

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 20.246 ACRES OF LAND, MORE OR LESS, LOCATED AT 3200 HUNTER ROAD FROM “P” PUBLIC AND INSTITUTIONAL DISTRICT TO “MU” MIXED USE DISTRICT WITH AN OVERLAY DISTRICT OF “PDD” PLANNED DEVELOPMENT DISTRICT; APPROVING STANDARDS FOR SAID PLANNED DEVELOPMENT DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On October 24, 2017, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to amend the Official Zoning Map of the City by establishing a zoning classification of “MU” Mixed Use District with an overlay district of “PDD” Planned Development District, for 20.246 acres of land, more or less, located 3200 Hunter Road (the “Project Site,” as described in Exhibit “A,” attached hereto and made a part hereof for all purposes).
2. Subsequent to the public hearing, the Planning and Zoning Commission considered the request and voted to recommend that the request be approved by the City Council of the City of San Marcos.
3. The City Council held a public hearing on November 21, 2017 regarding the request.
4. All requirements of Chapter 1, Development Procedures, of 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’s Land Development Code, is amended to establish a zoning classification for the Project Site of “MU” Mixed Use District with an overlay district of “PDD” Planned Development District.

SECTION 2. The Planned Development District Standards for said Planned Development District (the “Regulations”), attached to this ordinance as Exhibit “B,” are approved and adopted to regulate the development of the Project Site. The Project Site will be bound by the provisions of the Regulations as though they were conditions, restrictions and limitations on the use of the Project Site under the City’s zoning ordinances. Any person, firm, corporation or other entity

violating any provisions of the Regulations shall be subject to all penalties that apply to violations of the zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to a 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 Project Site under the City's zoning ordinances.

SECTION 3. Any person, firm, corporation or other entity violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

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

PASSED AND APPROVED on first reading on November 21, 2017.

PASSED, APPROVED AND ADOPTED on second reading on December 5, 2017.

John Thomaides
Mayor

Attest:

Approved:

Jamie Lee Case
City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A



Land Surveying & Mapping

FIELD NOTES-METES AND BOUNDS DESCRIPTION

BEING 20.246 ACRES OF LAND OUT OF THAT 117.47 ACRES OF LAND IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 471, AND THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS AS CONVEYED TO THE FIRST BAPTIST CHURCH OF SAN MARCOS, TEXAS BY WARRANTY DEED WITH VENDORS LIEN AS DOCUMENT NO. 00014536, RECORDED IN VOLUME 1685, PAGE 68, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found brass disc TxDOT monument (TxDOTBDM), said point being accepted as the most Southerly corner of the remaining portion of said 117.47 acre tract of land, also being the common corner and Most Easterly corner of that 44.99 acre tract to Herold Abel, Jr. and wife Mildred Joyce McCormick Abel, per Volume 542, Pg. 593, Real Property Records, Hays County, Texas (R.P.R.H.C.TX.) and being accepted as a point in the Northwesterly Right-Of-Way by South Southeast corner of said Tract 2, also being a point along the Westerly Right of Way of Hunter Road (AKA F.M. 2439) per plan of proposed Right-Of-Way Account No. 8014-2-9 CSJ No. 2293-01-017 dated 3-28-2001;

THENCE N 49° 30' 41" W, 625.53 feet leaving said Right-Of-Way along the common lines of said 117.47 and 44.99 acre tracts of land to a found 3" brass disc monument stamped "U.S.D.I. Monument No. 11";

THENCE N 48° 46' 11" W, 44.78 feet continuing on said common line to a set iron rod with cap stamped "SPOT ON SURVEYING" said point being the most Westerly corner of the 20.246 acre tract of land described herein;

THENCE Northeasterly along the Northwesterly limits of the 20.246 acre tract of land described herein through the interior of said 117.47 acre tract the following 4 courses;

1. N 31° 45' 56" E, 984.18 feet to a (SIRC);
2. N 40° 59' 58" E, 63.34 feet to a (SIRC);
3. S 81° 59' 03" E, 15.41 feet to a (SIRC);
4. N 43° 22' 58" E, 288.93 feet to a found 1/2" iron rod, said point being accepted as a point on the Southwesterly Right-Of-Way line of McCarty Lane being the most Northerly corner of the 20.246 acre tract of land described herein and a point in the Northeasterly line of that remaining portion of said 117.47 acre tract of land as shown on the map or plat of the First Baptist Church Subdivision recorded in Volume 12, Pg. 397, Plat Records, Hays County, Texas (P.R.H.C.TX.);

THENCE Southeasterly along the Southwesterly Right-Of-Way line of said McCarty Lane the following 3 courses;

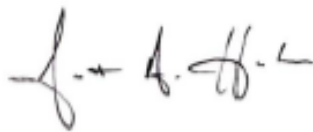
1. S 46° 26' 28" E, 69.68 feet to a found iron rod with cap stamped "BYRN SURVEYING", (FIRC), said point being accepted as the beginning of a curve to the left concave Northeasterly having a radius of 3050.00 feet;
2. Southeasterly along said curve through a central angle of 1° 59' 42" and an arc length of 106.20 feet to a (FIRC), having a chord bearing and distance to said point of S 47° 22' 59" E, 106.19 feet;
3. S 48° 28' 03" E, 462.10 feet to a (SIRC), said point being set in the Northwesterly Right-Of-Way line of said Hunter Road;

Thence Southwesterly along the Northwesterly Right-Of-Way line of said Hunter Road the following 7 courses;

1. S 1° 19' 26" E, 30.64 feet to a found iron rod with cap, illegible;
2. S 39° 49' 05" W, 139.85 feet to a found iron rod with cap, illegible;
3. S 53° 24' 15" W, 167.36 feet to a found (TxDOTBDM);
4. S 35° 55' 53" W, 242.45 feet to a found (TxDOTBDM);
5. S 13° 13' 32" W, 150.35 feet to a (FIRC);
6. S 32° 27' 20" W, 400.27 feet to a found (TxDOTBDM), said point being accepted as the beginning of a curve to the right concave Northwesterly having a radius of 1834.86 feet;
7. Southwesterly along said curve through a central angle of 6° 55' 04" and an arc length of 221.53 feet to the POINT OF BEGINNING hereof, having a chord bearing and distance of S 34° 00' 50" W, 221.40 feet to said point, containing a calculated area of 881,906.26 sq. ft., 20.246 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.



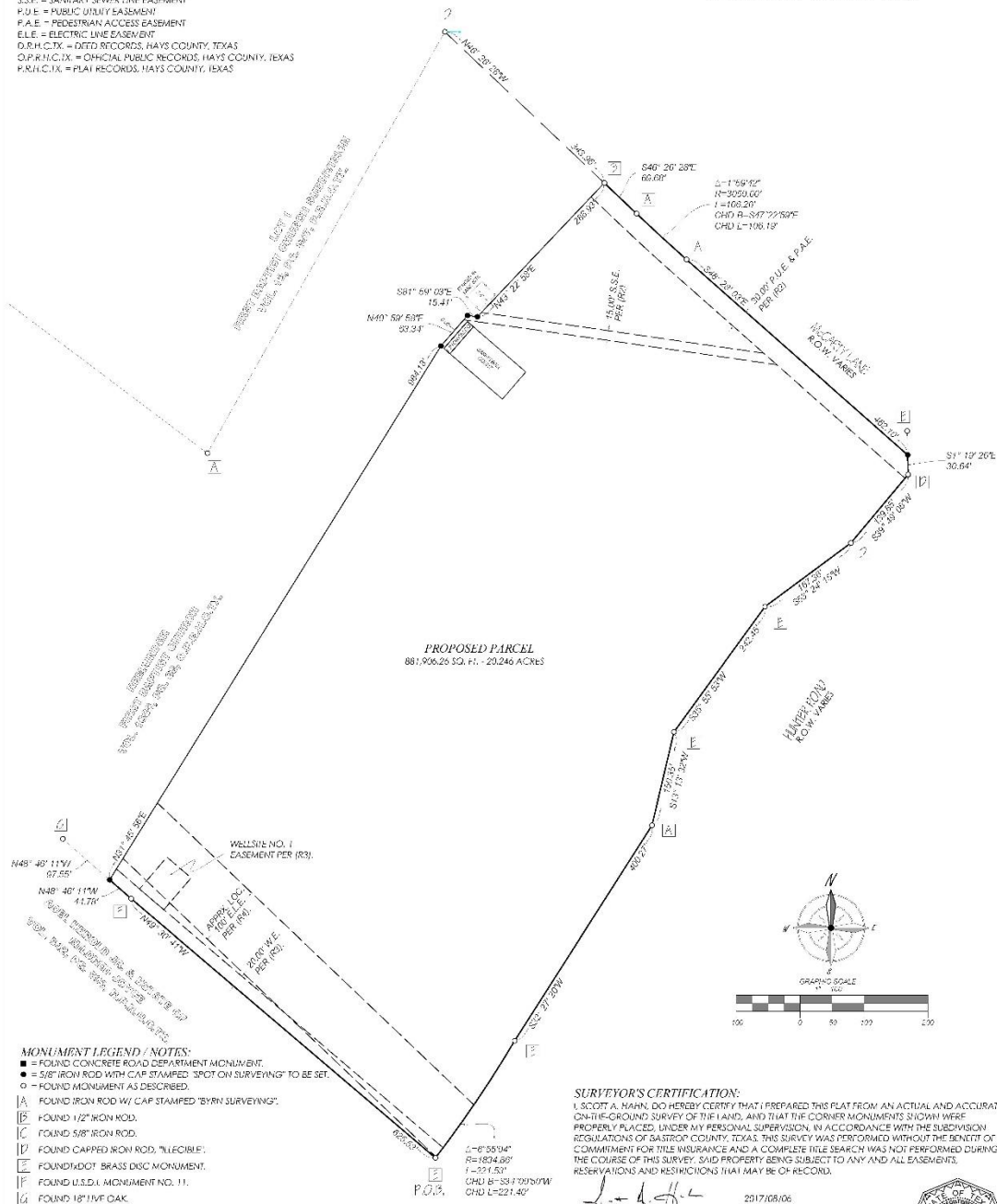
Scott A. Hahn, RPLS 6375
Spot On Surveying-TBPLS Firm# 10193894
614 Jerry's Lane, Buda, TX. 78610
(512) 523-8092



August 06, 2017

Date

#J1 = VOL 1065, PG 68, D.R.H.C.TX.
 #J2 = FIRST BAPTIST CHURCH SUBDIVISION, VOL. 12, PG. 397, P.H.C.TX.
 #J3 = VOL 243, PG 257, D.R.H.C.TX.
 #J4 = VOL 249, PG 301, D.R.H.C.TX.
 #J5 = VOL 252, PG 628, D.R.H.C.TX.
 WE = WATERLINE EASEMENT
 S.S.F. = SANITARY SEWERS LINE EASEMENT
 P.U.E = PUBLIC UTILITY EASEMENT
 P.A.E = PEDESTRIAN ACCESS EASEMENT
 E.L.E. = ELECTRIC LINE EASEMENT
 D.R.H.C.TX. = DEED RECORDS, HAYS COUNTY, TEXAS
 P.H.C.H.C.IX. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
 P.R.H.C.IX. = PLAT RECORDS, HAYS COUNTY, TEXAS



I, SCOTT A. HAHN, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED, UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBVERSIVE REGULATIONS OF GASTROP COUNTY, TEXAS. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE AND A COMPLETE TITLE SEARCH WAS NOT PERFORMED DURING THE COURSE OF THIS SURVEY. SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE ON-RECORD.

SCOTT, HAIN DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 6375 - TBPLS FIRM NO.: 1019389
SPOT ON SURVEYING
614 JERRY LANE
BUDA, TX 78610



SOS J/N:0033-17-002

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON, IS THE TEXAS COORDINATE SYSTEM NAD83, TEXAS SOUTH CENTRAL ZONE, UTILIZING STATIC OBSERVATIONS AND CORRECTIONS PERFORMED BY THE NGS-OPUS WEBSITE.

ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.