

## **ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS CONCERNING AN APPROXIMATELY 85 ACRE TRACT OF LAND ALONG THE NORTH SIDE OF CENTERPOINT ROAD, EAST OF CENTER POINT COURT WITH A BASE ZONING OF SMARTCODE DISTRICT; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY EXPANDING THE 62.158 ACRE SPECIAL DISTRICT AREA WITHIN SAID TRACT TO INCLUDE THE REMAINING 23.354 ACRES AND AMENDING THE DEVELOPMENT STANDARDS APPLICABLE TO THE EXPANDED SPECIAL DISTRICT; AND INCLUDING PROCEDURAL PROVISIONS.**

### **RECITALS:**

1. On October 10, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding requests concerning an approximately 85 acre tract of land along the north side of Centerpoint Road, east of Center Point Court to amend the Official Zoning Map of the City by expanding the 62.158 acre Special District area within said tract to include the remaining 23.354 acres and to amend the development standards applicable to the expanded Special District.

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 November 8, 2017 regarding the requests.

4. All applicable requirements of the San Marcos SmartCode and the City's 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 expand the 62.158 SmartCode Special District area described in Attachment 1 to include the adjoining 23.354 acre tract of land described in Attachment 2. The tracts of land described in Attachments 1 and 2 are collectively, the "Land."

**SECTION 2.** The Special District Regulating Plan attached as Exhibit A, the Parking Lot Landscaping and Screening Standards attached as Exhibit B, and the Special District Standards attached as Exhibit C (collectively, the "Regulations") are approved and adopted to regulate the use and development of the Land. The Regulations are enforceable as though they were conditions,

restrictions and limitations on the use and development of the Land under the City's zoning ordinances. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to all fines and penalties that apply to violations of the City's zoning ordinances and suit by the City for an injunction to enjoin the violation as though the Regulations were conditions, restrictions and limitations on the use of the Land under the City's zoning ordinances.

**SECTION 3.** Table 3.7 of the SmartCode, Subpart C of the San Marcos City Code, is hereby amended to add the Special District Regulations in Exhibit C.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on November 8, 2017.

**PASSED, APPROVED AND ADOPTED** on second reading on November 21, 2017.

John Thomaides  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael Cosentino  
City Attorney

# ATTACHMENT 1

## METES AND BOUNDS DESCRIPTION FOR ZONING

A 62.158 acre tract of land out of a 495.23 acre tract described in deed to Walton Texas, LP recorded in Volume 3822, Page 246 of the Official Public Records of Hays County, Texas, out of the J.H. Yearby Survey, Abstract 508, San Marcos, Hays County, Texas. Said 62.158 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a point at the westernmost corner of said 495.23 acre tract, on the northeast right-of-way line of Centerpoint Road, County Road 234, a 80-foot public right-of-way, from which a found iron rod with cap marked "BURY" bears S 46°27'51" E, a distance of 0.58 feet;

THENCE: N 43°02'29" E, departing the northeast right-of-way line of said Centerpoint Road, with the northwest line of said 495.23 acre tract, at a distance of 10.00 feet passing a found ½" iron rod with a cap marked "BYRN" at the south corner of Lot 3-B, Center Point Court Subdivision recorded in Doc. No. 16036577 of the Plat Records of Hays County, Texas, continuing with said northwest line of said 495.23 acre tract and the southeast line of the following tracts: said 3-B, Lot 3-A of said Center Point Court Subdivision, and Lot 4C and 4B, Center Point Court Subdivision recorded in Volume 14, Page 254 of the Plat Records of Hays County, Texas, for a total distance of 1201.64 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" and being the POINT OF BEGINNING of herein described tract;

THENCE: N 43°02'29" E, continuing with the northwest line of said 495.23 acre tract and the southeast line of said Lot 4B a distance of 333.84 feet to a point at the east corner of said Lot 4B and the south corner of Lot 1, Prime Outlet 1 Subdivision recorded in Volume 9, Pages 9-11 of the Plat Records of Hays County, Texas;

THENCE: N 43°49'18" E, continuing with the northwest line of said 495.23 acre tract and the southeast line of said Lot 1, a distance of 1424.45 feet to a found ½" iron rod with a cap marked "RPLS 5209" at the east corner of said Lot 1 and a south corner of a 259.52 acre tract described in deed to Texas State University – San Marcos recorded in Volume 3206, Page 512 of the Official Public Records of Hays County, Texas;

THENCE: N 44°16'03" E, continuing with the northwest line of said 495.23 acre tract and a south line of said 259.52 acre tract, a distance of 887.89 feet to a found ½" iron rod

with a cap marked "BYRN" at the north corner of said 495.23 acre tract and a reentrant corner of said 259.52 acre tract;

THENCE: S 46°39'20" E, with the northeast line of said 495.23 acre tract and a southwest line of said 259.52 acre tract, a distance of 1119.71 feet to a point;

THENCE: Departing a southwest line of said 259.52 acre tract, over and across said 495.23 acre tract, the following bearings and distances:

Southwesterly, along a non-tangent curve to the right, said curve having a radial bearing of N 45°11'50" W, a radius of 951.00 feet, a central angle of 03°37'14", a chord bearing and distance of S 46°36'47" W, 60.08 feet, for an arc length of 60.09 feet to a point;

S 48°25'24" W, a distance of 2612.45 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: N 45°38'15" W, a distance of 909.56 feet to the POINT OF BEGINNING, and containing 62.158 acres in the City of San Marcos, Hays County, Texas. Said description and map prepared under job number 9030-17 by Pape-Dawson Engineers, Inc.

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

PREPARED BY:	Pape-Dawson Engineers, Inc.
DATE:	April 25, 2017
JOB NO.	9030-17
DOC. ID:	N:\Survey\17\17-9000\9030-17\Word\9030-17 FN 62.158 AC.docx



## ATTACHMENT 2

### METES AND BOUNDS DESCRIPTION FOR

A 23.354 acre, or 1,017,286 square feet more or less, tract of land out of 495.23 acre tract described in Deed to Walton Texas, LP recorded in Volume 3822, Page 246 of the Official Public Records of Hays County, Texas, out of the J.H. Yearby Survey, Abstract 508, Hays County, Texas. Said 23.354 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

**BEGINNING:** At a point at the westernmost corner of said 495.23 acre tract, on the northeast right-of-way line of Centerpoint Road, County Road 234, a 80-foot public right-of-way, from which a found iron rod with cap marked "BURY" bears S 46°27'51" E, a distance of 0.58 feet;

**THENCE:** N 43°02'29" E, departing the northeast right-of-way line of said Centerpoint Road, with the northwest line of said 495.23 acre tract, at a distance of 10.00 feet passing a found ½" iron rod with a cap marked "BYRN" at the south corner of Lot 3-B, Center Point Court Subdivision recorded in Doc. No. 16036577 of the Plat Records of Hays County, Texas, continuing with said northwest line of said 495.23 acre tract and the southeast line of the following tracts: said 3-B, Lot 3-A of said Center Point Court Subdivision, and Lot 4C and 4B, Center Point Court Subdivision recorded in Volume 14, Page 254 of the Plat Records of Hays County, Texas, for a total distance of 1201.64 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" ;

**THENCE:** Departing the southeast line of said Lot 4B, over and across said 495.23 acre tract, the following bearings and distances:

S 45°38'15" E, a distance of 909.56 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 48°25'24" W, a distance of 933.47 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 57°13'13" W, a distance of 78.47 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 48°25'24" W, a distance of 157.28 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 89°02'11" W, a distance of 37.87 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the southwest line of said 495.23 acre tract and the northeast right-of-way line of said Centerpoint Road;

THENCE: N 46°26'40" W, with the southwest line of said 495.23 acre tract and the northeast right-of-way line of said Centerpoint Road, a distance of 494.86 feet to a ½" iron rod;

THENCE: N 46°27'51" W, continuing with the southwest line of said 495.23 acre tract and the northeast right-of-way line of said Centerpoint Road, a distance of 264.86 feet to the POINT OF BEGINNING, and containing 23.354 acres in the City of San Marcos, Hays County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9030-17 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: February 17, 2017  
JOB NO. 9030-17  
DOC. ID. N:\Survey17\17-9000\9030-17\Word\9030-17 FN 23.354 AC.docxm



SPECIAL DISTRICT REGULATING PLAN  
EXHIBIT "A"

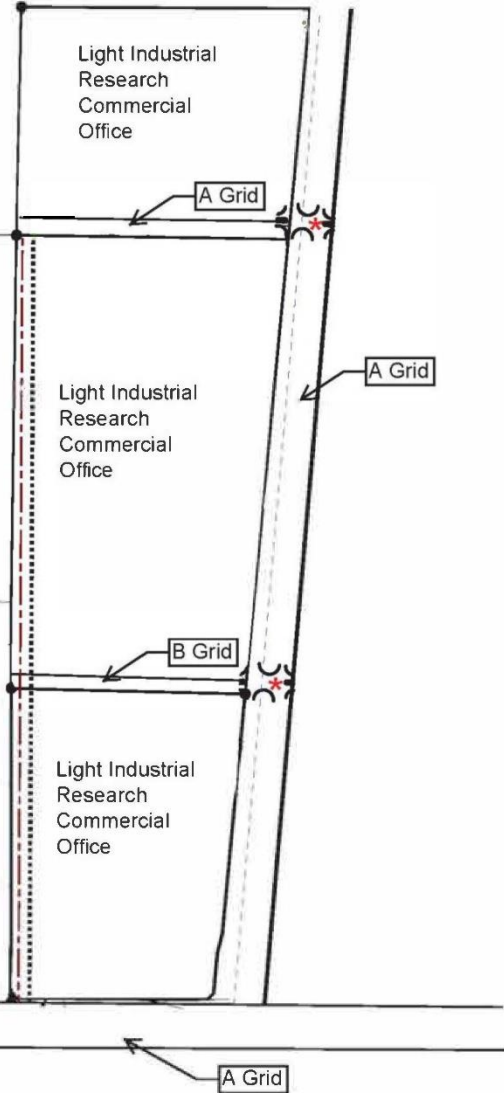


LOCATION MAP  
NOT-TO-SCALE



\* PER MOU as may be modified by Engineering Department (c)

- Waterline
- Wastewater
- Bike Trail or Passage (not to exceed 35')(o)





## EXHIBIT B

### Parking Lot Landscaping and Screening Standards

#### Parking Lot Landscaping

**A. Applicability.** Parking lot landscaping is required for all offstreet vehicle parking areas with more than 20 spaces. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

**B.** Parking lot landscaping shall be consistent with the species type and installation requirements of the Land development Code.

#### C. Interior Islands

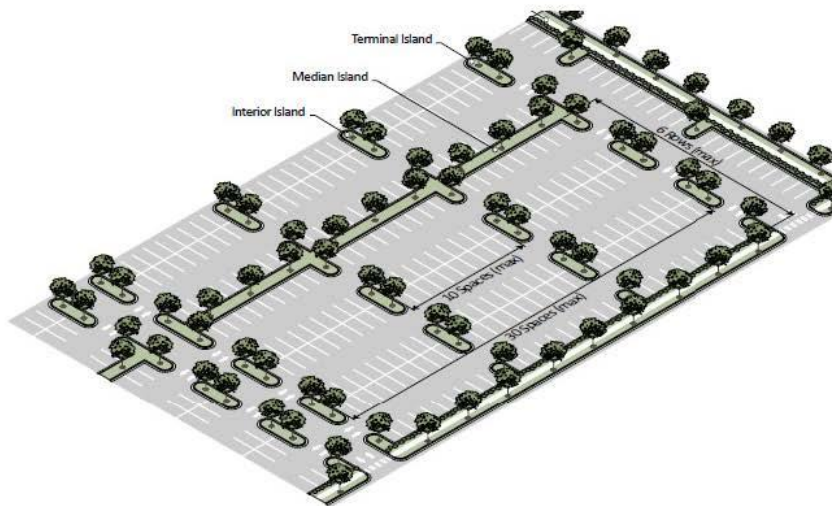
1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include one shade tree.
3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include 2 shade trees.
4. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may be located between terminal islands.

5. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

6. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture and be designed to infiltrate runoff water within 24 hours.

#### D. Median Islands

1. A landscape median island must be provided between every 6 rows of parking. Intervals may be expanded in order to preserve existing trees.
2. A landscape median island may serve as the location for a required pedestrian walkway in accordance with the Land development Code.
3. A landscape median island without pedestrian walkway must be a minimum of 6 feet wide. A landscape median island with a pedestrian walkway must be a minimum of 9 feet wide.
4. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
5. The portion of the median island not containing the pedestrian walkway must be installed below the level of the parking lot surface to allow for runoff capture, except for access to the landscape median from the parking area.





### Parking Lot Screening

- A. Applicability.** All off-street vehicle parking areas (of any size) abutting a public street (not including an alley) must be screened as specified below.
- B.** Parking lot screening shall be consistent with the species type and installation requirements of the Land development Code.
- C. Location.** A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.
- D. Landscape Strip with Shrubs.** A minimum 10-foot wide landscape strip planted with 3-foot high continuous row of shrubs.



- E. Landscape Strip with Berm.** A berm a minimum of 3 feet higher than the finished elevation of the parking area.



- F. Landscape Strip with Wall.** A minimum 4-foot wide landscape strip with a 3-foot high wall.



- G. Landscape Strip with Grade Change.** A 6-foot landscape strip with a minimum 3-foot grade drop from the public street to the parking area planted with a continuous row of shrubs.



## EXHIBIT C

### SPECIAL DISTRICTS TABLE

	SD1 OFFICE/RESEARCH/LIGHT INDUSTRIAL
a. ALLOCATION OF ZONES	
CLD	NOT APPLICABLE
TND	NOT APPLICABLE
TOD	NOT APPLICABLE
b. BASE RESIDENTIAL DENSITY	
By Right	NOT APPLICABLE
By TDR	NOT APPLICABLE
Other Functions	NOT APPLICABLE
c. BLOCK SIZE	
Block Perimeter	5,000 FEET MAX*
* <i>The 1,600 ft. block break along Arterial A may be adjusted through coordination with the Engineering Department in connection with the MOU or waived to accommodate alignment of future planned roadways on adjacent properties and a larger block perimeter may be permitted, but the block perimeter shall not exceed the area required to meet parking, drainage, and landscaping provisions for the individual structure(s) at full build out.</i>	
d. THOROUGHFARES*	
HW	NP
BV	P
AV	P
CS	P
DR	NP
ST	P
RD	P
Rear Lane	NP
Rear Alley	P**
Path	NP
Passage	P
Bicycle Trail (Including Bicycle Routes)	P
Bicycle Lane	P
* <i>See Section o below for design standards.</i> ** <i>If approved by the DRC</i>	
e. CIVIL SPACES	
Park	NP
Green	P
Square	P
Plaza	P
Playground	P

f. LOT OCCUPATION

Lot Width	40 ft. min
Lot Coverage	90% max

g. SETBACKS - PRINCIPAL BUILDING

Front Setback	10 ft. min
Side Setback	5 ft. min, interior 10 ft. min, corner
Rear Setback	3 ft. min *
<i>* or 15 ft. from centerline of Lane, Alley, Passage or Bicycle Trail</i>	

h. BUILDING DISPOSITION

Edgeyard	P
Sidyard	P
Rearyard	P
Courtyard	P

i. PRIVATE FRONTAGES\*

Common Yard	P**
Porch & Fence	NP
Terrace, Dooryard	P
Forecourt	P
Stoop	P
Shopfront	P
Gallery	P

\* All frontages may be developed with up to a maximum of 100% glazing.

\*\* Parking may be provided within the Common Yard frontage (between the street and building) in accordance with Section I below provided, however, if parking is provided within the Common Yard frontage, said parking area shall meet the requirements for parking lot landscaping and parking lot screening contained in Exhibit B.

j. BUILDING CONFIGURATION

Principal Building	5 stories max, 1 min.
Outbuilding	2 stories max

k. BUILDING FUNCTION

Residential	NP
Lodging	NP
Office	P
Research	P
Light Industrial	P

k. PARKING REQUIREMENTS

Office	2.0 / 1,000 sq. ft.
Manufacturing	1.0 / 1.5 employees in maximum work shift

Warehouse and Distribution	1.0 / 2,000 sq. ft. excluding office space, which shall be determined in accordance with the requirements for office as set forth in this table.
Other Uses Not Specifically Identified	In accordance with the requirements of the SmartCode or the Land Development Code, whichever is applicable
Bicycle Parking	Bicycle parking is required for Office uses at a rate of 1 space per 5,000 sf GFA, minimum 4.

I. PARKING LOCATION	SURFACE	GARAGE
First Layer	1 Row Allowed*	Not Allowed
Second Layer	Allowed	Not Allowed
Third Layer	Allowed	Allowed

\* One (1) row of parking shall be defined to include one drive aisle with parking on both sides. An applicant may request Alternative Compliance to the City Council by submitting a written request justifying the need Alternative Compliance to this provision. Conditions for considering approval of an Alternative Compliance request for additional parking in the First Layer may include, but not be limited to the following:

- The request promotes connectivity to the street frontage by utilizing internal drives which include uninterrupted pedestrian paths (painted crosswalks at internal intersections) through the First Layer to the building frontage at each entrance (driveway) along the frontage subject to the request; or
- The request includes enhanced parking lot landscaping standards in accordance with Exhibit B in the area where 1 row of parking is incorporated.

#### m. LOADING SPACES AND DOCKS

A-Grid Frontages	Loading spaces and docks shall be screened from view from the street frontage. Approved screening includes, but is not limited to, walls, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. Street screening shall be a minimum of 6 feet in height. Openings in street screening shall be no larger than necessary to allow vehicular and pedestrian access.
B-Grid Frontages	Loading spaces and docks may be visible from the street frontage and will not require screening.

#### n. BUFFER YARDS\*

- 1) Adjacent to Residential:
  - i) When located adjacent to the LCRA easement abutting the northwest and northeast property line:
    - 10 ft. min width
    - 6 ft min height fence or wall
    - 3 shade trees per 100 linear ft.
    - 3 understory trees per 100 linear ft.
  - ii) In all other instances:
    - 35 ft. min width
    - 6 ft min height fence or wall
    - 6 shade trees per 100 linear ft.
    - 4 understory trees per 100 linear ft.
- 2) Adjacent to Nonresidential
  - 6 ft. min width
  - 3 shade trees per 100 linear ft.
  - 3 understory trees per 100 linear ft.

\* *Buffer Yards may include a Passage or Bicycle Trail meeting the requirements of Section d. THOROUGHFARES above. Landscaping contained within a buffer yard may be included in the calculation of any required parking lot landscaping or screening when located within 10 feet of any parking lot and is not separated from the parking lot by a fence or wall.*

#### o. THOROUGHFARE STANDARDS

The following Thoroughfare from Section d. above shall have the following design standards not otherwise identified in the San Marcos SmartCode. All other Thoroughfares shall have the design standards meeting the requirements of the San Marcos SmartCode.

Bicycle Trail or Passage*	Public Access Easement not to exceed 35'. Minimum 12' Multi-Use Path constructed of concrete or asphalt. Alternative materials may be approved by the Director of Engineering upon request.
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- \* *A Passage or Bicycle Trail may be constructed over a dedicated easement subject to coordination with and approval by the Engineering Department.*
- \* *A Passage or Bicycle Trail not located within public ROW shall be located within a Public Access Easement. If located within a Public Access Easement, the property owner or Property Owners Association (POA) must maintain the Passage or Bicycle Trail. The maintenance requirements shall be memorialized on the plat.*

#### p. REGULATING PLAN

The Regulating Plan attached as Exhibit "A" shall serve as the Regulating Plan for the property and the future development of the property as may be modified pursuant to SmartCode requirements.