

THE MAYAN AT SAN MARCOS RIVER, LLC

22711 Fossil Peak
San Antonio, TX 78261
Phone (210) 331-3453

City of San Marcos
Planning Department
630 E. Hopkins
San Marcos, TX 78666

**RE: Partial Withdraw of Request for Rezoning for CD5 on
Zoning Case ZC-20-18 :: Part 4 -12.546 Acres**

To whom it may concern:

Based on our discussions with the City Planning Staff, we have agreed to withdraw our request to have the 12.546 acre tract rezoned from FD to CD-5. We are withdrawing our request, based in part, to protect the flood prone area from development. We are in agreement that this 12.546 acre tract can retain the zoning of FD.

Additionally, the Mayan is willing to incorporate a provision into the Settlement Agreement under consideration with the City pursuant to the abatement order in the in the 4th Court of Appeals that would specify an agreed buffer between the portion of the LI area to be developed and the edge of the flood plain. This agreement, once approved, will be enforceable by order of the Court.

We respectfully request the Zoning Commission to recommend approval of the remainder of the zoning changes as requested by the Mayan.

Please note that this letter and the zoning application filed by the Mayan are subject to the provisions of a Rule 11 Agreement that has been signed by both legal counsel for the applicant and the City.

Thank you for your consideration of this matter.

THE MAYAN AT SAN MARCOS RIVER, LLC

BY: 
Todd Burek, Manager/Member