

**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 3.553 ACRE, MORE OR LESS, TRACT OF LAND OUT OF THE COTTONWOOD CREEK SUBDIVISION MASTER PLAN, LOCATED NEAR STATE HIGHWAY 123 AND RATTLER ROAD, FROM “DR” DUPLEX RESTRICTED DISTRICT TO “GC” GENERAL COMMERCIAL DISTRICT; AND INCLUDING PROCEDURAL PROVISIONS.**

**RECITALS:**

1. On August 8, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “DR” Duplex Restricted District to “GC” General Commercial District for a 3.553 acre, more or less, tract of land out of the Cottonwood Creek Subdivision Master Plan, located near State Highway 123 and Rattler Road.
2. Subsequent to the public hearing on that date, the Planning and Zoning Commission considered the request and voted to recommend that the request be approved by the City Council of the City.
3. The City Council held a public hearing on September 5, 2017 regarding the request.
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 3.553 acre tract of land described in Exhibit “A,” attached hereto and made a part hereof for all purposes, from “DR” Duplex Restricted District to “GC” General Commercial District.

**SECTION 2.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on September 5, 2017.

**PASSED, APPROVED AND ADOPTED** on second reading on September 19, 2017.

John Thomaides  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael Cosentino  
City Attorney



SPOT ON SURVEYING

*Land Surveying & Mapping*

## EXHIBIT "A"

FIELD NOTES-METES AND BOUNDS DESCRIPTION

BEING 3.553 ACRES OF LAND OUT OF THAT 85.44 ACRES OF LAND DESCRIBED AS TRACT NO. 2 AS CONVEYED IN GENERAL WARRANTY DEED RECORDED IN VOLUME 2457, PAGE 9, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found iron rod with cap stamped "BYRN SURVEY", said point being accepted as the Southeast corner of said Tract 2, also being a point along the Westerly Right of Way of State Highway 123 (SH 123), having a current Right of Way of 130 feet wide, and being the Northeast corner of that 10.00 acres to Caltex Partners, LTD. By document no. 04036714, recorded in vol. 2603, pg. 193, (O.P.R.H.C.TX.)

THENCE S 88° 56' 11" W, 787.04 feet leaving the Westerly Right of Way of said (SH 123) along the common lines of said Tract 2 and said 10.00 acres to a found 1" iron pipe being accepted as an angle point in the Southerly line of said Tract 2, angle point in said 10.00 acre tract, Southwest corner of an 8.96 acre tract of land laying within said Tract 2 and being a part of said Tract 2 being zoned as Zone "P" in the City of San Marcos, Hays County, Texas;

THENCE leaving said common lines into the interior of said Tract 2 along the Westerly and Northerly limits of said 8.96 acre tract of land the following 3 courses;

1. N 22° 40' 10" E, 581.01 feet;
2. N 79° 40' 52" E, 265.05 feet;
3. N 88° 53' 30" E, 30.62 feet to the TRUE POINT OF BEGINNING hereof, said point being the Southwest corner of the 3.553 acre tract of land described herein also being the Southeast corner of a 5.122 acre tract of land within said Tract 2 to be zoned as Zone "PH-ZL";

THENCE N 1° 3' 39" W, 450.41 feet leaving the Northerly limits of said "P" Zone along the common limits of said 5.122 acre tract of land to the Northwest corner of the 3.553 acre tract of land described herein, said point also being the Southwest corner of a proposed 2.346 acre tract of land zoned as Zone "GC";

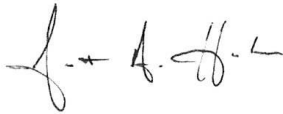
THENCE S 89° 56' 04" E, 367.74 feet along the common line said 2.346 acre tract of land to a point of intersection with the Easterly limits of said Tract 2, also being the Westerly Right of Way of said (SH 123), said point being the Northeast corner of the 3.553 acre tract of land described herein;

THENCE S 4° 26' 05" W, 444.95 feet along the Easterly limits of said Tract 2 and Westerly Right of Way of said (SH 123) to a point of intersection with the Northerly limits of said 8.96 acre tract of land, said point being the Southeast corner of the 3.553 acre tract of land described herein and the Northeast corner of said 8.96 acre tract of land;

THENCE S 88° 53' 30" W, 325.05 feet along the common lines of said 8.96 acre tract of land and the 3.553 acre tract of land to the POINT OF BEGINNING hereof, containing a calculated area of 154,777.71 sq. ft., 3.553 acres;

Said field notes being described in accordance with a survey made on the ground by me or under my direction and shown on Exhibit "B" Survey Sketch attached hereto and made a part hereof.

All bearings shown are based on NAD 83 Texas State Plane Coordinate System, South Central Zone. All distances shown are surface or ground distances.



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Scott A. Hahn, RPLS 6375  
Spot On Surveying-TBPLS Firm# 10193894  
614 Jerrys Lane, Buda, TX. 78610  
(512) 523-8092



April 28, 2017

\_\_\_\_\_  
Date

Phase 2 Section 2 - 3.553 Acres



www.spotonsurveying.com

SOS.J/N: 0033-16-011