by a group of concerned citizens that uncovered many flaws (see Written Comments included in the P and Z packet for today), this agreement needs to go back to the drawing board. Please do not rush to approve this massive, potentially costly and dangerous project located in the wrong place at the wrong time.

Located near Mexico, just a few hours away from Laredo, the U.S.'s third-busiest port, and in the middle of our country, everyone wants to come to Central Texas. Designated one of the fastest growing areas in the country, we have seen unprecedented growth. Unlike so many other places, we do not need to recruit businesses to provide jobs, instead we are blessed with the opportunity and privilege to choose what is best for our community and environment. People and businesses are clamoring to come here, even as businesses are suffering from labor shortages. The proposed Development Agreement for the SMART terminal is not right for San Marcos. It is too large, too dangerous, fails to meet the city's own criteria for a change in zoning, asks for too many waivers, and does not account for the disastrous effects of climate change. Although this may not be "typical" or "standard," the city must reject the proposed agreement, go back to the drawing board, conduct a thorough cost-benefit analysis of the agreement to make sure this is a good deal for the taxpayers, and investigate the growing list of protections needed to ensure that this project does not harm neighboring communities and the environment. We do not need to provide blanket HI zoning, including many waivers, of over 2000 acres to boost our economy.

Has the city asked if the proposed project, as written, is a fiscally responsible decision for the city and for we the taxpayers, in both the short-term and the long-term? Before the city makes any decisions about

zoning and annexation, you must conduct a cost-benefit analysis specifying both short and long-term costs paid for by the city and the developer, including potential tax revenue, cost to build and most importantly the cost to forever maintain water, wastewater, electric, and roads. HI projects require special roads to support heavy semi-trucks., not just in the immediate vicinity but also on the roads leading to the closest freeways. Who will bear this burden? What is the cost of employees and administrators needed to implement, maintain, oversee and manage the infrastructure required for a project of this size and scope? Perhaps most importantly, what is the cost of the special Heavy Industrial fire stations, fire fighter training and salaries, and other employees needed to protect a 2000-acre Heavy Industrial manufacturing and transport terminal. Please operate like a fiscally responsible business that weighs their bottom line for taxpayers.

Zoning changes have serious implications and can set up properties or areas for worse conditions in the future. This is exactly what is happening now. Despite the Planning and Zoning Commission's initial denial of HI zoning in 2019, City Council reluctantly agreed to approve a SMART Terminal which was half the size and had stronger restrictions. After being sold to Franklin Mountain, a billion-dollar national level developer who quietly purchased surrounding property, they are proposing a massive HI zoned transportation terminal with Heavy Industrial zoning, including many more waivers than in the original.

More than doubling in size, the proposed transportation terminal dwarfs neighboring communities. The developer is taking land away from the previously approved Cotton Center, zoned primarily for mixed residential use and commercial zoning – which is exactly what the area needs – to convert it to HI. Martindale, a quaint affordable town dominated by small businesses oriented to river and eco-tourism, organic farms and preservation of historic character, will be overshadowed by the proposed HI transportation terminal. Our city council has pledged to be good stewards of our neighbors and the environment, not only for San Marcos but also for Reedville, Maxwell and Martindale. Even though we did not have a seat at the table, a small group of dedicated citizens has done extensive research and found so many problems and concerns that we need to start over and go back to the drawing board (see Written Comments included in the packet for today's meeting). Council and Planning and Zoning have agreed to hold developers accountable and make sure that their projects are not made at the expense of the neighbors and the environment.

Finally, the city needs to clarify what happened with the Cotton Center's previous attempts to obtain wastewater treatment and fire protection. Why did the Cotton Center sell this part of their property, and was this related to their inability to obtain affordable wastewater treatment, fire insurance, or other



needed infrastructure. Let's get answers to these and the many other questions and requests submitted in the written comments included in your packet, before we agree to annex and rezone this massive development that may end up costing us more than it is worth.

Thank you,

Ana M. Juarez  
342 Newberry Trl.  
San Marcos, TX 78666

**Hernandez, Amanda**

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**From:** Diane Macgregor <[REDACTED]>  
**Sent:** Tuesday, March 28, 2023 11:03 AM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Written Comment for Planning & Zoning Commission meeting 3/28

**Written Comment to the Planning & Zoning Commission. Agenda item: ZC-23-01 SMART Terminal FD to HI.**

**I would request that my comment be read at the meeting.**

**Please use this opportunity to slow down and pay attention to the important issues that will guide the future of this development for many decades and affect thousands of residents of the area. I request a six to nine month delay on this zoning decision in order to formulate a better solution.**

I have many concerns about this development. To narrow it down I will mention just three:

- The negative impact of this Heavy Industrial development on the San Marcos Watershed / San Marcos River / San Marcos River Protection Zone unless more stringent safeguards are put in place.
- The fact that the City of San Marcos is not requiring any environmental / traffic / neighborhood / river impact, etc. studies until right before construction starts. That will be costly and too late to fix poor planning.
- Dark Sky Lighting should be mandatory due to the detrimental impact on wildlife that occurs in such a large area of development.

There are many other issues that need to be addressed. But I ask that the Commission remember that the thousands of residents of rural Caldwell County and Martindale and other communities downstream need to be listened to. We spend our money in San Marcos, work in San Marcos and support the City in many ways. We have participated in promoting the City's efforts to enhance its attraction as a tourist destination. I look at this development as the opposite of the goals expressed by the San Marcos River Foundation, the Meadows Center, and the Mermaid Society.

San Marcos has worked so hard for a long time to make the San Marcos River a destination. It would be a pity to ruin this outstanding record and bring a big blotch on the City due to the developers' rush to push through their agenda without careful and proper vetting and environmental studies.

Thank You for your time and attention.

Diane MacGregor, 140 Lady Bug Lane, Martindale, Texas State University  
Lifelong resident of Central Texas, 20 year resident of Caldwell County, graduate of Texas State University.

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**Hernandez, Amanda**

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**From:** Jonathan Grant <[REDACTED]>  
**Sent:** Sunday, March 26, 2023 9:35 PM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Application ZC-23-01

Please oppose the rezoning application ZC-23-01 from Future Development to Heavy Industrial. I do not see how a Heavy Industrial are this large could not be destructive to our beautiful river and the area and people nearby. For our sake, and for the sake of future generations, please oppose this application.

Thank you.  
Jonathan Grant  
1100 Mountain View Dr.  
San Marcos

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## Hernandez, Amanda

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**From:** karen brown <[REDACTED]>  
**Sent:** Monday, March 27, 2023 12:43 PM  
**To:** Planning Info; P&Z Commission  
**Subject:** [EXTERNAL] Vote NO on agenda Item ZC-23-01

**Importance:** High

Planning and Zoning Commission,

Thank you for your difficult work on the Planning Zoning Commission. We are aware you have to make very difficult decisions based on diligent research as to what is best for our community. We also know your well researched and thoroughly discussed recommendations are not always supported. Please keep up your excellent work and recommendations on behalf of the residents of San Marcos. We and many other community members support you.

I am contacting you because my husband, Karl Brown, and I are strongly opposed to rezoning land for Smart Terminal from Future Development to Heavy Industrial. **We are asking you to oppose and vote no to the rezoning application ZC-23-01.**

We have several concerns about the proposed rezoning. Our main concern is the longterm impact on the river. Having this huge track, of land, **100 time bigger than the San Marcos outlet malls and 100 times bigger than Amazon,** converted Heavy Industrial is clearly an assault on the river.

Promises of safeguards to protect the river and the current environment are merely promises. Consider the history of development along the river in our community. **The only sufficient safeguard is for you to oppose and vote no to the rezoning application ZC-23-01.**

Sincerely,

Karen and Karl Brown  
834 W. Hopkins Street  
San Marcos  
512 395 5467

Please read our comments at the meeting at which you discuss this rezoning request. Thank you.

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## Hernandez, Amanda

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**From:** Atty Kama Davis [REDACTED]  
**Sent:** Sunday, March 26, 2023 1:46 PM  
**To:** P&Z Commission; Citizen Comment; Planning Info  
**Subject:** [EXTERNAL] Letter to the Editor opposing rezoning for Smart Terminal from FD to HI on agenda item ZC-23-01

To the Planning and Zoning Commission:

Thank you for your service. Attached is a Letter to the Editor in the San Marcos Daily Record opposing rezoning from FD to HI on agenda item ZC-23-01. Please consider it and vote no to rezoning.



To the Planning and Development Department & Citizen Comment staff. Thank you for the work you do. Can someone read this into the record at Citizen Comment on Tuesday March 28, 2023's P&Z meeting? Are there any steps I need to take to make sure it is read in? Thank you.

Kind regards,  
Kama Davis  
[REDACTED]

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**From:** Atty Kama Davis [REDACTED]  
**Sent:** Friday, March 24, 2023 6:17 PM  
**To:** P&Z Commission  
**Subject:** [EXTERNAL] Please OPPOSE and vote NO to the rezoning application ZC-23-01 from FD to HI

To the San Marcos Planning and Zoning Commission:

Thank you for your service to San Marcos and surrounding communities. I **OPPOSE** the rezoning application ZC-23-01 from Future Development to Heavy Industrial and request that you vote **NO** to rezoning.

People from all of the cities and towns, including but not limited to San Marcos, Martindale, Lockhart, and Maxwell are directly affected and have a right to voice their concern about this proposed rezoning.

**Massive size of proposed area to be rezoned.** Please consider that the tract of land being considered for rezoning is huge. It is 10% the size of San Marcos. It is 100 times bigger than the San Marcos outlet malls; 50 times bigger than Texas State University; and 100 times bigger than Amazon. The “Smart Terminal” developers propose that this natural area close to the River and neighborhoods should be rezoned to Heavy Industrial. Heavy Industrial in an otherwise rural area is far from “Smart”.

**With Heavy Industrial comes light, noise, water, and air pollution.**

**Water Pollution and Flooding.** This area is farmland and already, just an inch of rain will flood Highways 80 and 142. Imagine the flooding that will occur if this massive area is turned into Heavy Industrial and paved over (or even partially paved) with impervious groundcover. The problem isn’t simply flood-water, it’s the fact that this water will be fouled with industrial pollutants, chemicals, debris, and toxic materials. This will all pour into the River and further risk rare and endangered species such as the blind salamander. Not to mention it will affect human use of the River.

**Air Pollution.** Heavy Industrial will produce massive amounts of dust which will blow into the surrounding area, spreading the pollutants even further.

**Noise Pollution.** Traffic from the main roads is already a problem. Heavy Industrial could potentially run 24 hours a day, 7 days per week to maximize profit for the developers. Neighbors won’t be able to bear that kind of noise, and it will negatively affect livestock production, and wildlife.

**Light Pollution.** Light pollution has detrimental effects on migrating birds, insects, and bats. Not to mention, it will be very difficult for people living in the near-by neighborhoods to sleep and benefit from the quiet use and enjoyment of their property, and will disrupt their everyday life.

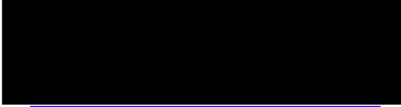
**Safeguards and Enforcement.** Although some argue this land should be rezoned to Heavy Industrial and that safeguards against these problems will be put in place, no one has outlined *sufficient* safeguards. And even if strict safeguards are put into an agreement with the developers, what are the enforcement mechanisms? And even if enforcement mechanisms are outlined, who will shoulder the burden and cost of actually enforcing these mechanisms? Will the City of San Marcos be ready, willing, and able to sue the developers, enforce the (currently non-existent sufficient safeguards) and shut down the Smart Terminal if they do not uphold agreements?

Plain and simple, changing this Future Development into Heavy Industrial is a bad idea. Please **OPPOSE** and vote **NO** to the rezoning application ZC-23-01 from Future Development to Heavy Industrial. Thank you.

Kind regards,

***J. Kama Davis***

J. Kama Davis



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## Hernandez, Amanda

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**From:** Korey Rohlack [REDACTED]  
**Sent:** Monday, March 27, 2023 8:24 PM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Agenda item: ZC-23-01 SMART Terminal FD to HI.

Please read during the public comment section.

My name is Korey Rohlack. Although I am not a resident of San Marcos, I was born there in 1980 and Martindale has been home since 1986. I wish I could be here in person with a torch and pitchfork to protest the proposal to create a very large “heavy industrial” zone between Martindale, Reedville and Maxwell. This proposal will not only affect several thousand residents who have homes here, it will negatively impact this area for generations to come. This HI zone proposal is bad on several different levels: from multiple types of pollution to traffic, noise and the quality of life that thousands of people, enjoy in their homes.

San Marcos has become the guardian of the headwaters of the San Marcos River. But what of the river, downstream from town? Just because it is not within the city limits does not mean that San Marcos should stop caring for it. This zoning change is within 1-1.5 miles of the river itself. The agricultural fields in this area easily flood with a heavy rain. This zoning change puts heavy industry in the path of multiple creeks and drainages that will quickly flow into the river. Franklin Mountain claims to have solutions to this problem but it is a farce. We have seen multiple “100-year” floods in my lifetime. These floods will easily swamp the pollution laden land and will pollute our homes, neighborhoods, towns and river. Now with the impervious cover of heavy industry, the floods will come quicker and be more violent. Might I remind you that the bodies of the family that were washed away during a flood in Wimberley were found down-river of Martindale. The power of water is real and Franklin Mountain’s plans are only paying lip service to this.

I have spoken with members of Franklin Mountain at an open house in Martindale. I asked multiple, extremely valid questions regarding the well-being of the river, pollution (environmental, light, noise), traffic, flooding; as well as listened to concerns by many other residents of this area. I applaud Franklin Mountain for dancing around the questions and never giving a real answer. There were many times when Franklin Mountain was asked something and they gave a basic “deer in the headlights” look and tried to steer clear of the question. There was one point where the hydrologist, that helped build their designs, gave such a poor and lame reply that he was laughed down by a group of knowledgeable and concerned residents. This is the same hydrologist that is suggesting that their plans for the industrial zoning will protect the river from pollution. When given suggestions on how to improve their designs, their eyes would glaze over and our concerns were dismissed. Is this who we want as a neighbor?

I ask that the Planning and Zoning Commission deny the application for Heavy Industry zoning. This is a land grab by a developer that has no cause or concern to better the residents of the San Marcos River. Ask yourself if you would go swimming in the San Antonio River. Would you take your children there to swim in all of the “chemically treated water”? The answer should be a resounding “NO!”. Once the land and river is raped by Franklin Mountain, who will be left with paying for the cleanup of this horrible idea? Do not let the San Marcos River become a polluted cesspool that our children cannot enjoy. Help us protect the river for our children. It is a fragile, natural gem in Central Texas. Whatever the guarantees that are given to you by Franklin Mountain, also remember that people gave the same safe guarantee of the Titanic.

Respectfully; with Torch and Pitchfork in Hand;

Korey Rohlack

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**Hernandez, Amanda**

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**From:** Kevin Serna [REDACTED]  
**Sent:** Tuesday, March 28, 2023 11:40 AM  
**To:** Planning Info  
**Subject:** [EXTERNAL] SMART TERMINAL MEETING ZC-23-01

Hi,  
Our local SMART Terminal team asked if I can relay my concerns to this email address regarding the upcoming zoning project. I'm unable to attend tonight's meeting due to prior commitments, but would like to see a few questions answered if not done so already.

As a nearby resident, I believe it's really important for us to take the time to carefully consider the potential risks and benefits of this proposed development. Any decision to rezone should be made in consultation with our community and with the goal of minimizing any negative impacts on our environment, health, well-being, and property values.

I'm particularly concerned about the potential for flooding and increased pollution. As many of you remember, the 2015 flood destroyed many homes and I can't help but think about the rapid growth we experienced the year before, which overwhelmed our city's flood control and drainage systems. I worry that a combination of these factors plus heavy rainfall could lead to another flooding situation. I understand that increased economic activity can be appealing, but it does come at a cost to our environment. As we live so close to the river, I have a few questions that I'm not sure have been answered yet. Specifically:

What specific types of heavy industrial activities are planned for the site, and what are the potential environmental and health impacts of these activities? What comes to those who fail to comply with the specific types of activities?

How will the development impact the quality and quantity of water in the river, and what measures will be taken to protect the river and surrounding ecosystem?

What steps will be taken to prevent or mitigate flooding and other environmental impacts?

How will the development ensure that hazardous substances or pollutants are not released and potentially harm nearby homes or public health?

What measures will be taken to protect wildlife and vegetation along the river?

How will nearby residents be informed and provided opportunities to share feedback throughout the planning and implementation process?

Finally, how will the development impact issues related to noise, traffic, and property values?

These are important questions we should all be asking and discussing with the developer tomorrow. Thanks for taking the time to read this and for everything your team has done!

Regards,

Kevin

## Hernandez, Amanda

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**From:** Margo Case [REDACTED]  
**Sent:** Monday, March 27, 2023 7:42 PM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Agenda items ZC-23-01

I am a 19 year resident of San Marcos having moved here from a suburban area in La. One if the main reasons for choosing San Marcos was the amount of natural areas it offered and the lack of a crowded suburban type atmosphere. Of particular importance in choosing SM was the river and all it had to offer and the lack of commercialism related to the river.

I urge you to think long and hard about the impact of the expansion implied in this suggested change. I ask you to hear me when I say please do not approve this agenda item. It seems that this move would open a door that is better left shut. Therefore I urge you to oppose and vote no to rezoning land for Smart Terminal from FD to HI.

Sincerely,  
Margo R Case  
2876

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**Hernandez, Amanda**

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**From:** Michael Ohlendorf [REDACTED]  
**Sent:** Tuesday, March 28, 2023 10:47 AM  
**To:** Planning Info  
**Cc:** ICE Nancy Ohlendorf  
**Subject:** [EXTERNAL] SMART Terminal Concerns

As landowners on the San Marcos River downstream from where the drainage from the proposed SMART terminal will enter the river, we are concerned about the negative impacts that the drainage from the development will have on the quality and quantity of water in the river.

The primary issue is water quality. With a zoning of Heavy Industrial there is a high probability that runoff from the site will contain chemicals and other contaminants that will negatively impact the quality of water in the river after rain events.

The other issue is water quantity. The development agreement states that storm water controls will be designed to reduce peak rates of discharge to at least 10% less than existing peak rates for 2, 10, 25, and 100-year storm events at each point of discharge from the property. That sounds good, but what are the "peak rates"? Will the proposed storm water controls accommodate the quantity of water produced by floods like the ones in May and October of 2015 and the flood in October 1998? If not, the SMART development will be responsible for contributing to the flood damage incurred by landowners downstream from where the runoff from the development enters the San Marcos River.

The San Marcos River is one of the few remaining rivers in Texas that is still well-suited for recreational purposes, and it is central to the identity and economy of the City of San Marcos and other downstream communities. Do you really want to risk being a part of the governing body that approved the development of 2000+ acres of rural land into a heavy industrial complex that results in the following news headline at some point in the future:

#### **San Marcos River Closed for Recreational Use Due to Runoff from SMART Development**

We respectfully request that you deny the zoning change to Heavy Industrial, or at least delay the decision until further studies on storm water drainage can be completed.

Thank you

Nancy and Michael Ohlendorf  
1845 FM 1977  
Martindale TX 78655

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## Hernandez, Amanda

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**From:** Norman Bean <[REDACTED]>  
**Sent:** Monday, March 27, 2023 1:50 PM  
**To:** Planning Info  
**Subject:** [EXTERNAL] SMART

Dear SM Planning and Zoning Commission,

**Please put a 6 month hold on the re-zoning of the proposed SMART development.**

More study needs to be done to understand the ramifications of building a Heavy Industrial complex so close to the San Marcos River, and Caldwell County/ Martindale residents.

As a Martindale resident living in Butterfly Meadows, just adjacent to the proposed SMART development project, (FM 1984 & Hwy 80) I have grave concerns about the Impervious Cover causing pollution to the Ground Water, the Flood Water Control plans and San Marcos River pollution.

As you may or may not know, the water table in the area of the proposed development is only 20 to 80 feet below the soil surface. As construction and impervious cover is established, the water table will subside, which will cause large buildings to gradually sink into the void left after the water is drained away.

The City of San Marcos is not requiring any environmental / traffic / neighborhood / river impact, etc. studies that look to the possible environmental problems.

Where the proposed development meets Hwy 80 at Wolf Creek, the watershed runoff is only 1400 feet from the San Marcos River.

If the impervious Cover is 70% overall but 90% each tract, (per the development agreement), that is well over ONE THOUSAND acres of concrete, buildings and parking lots.

***A Heavy Industrial Zoning is not properly associated with, nor compatible with, nearby residential use.***

***Just rubber stamping Heavy Industrial Zoning on this proposal may be the legacy that you regret.***

San Marcos is built around clean water, Mermaids and beautiful parks.

Don't destroy what we know to be good stewardship.

**Please put a 6 month hold on re-zoning the SMART development. More environmental impact study needed.**

Thank You,  
Norman Bean  
140 Lady Bug Lane, Martindale 78655

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March 28, 2023

To: Members of the Planning and Zoning Commission

Re: Zoning for the Smart Terminal Project

We are residents and homeowners in two great communities: San Marcos AND Martindale. These two towns have a very special connection – the beautiful, pristine, and treasured San Marcos River runs right through the heart of both. Having lived and worked in the area for over forty years we know how important it is to our city officials to protect the spring flow and water quality within the San Marcos River watershed.

We also know that the City of San Marcos has invested a great deal of effort and millions of dollars in trying to prevent loss of life and property during the flash flood events that regularly occur in this part of Texas.

Knowing this, we were surprised and disappointed when the city first approved Heavy Industrial zoning for the SMART terminal tract in 2019. Now that tract has more than doubled in size to a whopping 2000+ acres and the new developer wants it ALL zoned Heavy Industrial. We urge you to deny this zoning request. Granting it will inevitably lead to more devastating floods in an area already prone to flooding.

Those of us who live nearby know that this huge tract of land is criss-crossed with small streams and drainages that flood in even modest rains. We also know how damaging these rains are to the water quality in the river. After a heavy rain the river often smells bad for weeks. Imagine if heavy industrial compounds and petrochemicals are added into the mixture of noxious things washing into our beautiful river.

The water table under the Smart Terminal property is very shallow and is the source of water for many in the area. Many people are fearful for their water supply. Others are concerned about the heavy, dangerous truck traffic and noise that an industrial zone will bring to the area.

Please consider denying this zoning change request. If you feel you cannot deny it outright, at least postpone your decision about it until more in-depth analysis of these issues can be done.

Your downstream neighbors all along the river will appreciate your taking care in this important, life-changing decision.

Thank you so much.

Phillip Hicks and Stephanie Langenkamp  
191 Riverbend Lane  
Martindale, TX



## Hernandez, Amanda

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**From:** Robert Deviney [REDACTED]  
**Sent:** Monday, March 27, 2023 3:41 PM  
**To:** Planning Info  
**Cc:** SMART Terminal Community Info; Cleary, Julia; Ed Theriot; Hoppy Haden <hoppy.haden@co.caldwell.tx.us>; Hughson, Jane  
**Subject:** [EXTERNAL] SMART Terminal Development Agreement (PDA-22-07)

My name is Robert Deviney and I live in Martindale. I am requesting that the San Marcos Planning and Zoning Commission vote to “deny” the zoning change application for the SMART Terminal until amendments are made to the development agreement approved in January of 2023 by the San Marcos City Council (agenda item 10; ZC-23-01 SMART Terminal FD to HI). I think the following amendments should be made to the agreement:

1. Based on section 1.04.B.7 of the 01/17/2023 SMART Terminal agreement the development will allow shipping containers to be stacked 80 feet high. The only facilities that I know of that require this type of stacking is for port related operations. Inland ports require huge amounts of 18 wheel trucks. The best example that I know of is one of these operations in the Dallas area. The terminal is located directly along Interstate 45 (a heavy duty three lane highway, constructed with 8” reinforced concrete) with entrances and exits that turn directly into the terminal area. The trucks do not have to mingle with city traffic (read this as they don’t pass school busses or stop and go personal vehicles). They are not near residential or recreational areas. They have minimal traffic lights to deal with (only at the highway cross-over). That operation works because it had little impact on the surrounding cities and it had the heavy duty road infrastructure that is needed to make it work. Your planned terminal does not meet any of these requirements. The current roads, which you are planning to utilize, are used by commuter traffic, school buses, recreational vehicles, and some pedestrian traffic. The roads are asphalt construction which, in the Texas summer heat, will not stand up to the heavy truck traffic. Additionally, the roads are full of traffic lights, stop signs, and people turning into residential neighborhoods. If this development turns into an “inland port” I foresee huge issues for San Marcos, Martindale, Caldwell County, and your customers. Daily operations of the port could only be adversely impacted when road issues create traffic delays.

It is my opinion that “inland port” operations should not be allowed in this development. This is a perfect spot for large company manufacturing or assembly operations. Having businesses like Texas Instruments, Samsung, Dell, LG, IBM, or other large corporations who have demonstrated they are good neighbors who care for the community and environment would be ideal. These kinds of companies bring good paying jobs, people who want to be part of the community, and families who want to make the area their home for many years.

I urge you to remove section 1.04.B.7 from the agreement and to modify Exhibit D of the agreement to add “Inland Port” as a prohibited use.

2. Additionally, the prohibited use of “Manufacturing of Carbon Batteries” (item 7 of prohibited uses in Exhibit D of the agreement) is very limited. There are a number of different types of batteries, carbon just being one of them, and they all require hazardous materials in their manufacturing process. I believe the original 2019 SMART terminal agreement prohibited “Battery Manufacturing” and I would request that also be changed in the current agreement to cover all types of batteries.

It is my opinion that the amended agreement passed by the San Marcos City Council in January, 2023 did not have adequate review by the citizens who live and work in the area and should be modified/amended to satisfy those concerns. I am asking that the Planning and Zoning Commission “deny” the SMART Terminal zoning change request until the amended agreement has been reviewed and passed.

Thank you.

ROBERT DEVINEY

Sent from [Mail](#) for Windows

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## Hernandez, Amanda

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**From:** Shannon [REDACTED]  
**Sent:** Saturday, March 25, 2023 9:22 PM  
**To:** Planning Info; P&Z Commission  
**Subject:** [EXTERNAL] Please OPPOSE and vote NO to the rezoning application ZC-23-01 from FD to HI.

To the San Marcos Planning and Zoning Commission:

I **OPPOSE** the rezoning application ZC-23-01 from Future Development to Heavy Industrial and request that you vote **NO** to rezoning this tract.

People from all of the cities and towns, including but not limited to San Marcos, Martindale, Lockhart, and Maxwell are directly affected and have a right to voice their concern about this proposed rezoning.

**Massive size of proposed area to be rezoned.** Please consider that the tract of land being considered for rezoning is huge. It is 10% the size of San Marcos. It is 100 times bigger than the San Marcos outlet malls; 50 times bigger than Texas State University; and 100 times bigger than Amazon. The “Smart Terminal” developers propose that this natural area close to the River and neighborhoods should be rezoned to Heavy Industrial. Heavy Industrial in an otherwise rural area is *far* from “Smart”.

**With Heavy Industrial comes light, noise, water, and air pollution.**

**Water Pollution and Flooding.** This area is farmland and already, just an inch of rain will flood Highways 80 and 142. Imagine the flooding that will occur if this massive area is turned into Heavy Industrial and paved over (or even partially paved) with impervious groundcover. The problem isn’t simply flood water, it’s the fact that this water will inevitably be fouled with industrial pollutants, chemicals, debris, and toxic materials. This will all pour into the River and further risk rare and endangered species. Not to mention it will affect human use of the River and the quality of this precious resource.

**Air Pollution.** Heavy Industrial will produce massive amounts of dust and fumes which will blow into the surrounding area, creating hazards for nearby residents and diminishing the quality of life.

**Noise Pollution.** Traffic from the main roads is already a problem. Heavy Industrial could potentially run 24 hours a day, 7 days per week to maximize profit for the developers. Neighbors won’t be able to bear that kind of noise, and it will also negatively affect livestock production, and wildlife.

**Safeguards and Enforcement.** Although some argue this land should be rezoned to Heavy Industrial and that safeguards against these problems will be put in place, no one has outlined *sufficient* safeguards. And even if strict safeguards are put into an agreement with the developers, what are the enforcement mechanisms? And even if enforcement mechanisms are outlined, who will shoulder the burden and cost of actually enforcing these mechanisms? Will the City of San Marcos be ready, willing, and able to sue the developers, enforce the (currently non-existent sufficient safeguards) and shut down the Smart Terminal if they do not uphold agreements? This must be contemplated in advance to be effective at all.

Plain and simple, changing this Future Development into Heavy Industrial is a bad idea. Please **OPPOSE** and vote **NO** to the rezoning application ZC-23-01 from Future Development to Heavy Industrial. Thank you.

Shannon M. FitzPatrick

P.O. Box 832  
San Marcos, TX 78667

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## Hernandez, Amanda

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**From:** Virginia Parker [REDACTED]  
**Sent:** Tuesday, March 28, 2023 9:59 AM  
**To:** P&Z Commission  
**Cc:** Rachel Sanborn  
**Subject:** [EXTERNAL] River Foundation sentiments for SMART terminal  
**Attachments:** P&Z letter SMART terminal March 28 2023.docx

Hello!

My name is Virginia Parker and I am the Executive Director for the San Marcos River Foundation. Our number one goal is to protect and preserve the quality and quantity of the San Marcos River for future generations.

I feel compelled to let you know why we are, ironically, NOT opposing the zoning of the SMART terminal land. Please don't mistake that comment to mean that we are excited about a 2,000 acre industrial park, because we are not. However, if this additional acreage is not zoned and annexed by the City there is a high probability that this land will end up being developed under county code.... Which is to say that there will be very little regulation and no limit on impervious cover. We know that the developer can get water, wastewater and electricity outside of the city, so we think this development will move forward regardless of how you vote tonight.

We think that the benefits of the San Marcos City code far outweigh the risk of a development in the county. The developers have agreed to a 70% total impervious cover limit which is much better than what could happen in the county.

They have also agreed to improve stormwater runoff by 10% above that which occurs today, which again would not happen under county regulations. This aspect of the project is a huge benefit for downstream neighbors with regards to mitigating floods.

Lastly the developers are voluntarily reducing total suspended solids by 70% which is a great benefit to the San Marcos River during rain events.

There are many things we have asked of the developer including dark skies and larger setbacks, and we would of course love to see these restrictions written into the development agreement so that their end users would be required to follow through with the promises. The two highest priority requests from the River Foundation are the following:

- 1) much wider setbacks to the floodplain and tributaries of the San Marcos River (150 feet instead of the required 30 feet), and
- 2) ensuring that the pockets of 90% impervious cover are as far from the tributaries as possible.

We appreciate the additional time that the planning and zoning commission has given the River Foundation and the public to discuss different aspects of the project with the developers. We feel that a lot of our questions have been answered and the developers are willing to work with us moving forward.

If the commission still feels that there are unanswered questions as of tonight, we ask that you again delay a vote as opposed to voting against the zoning change. Thank you for your time and your service! Please reach out to us if you have any questions about our position.

Sincerely,

Virginia Parker  
210-860-4575  
Executive Director, San Marcos River Foundation

--

Executive Director  
San Marcos River Foundation  
P.O. Box 1393  
San Marcos, TX 78667  
210-860-4575

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**Hernandez, Amanda**

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**From:** ROBT C OHLENDORF [REDACTED]  
**Sent:** Thursday, March 30, 2023 10:23 PM  
**To:** Planning Info  
**Subject:** [EXTERNAL] Maintaining Water Quality in the San Marcos River

Having the source of the San Marcos River in the City, it is well known the value of such a beautiful natural treasure. Everyone must do whatever is required to maintain the beauty of this treasure.

As a landowner downstream from San Marcos, I have enjoyed its value and beauty for over 75 years. I am very concerned about drainage and possible contamination of the river and property below the SMART terminal development. I observed the 1998 and 2015 floods first hand. At the flood peaks, the river on my property must have been 600+ feet wide. The development agreement states that the storms water controls will be designed to reduce peak rates of discharge to at least 10% less than existing peak rates for 2, 10, 25, and 100 years at each point of the discharge from the SMART terminal property. With the volume of water that occurred in these peak floods and to a lesser extent with smaller floods, it is inconceivable to me that SMART terminal development will be able to meet this commitment.

The probable result is that the river, and all land along the River will be contaminated with heavy industrial chemicals. As strong advocates for the San Marcos River, all of us must do whatever we can to minimize this possibility. The water quality of the River must be protected.

I respectfully request that you deny the zoning change to Heavy industrial. None of us should be allowed to take the chance of degrading the quality of the River and the land along its boundary.

Thank you

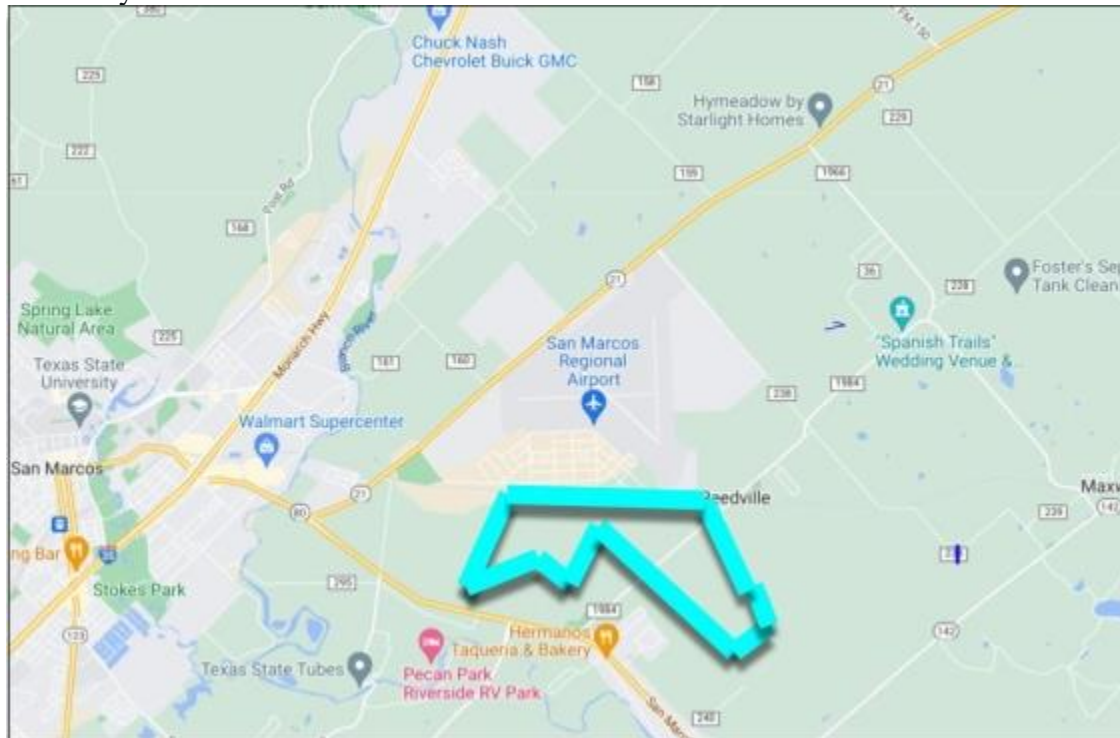
Bob Ohlendorf  
5040 SE River Road  
Martindale, Tx 78655

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Apr 9

Here's a quick timeline of events:

- Here's my rendition of it:

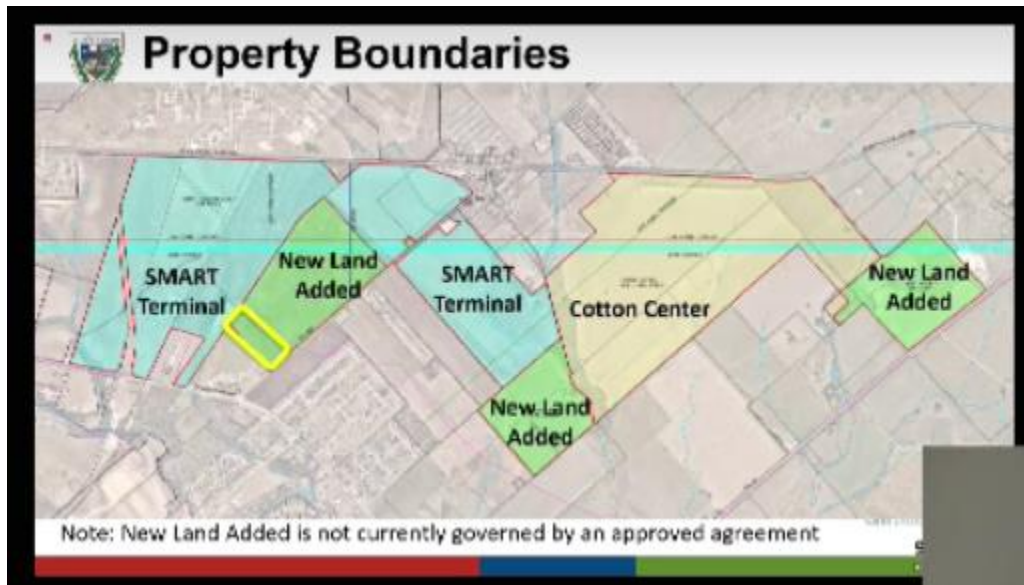


Just sitting there for three years.

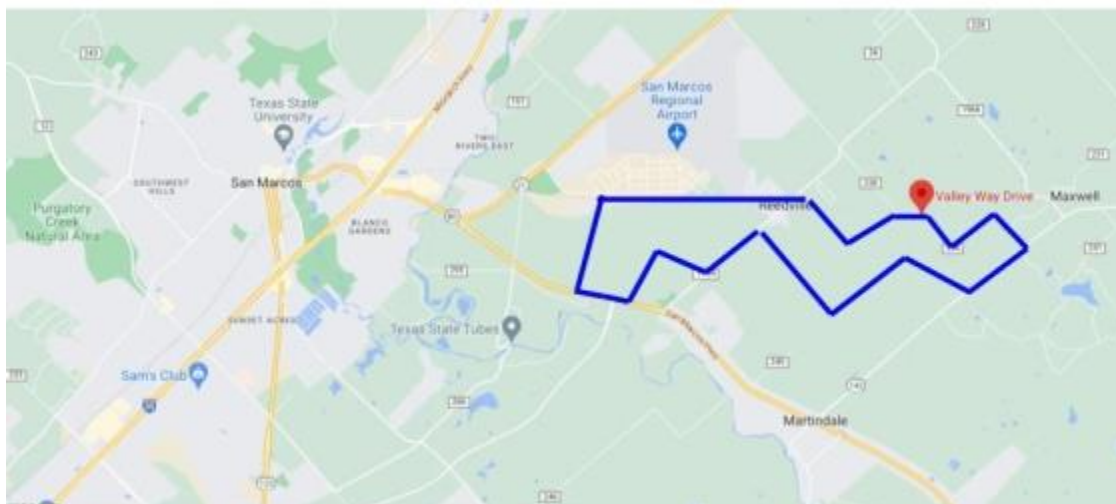


Listen: developers bail on projects, or sell them off. The developer you talk to is not necessarily the one who ends up building on the land. But once it's rezoned, you're stuck with the zoning. Zoning lasts forever!

So: The current developer comes along in 2022. This one wants to increase from 880 acres to 2000 acres:



The blue is the same blue from my map above. The green and yellow are new. But where is that, really? The city maps are always so terrible! Here's my best guess, from squinting at tiny country roads on different maps:



That's how big this thing is.

Council [met in December](#) and formed a subcommittee. The subcommittee met. Then Council [approved the development agreement in January](#).

### Why wasn't anyone mad when the development agreement passed?

Some were! People showed up and spoke at citizen council back in January. But way more people are angry now. And several said that they hadn't heard about the SMART Terminal until after it had been approved.

So let's look this up. [Who gets notified](#), according to the city code, for a development agreement? Here's the relevant bit:

TABLE 2.1 DEVELOPMENT APPLICATIONS, DECISION AUTHORITY, AND NOTICE REQUIREMENTS TABLE												
APPROVAL PROCESS		REVIEW AND APPROVAL AUTHORITY							NOTICE			
	CITATION	RESPONSIBLE OFFICIAL	STAFF	HISTORIC PRESERVATION COMMISSION	NEIGHBORHOOD PRESENTATION	ZONING BOARD OR ADJUSTMENTS	PLANNING COMMISSION	CITY COUNCIL	APPLICATION NOTICE	PUBLISHED NOTICE	PERSONAL NOTICE	POSTED NOTICE
LEGISLATIVE												
City Initiated Comprehensive Plan Map Amendment	Section 2.4.2.1	P	R		PM		R/PH/PM	D/PH/PH/PM	Y	Y	N	N
Comprehensive Plan Map Amendment	Section 2.4.2.1	P	R		PM		R/PH/PM	D/PH/PH/PM	Y	Y	Y*	Y*
LDC Text Amendment	Section 2.4.1.1	P	R				R/PH	D/PH/PM	Y	Y	N	N
City Initiated Zoning Map Amendment	Section 2.5.1.1	P	R		PM		R/PH	D/PH/PM	Y	Y	Y*	N
Zoning Map Amendment (Rezoning)	Section 2.5.1.1	P	R		PM		R/PH	D/PH/PH*	Y	Y	Y*	Y*
Development Agreement	Section 2.4.3.1	P	R					D/PH/PM		Y	N	N
Establishment of Historic Landmark and Districts	Section 2.5.4.1	P	R	R/PH			R/PH	D/PH	Y	Y	Y	Y

So there you have it: notifications weren't sent out. All they had to do was post it on a website somewhere. No alerting the neighbors, and no physical sign out on the property. That seems.... unhelpful.

ANYWAY. The Development Agreement passes, and this brings us up-to-date. The current developer has no plans to use the airport or railway. They plan on renting or selling lots off to companies, who will each do their own individual heavy industrial thing.

### The new stuff starts here

The first 880 acres is already zoned Heavy Industrial. The developer is applying now to get the other 1200 acres zoned heavy industrial. As you can see from that same chart:

APPROVAL PROCESS	CITATION	RESPONSIBLE OFFICIAL	STAFF	REVIEW AND APPROVAL AUTHORITY					NOTICE				
				HISTORIC PRESERVATION COMMISSION	NEIGHBORHOOD PRESENTATION	ZONING BOARD OF ADJUSTMENTS	PLANNING COMMISSION	CITY COUNCIL	APPLICATION NOTICE	PUBLISHED NOTICE	PERSONAL NOTICE	POSTED NOTICE	
LEGISLATIVE													
City Initiated Comprehensive Plan Map Amendment	Section 2.4.2.1	P	R		PM		R/PH/PM	D/PH/PH/PM	Y	Y	N	N	
Comprehensive Plan Map Amendment	Section 2.4.2.1	P	R		PM		R/PH/PM	D/PH/PH/PM	Y	Y	Y*	Y*	
LDC Text Amendment	Section 2.4.1.1	P	R				R/PH	D/PH/PM	Y	Y	N	N	
City Initiated Zoning Map Amendment	Section 2.5.1.1	P	R		PM		R/PH	D/PH/PM	Y	Y	Y*	N	
Zoning Map Amendment (Rezoning)	Section 2.5.1.1	P	R		PM		R/PH	D/PH/PM*	Y	Y	Y*	Y*	
Development Agreement	Section 2.4.3.1	P	R					D/PH/PM		Y	N	N	
Establishment of Historic Landmarks and Districts	Section 2.5.4.1	P	R	R/PH			R/PH	D/PH	Y	Y	Y	Y	

this DOES trigger a bunch of notifications. So now the community finds out that a gigantic, 2000 acre heavy industrial wasteland is imminent, on HW 80, heading east.

At the February 14th P&Z meeting, a lot of community members showed up to citizen comment. They were angry and concerned. So P&Z postponed the vote for a month, to give the developer time to meet and build goodwill with the community.

### Tuesday, March 27th P&Z meeting

Which brings us to Tuesday, almost two weeks ago. About 20 community members showed up to speak at P&Z, another 7 wrote letters, and there there was an online petition with 600+ people. The in-person comments are really notable - that's a huge turnout! They were furious and concerned.

- The cut-and-fill is going to hit their well water
- the river is going to be polluted
- this thing is going to basically eat Reedville and Maxwell and these other little towns.
- We're underestimating the flooding
- Sure does seem like the city of San Marcos is shitting downstream! No one would want this upstream of them.

The developers had held community outreach, but as weakly and limply as possible. Basically the developers held drop-in meetings, and then answered every question as mushy, gray, non-

answers. “We’ll abide by the development agreement.” “We don’t know yet.” “We’ll see what the city says.” That kind of thing.

First, I'd like to point out that P&Z grilled the developer more closely than council ever did (at least on camera). Here’s some nice comments by Jim Garber about the sheer size of this thing - how big is 2000 acres, really?

- 9% of the total area of San Marcos
- 75x larger than the outlet malls
- 10x larger than 6 Flags Fiesta Texas
- 107x bigger than Amazon
- 4x larger than Disneyland
- 4.5x larger than the Texas State Campus

Elsewhere he notes that it’s 3 miles long. That’s really long.

Next: this thing is a money pit. Fire Chief Les Stevens goes into detail on how much it will cost to supply fire coverage alone, when it's fully built out: it'll take two fire stations to cover this land. The developer is setting aside two 3-acre tracts for future fire stations.

So how much will it cost to build and staff these fire stations? According to Chief Stevens:

- \$8-13 million to construct each station
- Apparatus: \$1 million for a fire engine, need 2 per station.
- Staffing: \$2.5 million annually for 12-15 people

So basically, San Marcos is on the hook for \$25 million dollars worth of fire stations, and then an extra \$5 million/year to staff these. And that's not including SMPD coverage and any utilities or anything else that we agree to. That's laughable. [The entire General Fund budget is about \\$90 million/year.](#)

(We're already massively behind in spending for Fire and EMS. Last year, Chief Stevens asked for 32 additional positions. We added 7 of them. And we have several future fire stations already in the queue to be built.)

The plan is to split the tax revenue with Martindale. And this is not accounting for police coverage and any other services they're getting from us. It feels like this SMART Terminal is a money pit.

### **So how is it that P&Z approved this Heavy Industrial?**

The San Marcos River Foundation (SMRF) wrote a letter to the P&Z members about this. Now, letters to P&Z are generally included in the packet. You can find seven letters to P&Z [on this topic here](#). (Go to "Written Comments") But the letter from Virginia Parker (the head of SMRF) is not there.

So I can't read the letter, and I generally have a lot of respect for SMRF. But how this letter got used was disastrous.

Several P&Z members said they were voting "yes" for Heavy Industrial, because of the SMRF letter. The argument goes that if we don't approve Heavy Industrial, then the SMART Terminal will be built anyway. But it will be built under county codes instead of city codes, which are much more lax. So if you want to protect the river, you must avoid this scenario at all costs.

In other words, "Nice river you got there. Sure would be a shame if anything happened to it."

It's true that SMRF got some river protections in the Development Agreement. But it feels like a compromise level of river protection. Definitely better than nothing, yes.

But is that the choice before us? This development agreement, or the river will be polluted all to hell? If this is the threat on the table, I think the developer is bluffing, in order to threaten us into giving him whatever he wants. My guess is that the SMART Terminal would not develop under the county regulations, because insurance and utilities would be astronomical. I don't think they'd be able to find tenants. I don't think these are the only two options.

Jim Garber asks Chief Stevens about this: How much would fire insurance be for the developer, if they weren't annexed into the city?

Here's Chief Stevens' answer:

- Insurance rates are based on ratings. Most of San Marcos is rated a 2. (1 is the best). The land out there is rated a 9 or 10. (10 is the worst.)
- Every time you go up one number, the insurance costs go up. If you go from a 2 to a 3, commercial rates will go up about 10%.

So their fire rates alone will go up by 1.1<sup>8</sup>, which is a little over double. I haven't looked into where they're getting water, sewer, and electricity from, but I bet at least some of that is from us, too.

### **Dude. You've already got 880 acres**

Garber makes one last key point: Why not develop the 880 acres first, and then come back for the other 1200 acres? Have you looked for tenants for the current parcel?

The developer gives one of those mushy answers: It needs to be one cohesive project with all the same zoning.

Garber says: "One cohesive property? I thought the whole point was that you're going to have a bunch of little tenants and projects. Can't some of them move in the existing 880 acres?"

Developer: "They could! We just haven't marketed that property yet because we're still in process of zoning everything together."

That is smoke and mirrors. That is a worthless non-answer. That is stone-walling.

### **So P&Z voted to approve Heavy Industrial.**

I think this was a mistake. Those who voted "yes" seemed to just trust and believe that the developer was operating in good faith. That the developer would be open to reconsidering the development agreement. I have not seen any evidence that this developer is willing to do anything they aren't being forced to do.

### **Bottom line**

The developer needs to establish themselves as good neighbors. Find tenants for the original 880 acres, and then come back for rezoning the rest, once the community trusts them a little bit.

Right now we're giving the developer an unbelievably massive blank check. We need to verify that they are:

- Actually good stewards of the environment
- How the property handles the first few really big storms
- What are their labor practices like
- How environmentally disastrous are the clients that end up building there

I don't understand the rush to give the developer the entire massive 2000 acres. They're not planning on building one cohesive thing there - it's going to be subdivided among a lot of companies. So let's let them prove themselves first.

### **Footnote:**

The city used to have PDDs, where the city could find out and negotiate all the details of a project before it's built. But we threw those out in 2018 with the new Land Development Code. This was a mistake, and I assume we did it because developers hated them. This kind of project should be a PDD.

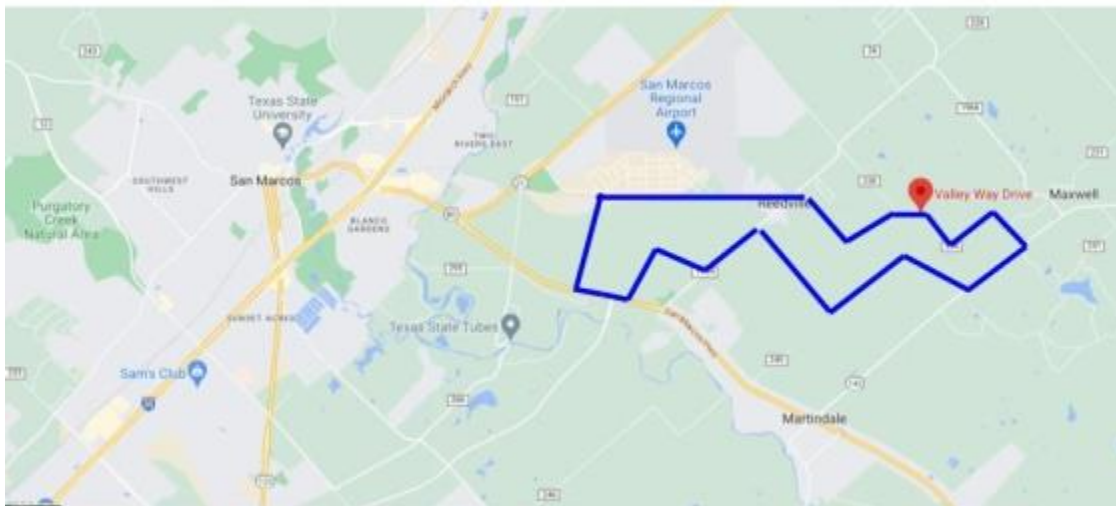


Citizen Comments, April 4, 2023

My name is Ana Juarez, address 342 Newberry Trl.

City Council: thank you for serving the San Marcos community, and thanks to the P and Z for giving the community some time to do research about expanding the SMART Terminal. I want to ask three main questions today:

1) Why do we need to double the size of the original SMART Terminal, and why didn't the original developer find any business clients within a four-year period? Did you know that the 2000-plus acres equals 80 outlet malls? Please help me understand why the original, almost 900-acre HI Park is not big enough for this rural, east-side area, and why manufacturing businesses did not clamor for the opportunity to locate here. Please note the massive size of the proposed project, as compared to the overall size of SMTX and the surrounding small towns (picture is approximate size, produced by an anonymous blooger).



If you believe San Marcos needs that much more HI zoning, please provide an evidence-based explanation of why that is the case, and please spread the need for Heavy Industrial zones throughout the community, rather than forcing small towns and rural, marginalized, Hispanic neighborhoods to bear the brunt of industrialization.

2) Why did the Cotton Center sell their acreage rather than develop their property? I have heard that they had problems acquiring essential infrastructure, including wastewater and fire protection. If these are rumors, please dispel them and explain what you know about this issue.

3) How and when will city staff estimate the costs vs. the revenues of this project? I've heard two reasons for approving this project. One is to provide tax revenue, the second is to provide good jobs, especially jobs with benefits that will allow our Rattlers to live a middle-class lifestyle, buy a home, and raise their families here in town, even without a college degree.

These are good reasons to pursue a development project, but first and foremost, the city has a fiscal responsibility to the taxpayers. We must not assume that economic developments automatically benefit us. Instead, PLEASE DO THE MATH! Do the tax revenues really exceed the long-term burden on taxpayers?

I hope the city and council prioritize their fiscal responsibility to the taxpayers as you consider removing prime land for affordable housing, and instead double the amount of HI zoned land for the SMART Terminal. Thank you.



## Cleary, Julia

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**From:** [REDACTED]  
**Sent:** Friday, April 21, 2023 12:08 PM  
**To:** Cleary, Julia  
**Cc:** Pantalion, Joe; Hernandez, Amanda  
**Subject:** [EXTERNAL] Ed Theriot SMART Terminal Comments

Julia,

Below is a summary of my comments at the April 18<sup>th</sup> City Council meeting regarding the proposed annexation and zoning of the SMART Terminal property in Caldwell County:

Speaking as Caldwell County Commissioner, Precinct Three.

- I support the efforts of the City of San Marcos to annex and zone the SMART Terminal property. The San Marcos development regulations are better and more comprehensive than the Caldwell County regulations currently in place or allowed by state law. The County has no building code, fire code, zoning, or water quality regulations. The development of this property under San Marcos rules will result in a higher quality project.
- Consider incorporation of all or parts of Section [7.2.2.4](#) of the San Marcos Development Code regarding Transitional Protective Yards. These requirements include walls and vegetation when industrial is abutting residential uses. Normally would not apply when residential use is outside city limits. These requirements could help to reduce appearance, light, and noise issues associated with industrial uses.
- Consider incorporation of the San Marcos River Protection Zone water quality requirement in Section [6.1.4.1](#) of the code. The code requires 80% TSS removal for projects within the SMRPZ. Creeks or swells in this area drain directly into the San Marcos River.
- Consider requirement for the dedication of the ROW needed for the proposed Western Caldwell County Arterial. This future thoroughfare is shown on the SMART terminal exhibits crossing the property and connecting to SH 142. It is anticipated that this roadway will occur prior to the development and platting of this portion of the SMART Terminal.

Please call if you have questions or need to discuss the above comments.

Thank you,

Ed Theriot, AICP  
Caldwell County Commissioner, Precinct Three  
110 S. Main Street, Lockhart, Texas 78644  
512-618-2865

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Phishing button above if you think this email is malicious .

Dear Mayor, Members of City Council, and City Staff,

My name is Noah Brock and I'm here to talk about the SMART Terminal. As you can see, there are quite a few community members here to speak about their concerns with the project. We understand that this will not be an easy decision. We understand that there is a lot of information being shown to you, and it is difficult to parse through all of it. I have a feeling there is going to be a lot more information presented tonight as well.

I want to point out that there isn't a lot of clear information out there. There is incorrect and misleading information in the City's Frequently Asked Questions document currently online. As of **yesterday afternoon** it said the Public Hearing is April 28th. As of **yesterday afternoon** it said that my property is 1678 feet from this project. It's actually 80 feet if you were to count the Right of Way. As of **right now** it says that the cut and fill can be 15-25 feet, even though it says 15-20 in the development agreement. It has been very difficult to get information about this massive project for all of our community because of this misinformation.

How much discussion between the City Council and the developer has happened since the Development Agreement was accepted in January? Do you feel informed enough to make a decision that you can stand behind? This project is going to define the future of San Marcos, and the future of Reedville, Maxwell, and Martindale. It's going to expand the ETJ to Lockhart. It's going to prevent Martindale from ever expanding further North. And..... it's going to be my next door neighbor.

Hopefully you have seen the list of "asks" that we have sent to the developer as well as Council. I have handed out a printed copy as well. This list is organized by priority, and I want to read them off to you.

- Modify the land use matrix to add items and remove items
- Increase protective yards or buffers to 350 feet
- Increase Water Quality Volume Treatment Level to 80%
- Decrease Cut and Fill by Right to 8 feet
- Increase Parkland Dedication to 264 acres
- Decrease Impervious Cover to 60%
- Reduce Noise Decibel Levels to protect our community's hearing
- Perform a stormwater and flood study prior to zoning
- Perform a Traffic analysis prior to zoning
- Remove the outdoor storage height waiver
- Implement a wildlife corridor
- Implement a Dark Skies ordinance

We understand that the developer wants to get started with this project and does not want delays. I don't know what constitutes a minor change vs. a major change, but I know some of these can be easily changed without delays. But if these changes cannot be made, the community cannot support a project like this, we are here to tell you about it.

If you have any questions about any of the information that the public is presenting to you, please call on me to answer. My name is Noah Brock.

Thank you

Monday, April 17, 2023

Dear Members of San Marcos City Council,

We, the concerned community members, feel that the SMART Terminal Development Agreement (PDA-22-07) does not have enough regulations for the proposed zoning of the property. Since the property is within a "Low Impact" zone on the City of San Marcos Comprehensive plan, there needs to be stricter guidelines implemented to ensure that neighbors and the environment are not affected negatively. Therefore we are proposing the following items be amended to PDA-22-07:

**1. Modify Exhibit D (Land Use Matrix) to add the following to the *Prohibited Uses*:**

- a. Bio-Medical facilities (#17 on permitted) - potential viral/bacterial outbreaks
- b. Electronic Assembly/Hi-Tech Manufacturing (#35) - too resource intensive
- c. Plastic Products Molding/Reshaping (#37) - worker and environmental impacts
- d. Stone/Clay/Glass Manufacturing - (#40) worker and environmental impacts (silica exposure)
- e. All battery manufacturing - worker and environmental impacts
- f. Manufacturing processes w/hazardous byproducts
- g. PFAS (forever chemicals) use and manufacturing - worker and environmental impacts
- h. Electrical Substation - (#13) EMF waves affect nearby residential

**Remove the following from *Permitted Uses*:**

- i. Bio-medical facilities (#17)
- j. Plastic Products Molding/Reshaping (#37)
- k. Stone/Clay/Glass Manufacturing (#40)
- l. Electronic Assembly/High Tech Manufacturing (#30)
- m. Manufacturing Processes not listed (#35) - too general
- n. Electrical Substation (#13)

**2. Increase protective yards or buffer zones:**

- a. 350 ft where adjacent to existing and projected residential uses (zoned and non-zoned) as well as natural water channels.
- b. Use of plants that are native to blackland prairie ecoregion

**3. Increase Water Quality Volume Treatment Level:**

- a. This should match the directly adjacent "San Marcos River Protection Zone" of 80% removal of suspended solids from a 1.25" rainfall.

**4. Decrease Cut and Fill:**

- a. This should be reduced to 8 feet to match the previous SMART Terminal Development Agreement due to the height of the existing water table and shallow wells. There should not be such a large area allowing 15 feet. If deeper areas are required, then do studies of these first and request approval.

**5. Increase Parkland Dedication:**

- a. City of San Marcos requires 33 acres per 1000 residents OR 5.7% of area per 1000 residents for residential developments. This equates to 264 acres.
- b. 660 acres were removed from a master planned residential development and this needs to account for that loss of residential area.

**6. Decrease Impervious Cover:**

- a. Gross Impervious cover should be reduced to 60% due to the fact that the current water quality zones/flood areas are being counted in the total

- b. Katerra tract from previous agreement was able to keep impervious cover to 54%

**7. Reduce Noise Decibel Levels:**

- a. 85 decibels is the “action level” where hearing protection is required by OSHA. The impact of noise is cumulative over a lifetime. Buffer areas would greatly reduce this at nearby residential areas.
- b. Reduce the 10PM-10AM decibel level to 70 since this is considered generally safe over time.
- c. Maximum of 63 decibels at adjacent residential property line (zoned and non-zoned) at any time

**8. Stormwater/drainage/runoff study:**

- a. Will occur prior to rezoning, just like the previous SMART terminal rezoning. This will inform all of the above mentioned items.

**9. Traffic Impact Analysis:**

- a. Will occur prior to rezoning
- b. Will work with TXDOT to determine how this project fits with their plans
- c. Will define main entrances to the site and truck routes

**10. Removal of outdoor storage height waiver:**

- a. Since there is no projected rail use, the waiver for intermodal container stacking should be removed

**11. Implement a wildlife corridor**

- a. Since this is a large chain of property that is currently used by wildlife. Larger buffers around Riparian areas can help with this. A minimum of 100 feet is recommended in the book “Texas Riparian Areas,” a study done by experts in The Meadows Center at Texas State University.

**12. Implement Dark Skies to preserve the integrity of the area**

- a. This is currently a very dark area that is used for a large variety of wildlife, including migrating birds. Limiting light pollution will help to keep this wildlife active and support the environment.

We, the community, feel that negotiating these amendments and adding them to the development agreement will pave the way towards balancing progress with preservation. The SMART Development will create a lasting legacy that will impact the area for generations to come. We want all of San Marcos, Martindale, Reedville, and Maxwell to look back to this time and be proud of the City Council and Staff who worked towards true progress.

Sincerely,

Noah Brock and Annie Donovan - 3355 FM1984, Maxwell  
Ana Juarez - 342 Newberry Trail, San Marcos  
Ramona Brown and Ezra Reynolds - 332 Perry St, San Marcos  
Bruce Jennings - 541 River Bend Lane, Martindale  
Rocco Moses - 480 Mill Rd, Maxwell  
Mary Beth Harper - 20057 San Marcos HWY, San Marcos

Bruce Jennings

541 River Bend Lane

Martindale

Tonight, I would like to ask that you delay your decision for the proposals being considered tonight for the SMART Terminal for a least 90 days. I ask that you require the developer to consider the changes proposed by the public here tonight. Why, you ask? Let me tell you a story about the land you are about to annex. The area in question has significant history of prior pollution. Some of you may be old enough to recall that the airport and the Gary Job Corp property was Camp Gary, a military installation from 1942 to 1956. Now, one of the duties of the base was aircraft maintenance; engines had to be maintained, parts cleaned, fluids changed, detergents, oils, and degreasers disposed of. But in the 40's and 50's few knew about the potential of pollution. Camp Gary personnel dumped these chemicals into a landfill and creek at the back of the property,,,,,for years. Those fluid ran downstream to a earthen detention pond before entering the San Marcos river, where they settled as heavy metals on the bottom of that pond. Later, in the 1970's and 80's most people had forgotten and the land was developed for residential use. People started fishing for bait in the pond fed by 2 creeks and springs from the hillside. One day I was approached by an elderly gentleman who told those fishing to NEVER eat what they catch in that pond. I was alarmed to say the least, and began to look for information. We had city, county, state, and federal representatives on site multiple times. It was suggested that the property be identified aa superfund clean up site. Jake Pickle came out one day and walked the property with us. The price tag for cleanup in 1981 was 5 million dollars. Options were discussed and a decision was made...to leave the contaminants in the soil. Improved sewage treatment and the closing of a landfill followed, cost about 1 million as I recall. They followed up with water quality testing weekly for the next 2 years.

Now, at the time, the San Marcos Municipal Landfill encompassed an area of approximately 353 acres, of which two Gary Job Corps Center tracts comprise about 69 percent. Hazardous chemicals found included volatile

organic compounds (VOCs), polychlorinated biphenyl (PCB), cadmium (Cd), iron (Fe), Ph, and manganese (Mn).

Over the past few weeks, we have spoken about the creeks that run through this property, about the underground shallow water that feeds the creeks and river, and about the detriment this much impervious cover brings to our limited natural resources.

A single industrial accident could contaminate the river for generations.

I ask that you delay this project, expand the River Corridor Protection Zone to include the creeks and springs that feed the river, and amend the development agreement for the Smart Terminal.

Today, you have a choice to make. Delay this project and admit significant improvements are needed in the development agreement... or repeat the past. The choice is yours.

Thank you for your time,

Bruce Jennings

## Cleary, Julia

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**From:** Noah Z Brock <[REDACTED]>  
**Sent:** Wednesday, April 19, 2023 3:39 PM  
**To:** Council Members Mail Group  
**Subject:** [EXTERNAL] Documents from 4-18 SMART Terminal  
**Attachments:** Noah Brock Public Comment.pdf; Noah Brock Annexation Hearing.pdf; Noah Brock Zoning Hearing.pdf

Dear Council Members,

I want to sincerely thank you for listening to our concerns and taking action to address them. This is the first time since learning about this project that we actually feel like someone is listening and trying to do something about it.

I have attached the 3 speeches that I gave last night along with the documents that I handed out for your reference.

I wanted to point out that the tax revenue document is based on real world numbers taken directly from Caldwell CAD and Hays CAD. I laid out this estimate over 30 years because that is the length of time that Ryan Burkhardt of Franklin Mountain stated it would take to develop the property. I am still unclear how Mr. Locke can project 62 million per year in revenue at year 20. Please look into this in more detail because his graph left a lot of information out. I understand there are more things to consider than just the tax revenue, but I just wanted to show you ALL the data associated with my calculations.

Here is the break down of the fire station costs quoted from the Fire Chief:

8-13 Million - construction

2.5 Million - 1 year staffing

2 Million - 2 fire trucks (he stated you would need 2)

5 Million - 1 year Operation and Maintenance

17.5-22.5 Million Total

If he meant that the 2 trucks and the O&M were for both stations, then I apologize for making that mistake. I am just going off of information that he stated. (If that is the case then just remove 3.5 Million from the total).

I also want to make sure that you are aware that the current "minor changes" buffer does not account for all of the residential adjacent to the property. The developer is stating that the roads count as a buffer, but I've never considered a road, especially a 60 mph road to be something peaceful or transitional. The buffer that they have added around Reedville is primarily in floodplain or areas that they would not be able to feasibly build in.

I hope that moving forward we can work to prevent situations like this from happening. We are in this situation because we did not have adequate opportunity to provide input in the beginning when the development agreement was amended. Maybe we can work to look at large projects like this in more detail, as a community, instead of just a developer and a small sub committee.

Again, THANK YOU. We are all looking forward to an agreement that everyone can support.

Noah Brock  
[REDACTED]

941-223-5109

3355 FM 1984

Maxwell, TX 78656

Dear City Council,

My name is Noah Brock and I live at 3355 FM1984 in Maxwell. I am here to talk about Heavy Industrial zoning vs. Residential. We, the public, have been asking for large buffers between the SMART Terminal property and the existing residential and existing environmentally sensitive areas. This is due to the fact that Heavy Industrial zoning is, quote *"intended to accommodate a broad range of high impact manufacturing or industrial uses that by their nature create a nuisance, and which are not properly associated with or are not compatible with nearby residential or commercial uses."*

I see that the developer has conveniently added a 100 foot buffer around Reedville. While this may look good on the extremely wide view of the map, I want to point out that the purple border that is drawn on there is actually wider than 100 feet if you were to measure the scale. I know it's not meant to be to scale, but this is a major issue with this project. The scale of it. The largest contiguously zoned property in San Marcos is the airport at 1376 acres. Add a Texas State University campus to that and you're still not to the size of this property.

Let me put this buffer issue into perspective for you. Most of the people of San Marcos probably live on a 2 lane street. I will use E Holland Street as an example, since I used to live there. It's a 2 lane connector road that goes between N LBJ and RR12 that most of us have probably driven on. My neighbors' house across that street was about 100 feet away from my property line. Most of you probably have a similar neighbor across the street from your house.

Now let's look at FM 1984, my current road. It has an 80 foot right of way, and Heavy Industrial has a 20 foot setback from that. Therefore my neighbor across the street could be a 62 foot tall building that is over a mile long almost exactly 100 feet from my property line, just like your neighbor across the street. Something like that would produce a lot of sound reflection back at my house from traffic, which will be significantly increased by this project. That business could also be producing 85 decibels during the day, the level at which OSHA requires hearing protection. They could also be producing 75 decibels while I am trying to sleep, the sound that a vacuum cleaner makes. Imagine this, all. night. long. If your neighbor was doing this, I'm sure you would be upset. The issue is that I won't have any ability to tell them to reduce the noise, because I don't live in the City and the code will not protect me.

During the last council meeting on April 4th, a developer was trying to zone the property next to the conference center to Light Industrial. Shouldn't my family, long-term permanent residents, be able to sleep without hearing BEEP BEEP BEEP all night long? Truck traffic doesn't have to abide by these sound levels by the way. Why don't we form a joint committee like ZC-22-41?

This is the importance of buffers when you put Heavy Industrial next to residential. 100 feet is not enough. We are asking for 350 feet to alleviate these nuisances that Heavy Industrial will cause to me and my neighbors. Please delay this vote at least 90 days and form a joint committee with P&Z and Council, or deny this request.

If you need clarification on any of this, I am happy to answer questions you may have. My name is Noah Brock.

Thank you



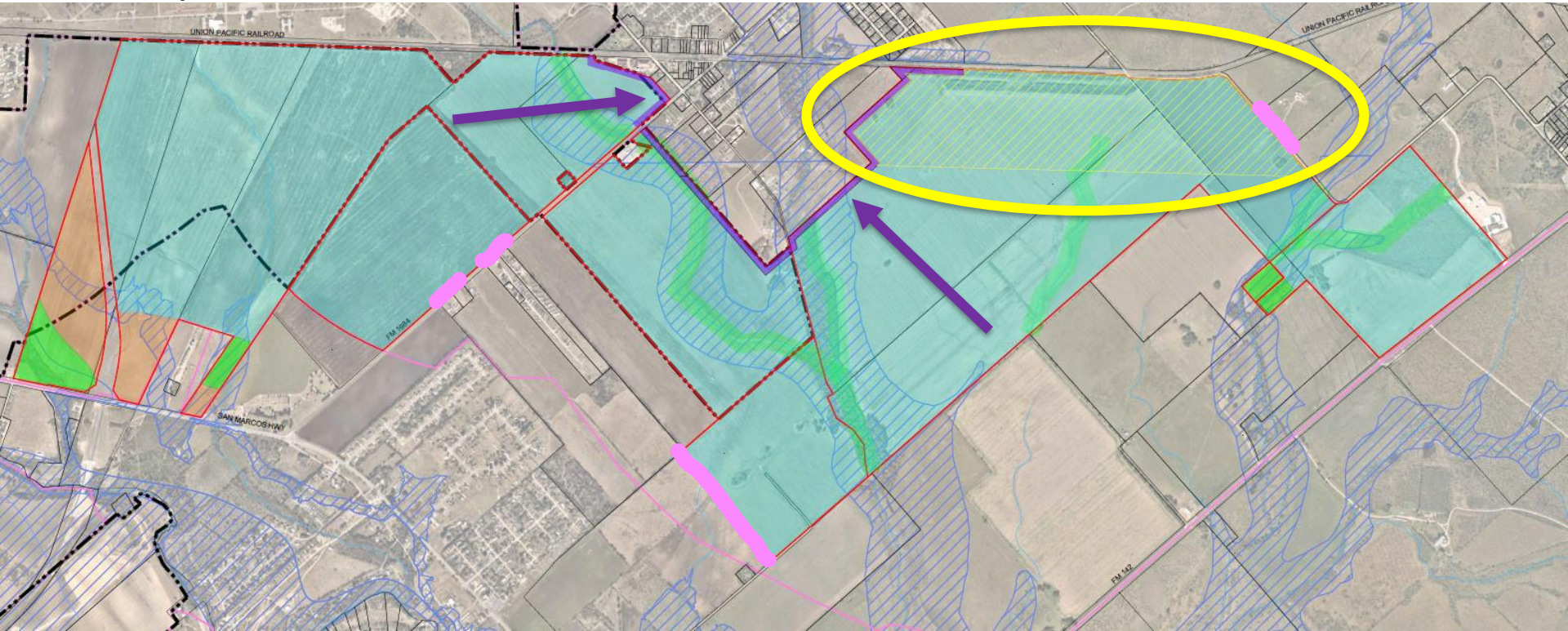


# Administrative Development Agreement Amendment

## Buffer / Storage Areas

- Yellow: area where 80' outdoor storage is permitted
- Purple: 100-foot buffer

 Adjacent Residential



Dear Members of City Council,

My name is Noah Brock and I live at 3355 FM 1984, directly adjacent to this property in Maxwell.

I wanted to read you a section from the City's Posted Annexation Strategy:

*Given the fiscal implications of annexation, the cost of providing municipal services needs to be estimated and weighed against the anticipated revenues of each annexation program. Areas proposed for inclusion into the annual annexation program should undergo financial analysis prior to adoption of the plan scheduling annexation hearings.*

I want to point out that I am currently speaking at an annexation hearing, but I have not seen a financial analysis, or even heard it mentioned by anyone on city staff or council. I have provided to you a property tax revenue analysis of the SMART Terminal property over the course of 30 years. I used the Amazon Heavy Industrial zoned property on McCarty Lane as a guide to calculate a future value per acre of the SMART Terminal, however the development agreement will allow the developer to keep an Agricultural or Wildlife exemption on the property that is not being developed. This year, the currently zoned 700 plus acres earned the City just \$992.66. If I were to annex my 1.5 acres, it would earn the City \$2050.20.

The chart at the bottom shows a constant development rate of 65 acres per year and calculates the total city revenue by year in the 2nd to last column and a cumulative total in the last column. There are estimates for the total costs to build, outfit, AND staff and operate for one year the 2 fire stations that are proposed for this project that the City fire chief mentioned at the Planning and Zoning meeting. There is a low end estimate on one side and a high end on the other. This does not account for inflation, so it will likely be higher.

If development started this year, it would not be until 2034 (11 years from now) that the property taxes from this project would fund the cost of the first fire station. However, that first fire station will be needed to attract businesses to this property. They will need fire insurance, and the current ISO rating of the SMART Terminal land is a 10 (the worst). Fire station #7 was first proposed in the mid 2000s and has still not been built. How can you attract businesses to create jobs if they won't be able to acquire affordable insurance? Will the City have to take out another bond to fund this first fire station?

With this information anyone can see that it will be lucrative for the city at full build out, but how do you get there? By approving this annexation you are agreeing that the City can provide adequate emergency services to the property. Are the current tax payers going to have to front the bill for a developer that has 100s of millions of dollars available to them? How will this massive increase in city area affect the current property owners' insurance rates? This is just an example of ONE of the costs that the city will incur with this development.

These are all answerable questions, but they need to be answered prior to approving this project. If these cannot be answered tonight, then this vote needs to be delayed at least 90 days and form a joint committee with P&Z and Council, or deny this request. Again, if you need clarification on any of this, I am happy to answer questions you may have. My name is Noah Brock.

Thank you.

Sample Property ID	Acreage	Taxable Value 2023	Value per Acre	City Tax Rate	City Tax Revenue		Estimated Costs	Cost	Year of Revenue Match
27809	213.68	\$ 51,930.00	\$ 243.03	0.603	\$ 313.14		Fire Station #8	\$ 17,500,000.00	2034
28002	765.723	\$ 112,690.00	\$ 147.17	0.603	\$ 679.52		Fire Station #9	\$ 17,500,000.00	2039
SMART Terminal Estimates w/ current exemptions	2017	\$ 490,185.37	\$ 243.03	0.603	\$ 2,955.82	<b>This is a 30 year estimate of potential tax revenue generated by the SMART Terminal property if it is developed at a constant rate of ~65 acres per year. This is based on estimated values from the Amazon HI property located on McCarty Lane. Due to the Agricultural exemption that the property owner holds, the total tax revenue will be greatly reduced until the majority of the property is developed. The total revenue generated by the currently zoned HI property owned by Franklin Mountain this year was \$992.66. If Noah Brock's 1.5 acre property were annexed it would generate \$2050.2 for the city today.</b>			
Amazon HI Property, R147825	95.65	\$ 66,089,410.00	\$ 690,950.44	0.603	\$ 398,519.14				
SMART Terminal Estimates w/ full build out	2017	\$ 1,393,647,046.21	\$ 690,950.44	0.603	\$ 8,403,691.69				
Tax Year Estimates	Year Count	Ag Acreage	HI Acreage	Ag Value	HI Value	Total Value	City Tax Rate	City Tax Revenue	Total Accrued Revenue
2023	0	2017	0	\$ 490,185.37	\$ -	\$ 490,185.37	0.603	\$ 2,955.82	\$ 2,955.82
2024	1	1951.935484	65.06451613	\$ 474,372.94	\$ 44,956,356.33	\$ 45,430,729.27	0.603	\$ 273,947.30	\$ 276,903.12
2025	2	1886.870968	130.1290323	\$ 458,560.51	\$ 89,912,712.66	\$ 90,371,273.17	0.603	\$ 544,938.78	\$ 821,841.89
2026	3	1821.806452	195.1935484	\$ 442,748.08	\$ 134,869,068.99	\$ 135,311,817.06	0.603	\$ 815,930.26	\$ 1,637,772.15
2027	4	1756.741935	260.2580645	\$ 426,935.65	\$ 179,825,425.32	\$ 180,252,360.96	0.603	\$ 1,086,921.74	\$ 2,724,693.89
2028	5	1691.677419	325.3225806	\$ 411,123.21	\$ 224,781,781.65	\$ 225,192,904.86	0.603	\$ 1,357,913.22	\$ 4,082,607.10
2029	6	1626.612903	390.3870968	\$ 395,310.78	\$ 269,738,137.98	\$ 270,133,448.76	0.603	\$ 1,628,904.70	\$ 5,711,511.80
2030	7	1561.548387	455.4516129	\$ 379,498.35	\$ 314,694,494.31	\$ 315,073,992.66	0.603	\$ 1,899,896.18	\$ 7,611,407.97
2031	8	1496.483871	520.516129	\$ 363,685.92	\$ 359,650,850.63	\$ 360,014,536.56	0.603	\$ 2,170,887.66	\$ 9,782,295.63
2032	9	1431.419355	585.5806452	\$ 347,873.49	\$ 404,607,206.96	\$ 404,955,080.45	0.603	\$ 2,441,879.14	\$ 12,224,174.76
2033	10	1366.354839	650.6451613	\$ 332,061.06	\$ 449,563,563.29	\$ 449,895,624.35	0.603	\$ 2,712,870.61	\$ 14,937,045.38
2034	11	1301.290323	715.7096774	\$ 316,248.63	\$ 494,519,919.62	\$ 494,836,168.25	0.603	\$ 2,983,862.09	\$ 17,920,907.47
2035	12	1236.225806	780.7741935	\$ 300,436.19	\$ 539,476,275.95	\$ 539,776,712.15	0.603	\$ 3,254,853.57	\$ 21,175,761.05
2036	13	1171.16129	845.8387097	\$ 284,623.76	\$ 584,432,632.28	\$ 584,717,256.05	0.603	\$ 3,525,845.05	\$ 24,701,606.10
2037	14	1106.096774	910.9032258	\$ 268,811.33	\$ 629,388,988.61	\$ 629,657,799.94	0.603	\$ 3,796,836.53	\$ 28,498,442.64
2038	15	1041.032258	975.9677419	\$ 252,998.90	\$ 674,345,344.94	\$ 674,598,343.84	0.603	\$ 4,067,828.01	\$ 32,566,270.65
2039	16	975.9677419	1041.032258	\$ 237,186.47	\$ 719,301,701.27	\$ 719,538,887.74	0.603	\$ 4,338,819.49	\$ 36,905,090.14
2040	17	910.9032258	1106.096774	\$ 221,374.04	\$ 764,258,057.60	\$ 764,479,431.64	0.603	\$ 4,609,810.97	\$ 41,514,901.12
2041	18	845.8387097	1171.16129	\$ 205,561.61	\$ 809,214,413.93	\$ 809,419,975.54	0.603	\$ 4,880,802.45	\$ 46,395,703.57
2042	19	780.7741935	1236.225806	\$ 189,749.18	\$ 854,170,770.26	\$ 854,360,519.43	0.603	\$ 5,151,793.93	\$ 51,547,497.50
2043	20	715.7096774	1301.290323	\$ 173,936.74	\$ 899,127,126.59	\$ 899,301,063.33	0.603	\$ 5,422,785.41	\$ 56,970,282.91
2044	21	650.6451613	1366.354839	\$ 158,124.31	\$ 944,083,482.92	\$ 944,241,607.23	0.603	\$ 5,693,776.89	\$ 62,664,059.80
2045	22	585.5806452	1431.419355	\$ 142,311.88	\$ 989,039,839.25	\$ 989,182,151.13	0.603	\$ 5,964,768.37	\$ 68,628,828.17
2046	23	520.516129	1496.483871	\$ 126,499.45	\$ 1,033,996,195.58	\$ 1,034,122,695.03	0.603	\$ 6,235,759.85	\$ 74,864,588.03
2047	24	455.4516129	1561.548387	\$ 110,687.02	\$ 1,078,952,551.90	\$ 1,079,063,238.92	0.603	\$ 6,506,751.33	\$ 81,371,339.36
2048	25	390.3870968	1626.612903	\$ 94,874.59	\$ 1,123,908,908.23	\$ 1,124,003,782.82	0.603	\$ 6,777,742.81	\$ 88,149,082.17
2049	26	325.3225806	1691.677419	\$ 79,062.16	\$ 1,168,865,264.56	\$ 1,168,944,326.72	0.603	\$ 7,048,734.29	\$ 95,197,816.46
2050	27	260.2580645	1756.741935	\$ 63,249.73	\$ 1,213,821,620.89	\$ 1,213,884,870.62	0.603	\$ 7,319,725.77	\$ 102,517,542.23
2051	28	195.1935484	1821.806452	\$ 47,437.29	\$ 1,258,777,977.22	\$ 1,258,825,414.52	0.603	\$ 7,590,717.25	\$ 110,108,259.48
2052	29	130.1290323	1886.870968	\$ 31,624.86	\$ 1,303,734,333.55	\$ 1,303,765,958.41	0.603	\$ 7,861,708.73	\$ 117,969,968.21
2053	30	65.06451613	1951.935484	\$ 15,812.43	\$ 1,348,690,689.88	\$ 1,348,706,502.31	0.603	\$ 8,132,700.21	\$ 126,102,668.41
2054	31	0	2017	\$ -	\$ 1,393,647,046.21	\$ 1,393,647,046.21	0.603	\$ 8,403,691.69	\$ 134,506,360.10

Sample Property ID	Acreage	Taxable Value 2023	Value per Acre	City Tax Rate	City Tax Revenue		Estimated Costs	Cost	Year of Revenue Match
27809	213.68	\$ 51,930.00	\$ 243.03	0.603	\$ 313.14		Fire Station #8	\$ 22,500,000.00	2036
28002	765.723	\$ 112,690.00	\$ 147.17	0.603	\$ 679.52		Fire Station #9	\$ 22,500,000.00	2041
SMART Terminal Estimates w/ current exemptions	2017	\$ 490,185.37	\$ 243.03	0.603	\$ 2,955.82	<div>This is a 30 year estimate of potential tax revenue generated by the SMART Terminal property if it is developed at a constant rate of ~65 acres per year. This is based on estimated values from the Amazon HI property located on McCarty Lane. Due to the Agricultural exemption that the property owner holds, the total tax revenue will be greatly reduced until the majority of the property is developed. <b>The total revenue generated by the currently zoned HI property owned by Franklin Mountain this year was \$992.66. If Noah Brock's 1.5 acre property were annexed it would generate \$2050.2 for the city today.</b></div>			
Amazon HI Property, R147825	95.65	\$ 66,089,410.00	\$ 690,950.44	0.603	\$ 398,519.14				
SMART Terminal Estimates w/ full build out	2017	\$ 1,393,647,046.21	\$ 690,950.44	0.603	\$ 8,403,691.69				
Tax Year Estimates	Year Count	Ag Acreage	HI Acreage	Ag Value	HI Value	Total Value	City Tax Rate	City Tax Revenue	Total Accrued Revenue
2023	0	2017	0	\$ 490,185.37	\$ -	\$ 490,185.37	0.603	\$ 2,955.82	\$ 2,955.82
2024	1	1951.935484	65.06451613	\$ 474,372.94	\$ 44,956,356.33	\$ 45,430,729.27	0.603	\$ 273,947.30	\$ 276,903.12
2025	2	1886.870968	130.1290323	\$ 458,560.51	\$ 89,912,712.66	\$ 90,371,273.17	0.603	\$ 544,938.78	\$ 821,841.89
2026	3	1821.806452	195.1935484	\$ 442,748.08	\$ 134,869,068.99	\$ 135,311,817.06	0.603	\$ 815,930.26	\$ 1,637,772.15
2027	4	1756.741935	260.2580645	\$ 426,935.65	\$ 179,825,425.32	\$ 180,252,360.96	0.603	\$ 1,086,921.74	\$ 2,724,693.89
2028	5	1691.677419	325.3225806	\$ 411,123.21	\$ 224,781,781.65	\$ 225,192,904.86	0.603	\$ 1,357,913.22	\$ 4,082,607.10
2029	6	1626.612903	390.3870968	\$ 395,310.78	\$ 269,738,137.98	\$ 270,133,448.76	0.603	\$ 1,628,904.70	\$ 5,711,511.80
2030	7	1561.548387	455.4516129	\$ 379,498.35	\$ 314,694,494.31	\$ 315,073,992.66	0.603	\$ 1,899,896.18	\$ 7,611,407.97
2031	8	1496.483871	520.516129	\$ 363,685.92	\$ 359,650,850.63	\$ 360,014,536.56	0.603	\$ 2,170,887.66	\$ 9,782,295.63
2032	9	1431.419355	585.5806452	\$ 347,873.49	\$ 404,607,206.96	\$ 404,955,080.45	0.603	\$ 2,441,879.14	\$ 12,224,174.76
2033	10	1366.354839	650.6451613	\$ 332,061.06	\$ 449,563,563.29	\$ 449,895,624.35	0.603	\$ 2,712,870.61	\$ 14,937,045.38
2034	11	1301.290323	715.7096774	\$ 316,248.63	\$ 494,519,919.62	\$ 494,836,168.25	0.603	\$ 2,983,862.09	\$ 17,920,907.47
2035	12	1236.225806	780.7741935	\$ 300,436.19	\$ 539,476,275.95	\$ 539,776,712.15	0.603	\$ 3,254,853.57	\$ 21,175,761.05
2036	13	1171.16129	845.8387097	\$ 284,623.76	\$ 584,432,632.28	\$ 584,717,256.05	0.603	\$ 3,525,845.05	\$ 24,701,606.10
2037	14	1106.096774	910.9032258	\$ 268,811.33	\$ 629,388,988.61	\$ 629,657,799.94	0.603	\$ 3,796,836.53	\$ 28,498,442.64
2038	15	1041.032258	975.9677419	\$ 252,998.90	\$ 674,345,344.94	\$ 674,598,343.84	0.603	\$ 4,067,828.01	\$ 32,566,270.65
2039	16	975.9677419	1041.032258	\$ 237,186.47	\$ 719,301,701.27	\$ 719,538,887.74	0.603	\$ 4,338,819.49	\$ 36,905,090.14
2040	17	910.9032258	1106.096774	\$ 221,374.04	\$ 764,258,057.60	\$ 764,479,431.64	0.603	\$ 4,609,810.97	\$ 41,514,901.12
2041	18	845.8387097	1171.16129	\$ 205,561.61	\$ 809,214,413.93	\$ 809,419,975.54	0.603	\$ 4,880,802.45	\$ 46,395,703.57
2042	19	780.7741935	1236.225806	\$ 189,749.18	\$ 854,170,770.26	\$ 854,360,519.43	0.603	\$ 5,151,793.93	\$ 51,547,497.50
2043	20	715.7096774	1301.290323	\$ 173,936.74	\$ 899,127,126.59	\$ 899,301,063.33	0.603	\$ 5,422,785.41	\$ 56,970,282.91
2044	21	650.6451613	1366.354839	\$ 158,124.31	\$ 944,083,482.92	\$ 944,241,607.23	0.603	\$ 5,693,776.89	\$ 62,664,059.80
2045	22	585.5806452	1431.419355	\$ 142,311.88	\$ 989,039,839.25	\$ 989,182,151.13	0.603	\$ 5,964,768.37	\$ 68,628,828.17
2046	23	520.516129	1496.483871	\$ 126,499.45	\$ 1,033,996,195.58	\$ 1,034,122,695.03	0.603	\$ 6,235,759.85	\$ 74,864,588.03
2047	24	455.4516129	1561.548387	\$ 110,687.02	\$ 1,078,952,551.90	\$ 1,079,063,238.92	0.603	\$ 6,506,751.33	\$ 81,371,339.36
2048	25	390.3870968	1626.612903	\$ 94,874.59	\$ 1,123,908,908.23	\$ 1,124,003,782.82	0.603	\$ 6,777,742.81	\$ 88,149,082.17
2049	26	325.3225806	1691.677419	\$ 79,062.16	\$ 1,168,865,264.56	\$ 1,168,944,326.72	0.603	\$ 7,048,734.29	\$ 95,197,816.46
2050	27	260.2580645	1756.741935	\$ 63,249.73	\$ 1,213,821,620.89	\$ 1,213,884,870.62	0.603	\$ 7,319,725.77	\$ 102,517,542.23
2051	28	195.1935484	1821.806452	\$ 47,437.29	\$ 1,258,777,977.22	\$ 1,258,825,414.52	0.603	\$ 7,590,717.25	\$ 110,108,259.48
2052	29	130.1290323	1886.870968	\$ 31,624.86	\$ 1,303,734,333.55	\$ 1,303,765,958.41	0.603	\$ 7,861,708.73	\$ 117,969,968.21
2053	30	65.06451613	1951.935484	\$ 15,812.43	\$ 1,348,690,689.88	\$ 1,348,706,502.31	0.603	\$ 8,132,700.21	\$ 126,102,668.41
2054	31	0	2017	\$ -	\$ 1,393,647,046.21	\$ 1,393,647,046.21	0.603	\$ 8,403,691.69	\$ 134,506,360.10



Good Evening Members of City Council,

My name is Annie Donovan and I live at 3355 FM1984 in Maxwell directly across from what is identified as TRACT ONE in the SMART annexation packet in tonight's meeting. I think most everyone tonight can agree that annexing this property into the City of San Marcos is mostly beneficial. There are, however, quite a lot of concerns many taxpayers that live in San Marcos have expressed regarding how much more the city will go into debt issuing bonds to pay for building and staffing Fire Stations, Police support, and expanded piping for wastewater infrastructure extensions to and for the SMART land once it's annexed.

I hope that many of these can be answered for us tonight:

- When annexed, the fire coverage for the City will be stretched and there is a potential the entire city's ISO rating will lower. Regardless, the currently zoned Heavy Industrial property the developer owns that is already annexed into the city already has an ISO rating of 10, which is the lowest.
  - Does this mean that once annexed, the additional 619 acres of land will also have an ISO rating of 10?
  - How will this affect the developer's ability to attract potential clientele?
  - How will this affect the ability for said potential clientele to have fire protection and coverage?
  - How will the lowering of the entire city's ISO rating impact homeowners insurance?
  - Will the insurance rates increase, and if so, how drastically will they increase?
- How does annexation of this property fit within the City's Comprehensive Plan?
- I understand the developer may be on the hook for the basic wastewater infrastructure connections and coverage of their properties, but how much will it cost the city to future-proof said wastewater infrastructure with larger lines?
  - Is this cost split between the city and the developer?
  - If so, what does that look like and how does that play out?
- Once annexed, the city will be responsible for maintaining the roads. It sounds like this has potential to become a Truck Terminal since there aren't plans for Rail or Air. This means there will be increased truck traffic on I-35, Texas Highway 80, 110, and even Farm to Market 1984. A federal study by the U.S. Government's General Accounting Office found that:
  - A five-axle tractor-trailer loaded to the 80,000 LB Federal Limit has the same impact on an Interstate Highway as at least 9600 automobiles but does even more damage to state highways and farm to market roads.
  - A Senior Research Engineer with the Texas A&M Transportation Institute found that "...many farm-to-market roads... were designed to handle the occasional combine or 18-wheeler. But now [there] is a massive influx of [overloaded] trucks." When a truck weighs 90,000 LBs, this "results in a 42% increase in road wear. Pavement designed to last 20 years wears out in 7."
    - Who is responsible for road maintenance costs once new and expanded roads are built after annexation?
    - How frequent will the roads need to be updated and maintained with the increased traffic and weight?
    - Why isn't a Traffic Impact Analysis required before the vote?

We feel that these many questions and more need to be answered prior to annexation. If these questions cannot be answered tonight, the vote needs to be delayed by a minimum of 90 days and a joint committee formed with P&Z and Council, or it needs to be denied.

Thank you.

<https://urbanmilwaukee.com/2017/06/22/murphys-law-how-trucks-destroy-our-roads/>  
<https://www.gao.gov/products/109954>

Good Evening Council Members and City Staff,

My name is Annie Donovan. I'm here to discuss the SMART development. Over the past few weeks, I have been ruminating on why the City wants to perpetrate a massive Heavy Industrial complex on our community and neighbors. After speaking with some of you, I noticed a phrase being repeated:

“GOOD-PAYING JOBS WITH BENEFITS FOR PEOPLE WITHOUT A COLLEGE DEGREE.”

I understand this as a phrase used to convince people that things that may hurt us and the environment are actually good things. I read an article in the BBC this morning titled “The Jobs Employers Just Can’t Fill” that covers reasons why people are leaving service and manufacturing jobs in the thousands, which are the types of jobs SMART may bring. It references a few reasons: these jobs are physically demanding, often require customer service, and the pay is typically low. Businesses TODAY, HERE IN SAN MARCOS in these industries, are currently struggling to fill these same jobs.

On that note, let me share another trendy phrase that I’ve heard during our conversations:

“The new generation is LAZY and doesn’t want to WORK.”

From 2019 to 2022, I worked in a call center for a popular travel company in North Austin. I worked my way up to the highest level where I represented the CEO and other Executives. I was responsible for taking calls and listening to customer concerns and complaints. Everyday, I had to listen to people cuss me out, tell me I was worthless, etc., and that it was my fault they lost money for various reasons. The number of those calls quadrupled when COVID happened. I remember my call records being in the thousands per day of 8 hours of work.

All that to say, a Call Center is one of the possible types of businesses that can come to SMART and bring these hypothetical JOBS. Yes I did receive benefits. Yes I did receive an OK wage. Was the pay enough for the amount of stress and work I was doing? No. Was my mental health heavily affected by my job? Yes. Was I constantly struggling to find another job? Yes. Was I happy? No.

Our society’s expectation that we have to sacrifice our emotional, physical, and mental health to make a living wage is hurting the new generation. The new generation isn’t LAZY. We do want to WORK. We just don’t want to work labor-intensive, soul-sucking, just-paying-enough-so-I-can-get-by jobs. Otherwise, HEB Distributing and Amazon here in town wouldn’t be struggling to find workers.

The developer has told us they have no plans or any idea on what type of industry will come to SMART so how can we tout the promise of GOOD-PAYING JOBS for our working class if there isn’t even a plan to bring them in?

Tonight I ask you to think long and hard about how your decision will leave an impact on our community for generations to come. Please delay for 90 days to allow the developer to give us actual plans or deny if delay isn’t possible.

Thank you.

[bbc.com/worklife/article/20220908-the-jobs-employers-just-cant-fill](https://www.bbc.com/worklife/article/20220908-the-jobs-employers-just-cant-fill)

Good Evening Members of City Council,

My name is Annie Donovan and I live at 3355 FM1984 in Maxwell. Earlier this evening you were provided a list of requests from us, the community. Specifically, I wanted to discuss the land-use portion of these Asks, which is item 1 when looking at the letter. We firmly believe that it is imperative these be added to the Development Agreement prior to rezoning.

We are requesting these land-uses be removed from the Permitted Uses list and added to the Prohibited Uses list in the development agreement due to potential hazards that will have a detrimental effect on the San Marcos River, the neighboring communities, and directly adjacent properties to the SMART land.

- Bio-Medical Facilities - potential testing on live animals and hazardous bio-medical waste. A potential viral or bacterial outbreak can also occur.
- Electronic Assembly/Hi-Tech Manufacturing - too resource intensive and produces huge amounts of toxic waste. As per a Guardian article on the Intel facility in Arizona, "in three months, it produces nearly 15,000 tons of waste with 60% of it being hazardous, consumes 1400 Olympic swimming pools of water, and 561 million kilo-watt hours of energy."
- Plastic Products Molding / Reshaping - An OSHA study found that Legionnaires' Disease is a major risk for workers in the Plastic Injection Molding Industry. Will our motto be "We have jobs but you'll die earlier because of them?" Moreover, what happens if the plastic catches on fire and those fumes are released into the air? Will San Marcos be the next headline for a disaster?
- Stone/Clay/Glass Manufacturing - dangerous for workers and the environment. There are risks for dust particulate exposure in the form of silica, which may lead to permanent lung damage, or worse.
- Battery Manufacturing - Manufacturing of Carbon Batteries is already prohibited, but all battery manufacturing needs to be due to use of hazardous materials in their manufacturing processes.
- Manufacturing processes w/hazardous byproducts - this is a blanket term not in the agreement that needs to be added to avoid future risks.
- PFAS (pee-fas) forever chemicals use - these take hundreds of years to break down and pollute our rivers, air, and soil. They've been found in our food, skin, and our blood from exposure.
- Electrical Substation - there are residential single-family homes and mobile home parks in the area, a substation is not appropriate due to the radiation produced that may increase risk of cancer and other diseases.

**In Exhibit D, number 5 of the development agreement, it prohibits, "Manufacturing or storage of hazardous materials or explosives, etc." *How can many of the land-uses above and others not mentioned tonight be allowed since most of these use or produce hazardous materials?* They will need to store them somewhere before transporting them off-site. This creates a paradox that is baffling.**

As it currently stands, we can NOT support the SMART development zoning. There are many contradictions in the information that has been provided over the past few months as well as in the development agreement. Please vote to delay 90 days or deny the zoning entirely.

Thank you.

What is a Hazardous Material?

<https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/04/15/What-is-Hazardous-Material>

Biomedical Research Animal Testing:

<https://med.stanford.edu/animalresearch/why-animal-research.html>

<https://www.animal-ethics.org/animal-experimentation-introduction/biomedical-experimentation-animals/>

<https://www.ncbi.nlm.nih.gov/books/NBK218267/>

<https://www.humanesociety.org/resources/animals-used-experiments-faq>

<https://gjia.georgetown.edu/2023/03/03/the-seven-deadly-sins-of-biomedical-research/>

Electronic Assembly/Hi-Tech Manufacturing:

<https://www.theguardian.com/environment/2021/sep/18/semiconductor-silicon-chips-carbon-footprint-climate>

<https://saicmknowledge.org/epi/hazardous-chemicals-electronics>

[https://www.slate.com/articles/business/moneybox/2015/07/toxic\\_substances\\_in\\_electronics\\_manufacturing\\_the\\_us\\_does\\_tragically\\_little.html](https://www.slate.com/articles/business/moneybox/2015/07/toxic_substances_in_electronics_manufacturing_the_us_does_tragically_little.html)

[https://en.hesperian.org/hhg/Workers%27\\_Guide\\_to\\_Health\\_and\\_Safety:Assembling\\_electronics](https://en.hesperian.org/hhg/Workers%27_Guide_to_Health_and_Safety:Assembling_electronics)

<https://www.allaboutcircuits.com/news/reevaluating-the-toxicity-of-semiconductor-manufacturing/>

<https://www.aboutmechanics.com/what-is-high-tech-manufacturing.htm>

Plastics:

<https://www.osha.gov/publications/hib19981209>

<https://connectusfund.org/11-advantages-and-disadvantages-of-blow-moulding>

Stone/Glass/Clay:

<https://blogs.cdc.gov/niosh-science-blog/2014/03/11/countertops/>

<https://www.lung.org/lung-health-diseases/lung-disease-lookup/silicosis#:~:text=Silicosis%20is%20a%20type%20of,such%20as%20construction%20and%20mining.>

<https://www.nhs.uk/conditions/silicosis/>

<https://www.omicsonline.org/open-access/some-health-disorders-among-workers-in-a-glass-factory-omha.1000106.php?aid=11958>

<https://www.epa.gov/stationary-sources-air-pollution/clay-ceramics-manufacturing-national-emission-standards-hazardous>

<https://www.omicsonline.org/open-access/occupational-and-environmental-health-hazards-in-the-brick-manufacturingindustry-in-kathmandu-valley-nepal-2329-6879-1000248.php?aid=80795>

Batteries:

<https://www.osha.gov/battery-manufacturing/hazards>

Occupational lead toxicity in battery workers <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4590390/>

PFAS:

<https://www.theguardian.com/environment/2023/apr/17/pfas-forever-chemicals-food-containers-study#:~:text=PFAS%2C%20or%20per%2D%20and%20polyfluoroalkyl,to%20water%2C%20stains%20and%20heat.>

<https://www.epa.gov/pfas/pfas-explained>

Electrical Substation:

<https://www.ncbi.nlm.nih.gov/books/NBK232733/>

<https://psc.wi.gov/Documents/Brochures/Impacts%20of%20Substations.pdf>



## **Exhibit D**

### **Land Use Matrix**

*Permitted Uses.* The following uses (the “Permitted Uses”) are allowed on the Property. Except where otherwise indicated, such uses shall have the meaning as defined or described in Subpart B of the San Marcos Code of Ordinances and any associated technical manuals when defined therein.

1. Office (Health Services)
2. Offices (Medical Office)
3. Offices (Professional)
4. Call Service Center
5. Communication Equipment (Installation and/or Repair — no outdoor sales or storage)
6. Medical Supplies and Equipment
7. Cabinet Shop (manufacturing)
8. Retail Store (misc.) w drive thru
9. Retail Store (misc.) w/o drive thru (under 100,000 sq./ft. building)
10. Security Systems Installation Company
11. Upholstery Shop (non-auto)
12. Woodworking Shop (ornamental)
13. Electrical Substation
14. Governmental Building or Use (municipal, state or federal)
15. Philanthropic Organization
16. Auction Sales (non-vehicle)
17. Bio-Medical Facilities
18. Caterer
19. Extermination Service
20. Furniture Manufacture
21. Urban Farm
22. Maintenance/Janitorial Service
23. Metal Fabrication Shop
24. Moving Storage Company
25. Warehouse/Office and Storage
26. Welding Shop
27. Manufacturing
28. Airport Support and Related Services
29. Distribution Center
30. Electronic Assembly/High Tech Manufacturing
31. Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair
32. Food Processing (no outside public consumption)
33. Laboratory Equipment Manufacturing
34. Machine Shop
35. Manufacturing Processes not Listed
36. Micro-Brewery (onsite mfg. and sales)

37. Plastic Products Molding/Reshaping
38. Research Lab (non-hazardous)
39. Sign Manufacturing
40. Stone/Clay/Glass Manufacturing
41. Hotel or Motel
42. Vehicle Repair (Train maintenance)
43. Building Material Sales
44. Day Care Services
45. Data Center\*
46. Distribution and processing of construction materials
47. Railroad freight or classification yard
48. Railroad roundhouse or RR car repair shop
49. Railroad tracks; team, spur, loading or storage
50. Terminal, truck, freight or rail
51. All Heavy Industrial Uses authorized by the COSM Zoning Code, not specifically prohibited by Subsection (B)

*Service and Retail Permitted Uses on Parcels west of Loop 110.*

1. Bank or Savings and Loan (w/o drive-thru)
2. Convenience Store w/o Gas Sales
3. Restaurant/Prepared Food Sales
4. Restaurant/Prepared Food Sales with beer/wine off-premises consumption
5. Retail Store (100,000 sq./ft. or more building)
6. Retail Store (over 100,000 sq./ft. or more building) outside sales
7. Retail Store (under 100,000 sq./ft. or more building) outside sales
8. Retail Store (under 100,000 sq./ft. or more building) no outside sales

\*Although not defined or described in Subpart B of the San Marcos Code of Ordinances, a “data center” shall mean a facility of networked computer systems and associated components, such as telecommunications and storage systems, that businesses or other organizations use to organize, process, store and disseminate large amounts of data.

*Prohibited Uses.* The following uses and activities (the “Prohibited Uses”) are expressly prohibited on the Property. When defined by Subpart B of the San Marcos Code of Ordinances and any associated technical manuals, the uses and activities below shall have such meaning.

1. Acid manufacturing
2. Gas manufacturing
3. Vehicle wrecking yard
4. Junk yard, including storage, sorting, bailing or processing of rags
5. Manufacturing or storage of hazardous materials or explosives, except for fuels contained in vehicles, locomotives, or railcars
6. Manufacturing or storage of fertilizer

7. Manufacturing of carbon batteries
8. Manufacturing of paint, lacquer, oil, turpentine, varnish, enamel and similar products
9. Manufacturing of rubber, glucose, or dextrin
10. Manufacturing of paper or pulp
11. Manufacturing or distillation of tar
12. Monument or marble works
13. Oil compounding and barreling plant
14. Operation of a business that provides the services of disposal, storage, reduction or incineration of solid or hazardous waste (including garbage, refuse, trash, sewage, offal, dead animals)
15. Extraction or refining of petroleum or its products
16. Distillation of bones
17. Smelting of iron, tin, zinc, copper or other ores
18. Fat rendering
19. Stockyards or slaughter of animals
20. Cemeteries
21. Labor camps
22. Jails or honor farms
23. Refining or retail sale or bulk storage of fuel, liquified petroleum and flammable liquids
24. Manufacturing of cement, lime, and gypsum plaster
25. Rock crushers
26. Sugar refining