

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:

**1.1 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

**1.2 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)

**2.1 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.

**6.1 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

**7**

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

**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.

**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

**9**

**Removal of outdoor storage height waiver:**

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

**10**

**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.

**11**

**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

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.

1.1  
&  
1.2  
cont

- 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



## 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.

**2.2**

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.

**3**

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.

**12**

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

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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:

- 6.2**
- 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

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

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