

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING A 1.42 ACRE TRACT OF LAND AND A 2.68 ACRE TRACT OF LAND, EACH LOCATED WITHIN THE COTTONWOOD CREEK SUBDIVISION MASTER PLAN NEAR THE INTERSECTION OF STATE HIGHWAY 123 AND RATTLER ROAD, FROM “P” PUBLIC AND INSTITUTIONAL DISTRICT TO “PH-ZL” PATIO HOME, ZERO-LOT-LINE RESIDENTIAL DISTRICT AND “TH” TOWNHOUSE RESIDENTIAL DISTRICT RESPECTIVELY; AND INCLUDING PROCEDURAL PROVISIONS.**

**RECITALS:**

1. On January 24, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding requests to change the zoning from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District for a 1.42 acre tract of land and “TH” Townhouse Residential District for a 2.68 acre tract of land, each located within the Cottonwood Creek Subdivision Master Plan near the intersection of State Highway 123 and Rattler Road.

2. Subsequent to the public hearing on that date, the Planning and Zoning Commission considered the requests and voted to recommend that the requests be approved by the City Council of the City.

3. The City Council held a public hearing on February 21, 2017 regarding the requests.

4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Zoning Map amendments have been met.

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

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

**SECTION 1.** The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the 1.42 acre tract of land described in Exhibit “A,” attached hereto and made a part hereof for all purposes, from “P” Public and Institutional District to “PH-ZL” Patio Home, Zero-Lot-Line Residential District.

**SECTION 2.** The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the 2.68 acre tract of land described in Exhibit “B,” attached hereto and made a part hereof for all purposes, from “P” Public and Institutional District to “TH” Townhouse Residential District.

**SECTION 3.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on February 21, 2017.

**PASSED, APPROVED AND ADOPTED** on second reading on March 7, 2017.

John Thomaides  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael Cosentino  
City Attorney

## EXHIBIT A

**BEGINNING FOR REFERENCE** at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of a called 65.90 acre tract of land as described in that deed to Jonnie Lynn Kraak McClellan, et al. and recorded in Volume 1757, Page 708 of the Deed Records of said county, being on the east right-of-way line of Highway 123 (130 foot right-of-way width), from which a fence post found for the northwest corner of said 272.24 acre tract bears, N 04° 25' 19" E for a distance of 3273.82 feet;

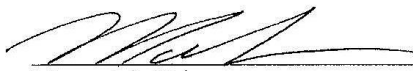
THENCE through the interior of said 272.24 acre tract, N 50° 57' 05" E for a distance of 2005.22 feet to a calculated point for the west corner and **POINT OF BEGINNING** hereof;

**THENCE** through the interior of said 272.24 acre tract, the following eight (8) courses and distances:

- 1) N 26° 20' 18" E for a distance of 40.63 feet to a calculated point of curvature hereof,
- 2) with the arc of a curve to the **right**, having a radius of 165.00 feet, an arc length of 303.73 feet, a central angle of 105° 28' 09", and a chord which bears, N 84° 33' 48" E for a distance of 262.63 feet to a calculated point of non-tangency hereof,
- 3) N 47° 17' 52" E for a distance of 240.00 feet to a non-tangent calculated point of curvature hereof,
- 4) with the arc of a curve to the **right**, having a radius of 405.00 feet, an arc length of 64.01 feet, a central angle of 09° 03' 22", and a chord which bears, S 38° 10' 27" E for a distance of 63.95 feet to a calculated point of non-tangency hereof,
- 5) S 56° 21' 14" W for a distance of 240.00 feet to non-tangent calculated point of curvature hereof,
- 6) with the arc of a curve to the **right**, having a radius of 165.00 feet, an arc length of 157.53 feet, a central angle of 54° 42' 10", and a chord which bears, S 06° 17' 41" E for a distance of 151.62 feet to a calculated point of tangency hereof,
- 7) S 26° 27' 29" W for a distance of 40.35 feet to a calculated point for the south corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract bears, S 08° 17' 45" W for a distance of 1089.13 feet, and
- 8) N 63° 36' 21" W for a distance of 328.46 feet to the **POINT OF BEGINNING** and containing 1.42 acre of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

  
Margaret A. Nolen  
Registered Professional Land Surveyor No. 5589  
BAKER-AICKLEN & ASSOCIATES, INC.  
203 E. Main Street, Suite 201  
Round Rock, Texas 78664  
(512) 244-9620



Job No.: 1262-4-001-74

Filename:

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# SKETCH TO ACCOMPANY DESCRIPTION

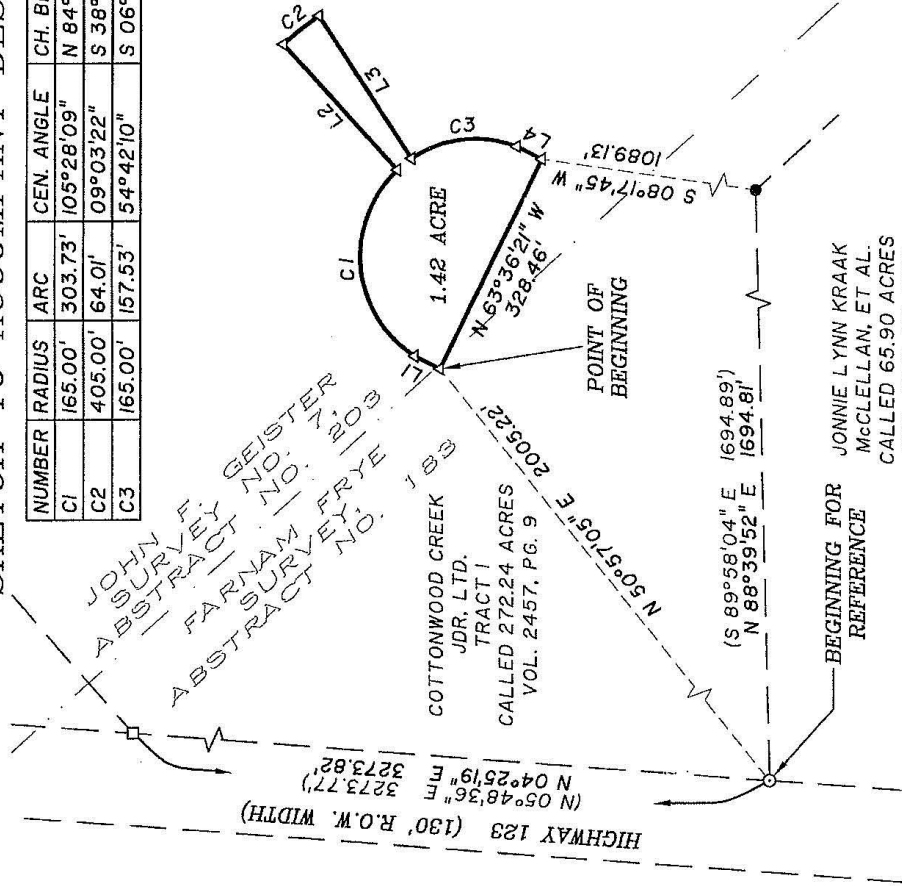
NUMBER	RADIUS	ARC	CEN. ANGLE	CH. BRG.	CHORD
C1	165.00'	303.73'	105°28'09"	N 84°33'48" E	262.63'
C2	405.00'	64.01'	09°03'22"	S 38°10'27" E	63.95'
C3	165.00'	157.53'	54°42'10"	S 06°17'41" E	151.62'

SCALE: 1" = 200'

HAYS COUNTY, TEXAS

## LEGEND

- IRON ROD FOUND WITH 'BYRN' CAP
- 1" IRON PIPE FOUND
- FENCE POST FOUND
- △ CALCULATED POINT
- ( ) RECORD BEARING AND DISTANCE PER VOL. 2457, PG. 9



NUMBER	BEARING	DISTANCE
L1	N 26°20'18" E	40.63'
L2	N 47°17'52" E	240.00'
L3	S 56°21'14" W	240.00'
L4	S 26°27'29" W	40.35'



DATE: MAR., 2004  
JOB NO.: 1262-4-001-74  
BY: M. NOLAN  
PAGE 3 OF 3

## EXHIBIT B

**BEGINNING FOR REFERENCE** at a 1" iron pipe found at the southwest corner of said 272.24 acre tract, same being the northwest corner of said 65.90 acre tract, being the east right-of-way line of said Highway 123;

**THENCE** with the west line of said 272.24 acre tract, same being the east right-of-way line of said Highway 123, N 04° 25' 19" E for a distance of 480.18 feet to a calculated point;


**THENCE** through the interior of said 272.24 acre tract, S 85° 34' 41" E for a distance of 535.89 feet to a calculated point for the southwest corner and **POINT OF BEGINNING** hereof;

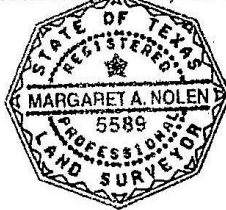
**THENCE** through the interior of said 272.24 acre tract, the following six (6) courses and distances:

- 1) N 01° 20' 08" W for a distance of 406.93 feet to a calculated point of curvature hereof,
- 2) with an arc of a curve to the **right**, having a radius of 257.82 feet, an arc length of 24.82 feet, a central angle of 05° 31' 01", and a chord which bears, N 01° 32' 38" E for a distance of 24.82 feet to a calculated point for the northwest corner hereof,
- 3) S 82° 58' 17" E for a distance of 289.16 feet to a calculated point for the northeast corner hereof,
- 4) with an arc of a curve to the **left**, having a radius of 250.00 feet, an arc length of 40.85 feet, a central angle of 09° 21' 41", and a chord which bears, S 03° 20' 43" W for a distance of 40.80 feet to a calculated point of tangency hereof,
- 5) S 01° 20' 08" E for a distance of 348.99 feet to a calculated point for the southeast corner hereof, from which an iron rod found with "Byrn" cap for an angle point on the south line of said 272.24 acre tract, bears S 64° 15' 37" E for a distance of 931.54 feet, and
- 6) S 88° 39' 52" W for a distance of 284.00 feet to the **POINT OF BEGINNING** and containing 2.68 acres of land.

Bearing basis is grid north for the Texas South Central Zone NAD 83/93 HARN, per GPS survey performed during June, 2003.

Surveyed under the direct supervision of the undersigned during March, 2004:

  
Margaret A. Nolen  
Registered Professional Land Surveyor No. 5589  
BAKER-AICKLEN & ASSOCIATES, INC.  
203 E. Main Street, Suite 201  
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Filename:

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# SKETCH TO ACCOMPANY DESCRIPTION

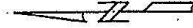
FARNAM FRYE SURVEY,  
ABSTRACT NO. 183

COTTONWOOD CREEK JDR, LTD.

TRACT I  
CALLED 272.24 ACRES  
VOL. 2457, PG. 9

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TRACT I  
CALLED 272.24 ACRES  
VOL. 2457, PG. 9

JONNIE LYNN KRAAK MCLELLAN, ET AL.  
CALLED 65.90 ACRES  
VOL. 1757, PG. 708

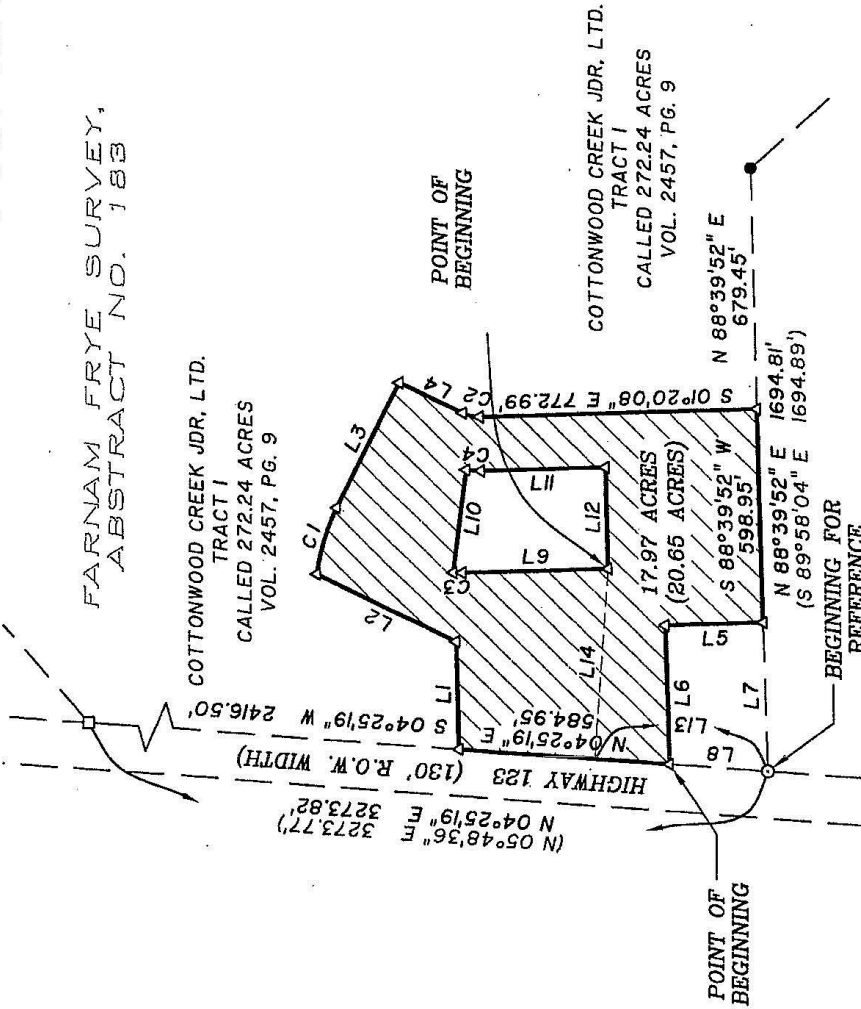


SCALE: 1" = 400'

HAYS COUNTY, TEXAS

## LEGEND

- IRON ROD FOUND WITH "BYRN" CAP
- 1" IRON PIPE FOUND
- FENCE POST FOUND
- △ CALCULATED POINT



**BAKER-AICKLEN & ASSOCIATES, INC.**  
ENGINEERS/SURVEYORS

DATE: MAR., 2004  
JOB NO.: 1262-4-001-74  
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